



Wellfleet Selectboard

Note: Start Time of 6:30pm

The Wellfleet Selectboard will hold a public meeting on **Thursday, July 13, 2023, at 6:30 p.m.** The Chapter 2 of the Acts of 2023, this meeting will be conducted in person and as a courtesy via remote means, per 940 MCR 29.10 and the Town's Remote Participation Policy. While an option for remote attendance and/or participation is provided as a courtesy to the public, the meeting/hearing may not be suspended or terminated if technological problems interrupt the virtual broadcast unless otherwise required by law.

Joining the Meeting:

In-person at the Wellfleet ACC, 715 Old King's Highway, Wellfleet, MA, 02667

Join the meeting hosted in Zoom by using the following link:

<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>

By Phone: **phone to +1 929 205 6099** and enter **Meeting ID: 856 8960 4806 | Passcode: 611877** Landline callers can participate by dialing *9 to raise their hand.

To Participate during public comment:

- Zoom: Raise hand to be called on to speak.
- Phone: dial *9 to raise your hand.

It is at the Chair's discretion to call on members of the public. All speakers must be recognized to speak. If attending a meeting in person, please find the closest available microphone and confine any personal conversations to outside the meeting room. Anyone may record the session but must notify the Chair and may not interfere with the meeting to record it.

Additionally, the meeting will be broadcast live, in real time, via live broadcast on Comcast cable (Wellfleet Government TV Channel 18), also available via livestream or Video on Demand (VOD) recordings at wellfleet-ma.gov

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.*

II. *Year End Budgetary Transfers*

A. The finance committee will approve any transfers that need to be made at this meeting for the end of the year. ~ Finance Committee, Selectboard, Town Administrator

III. *Deputy Shellfish Constable Appointments ~ Seasonal Positions*

- A. Erika Smith
- B. Mark Howard

IV. *Shellfish Advisory Board Applicants*

- A. *Adrien Kmiec*** ~ Voting Member application received June 5th to move from alternate member to voting member.
- B. *Bradford Morse*** ~ Application received May 11, 2023, to be on the board in any capacity.
- C. *Nemanja Krsmanovic*** ~ Application Received June 1, 2023, to be on the Shellfish Advisory board in any capacity.
- D. *Helen Miranda Wilson*** ~ Application received June 12, 2023, to be on the Shellfish Advisory Board as a Voting Member
- E. *Chris Merl***, application received June 28, 2023, to be on the board as a voting member.

V. *Business*

- A.** Mary Mallory commercial permit hardship exemption
- B.** Kathleen Murphy commercial permit hardship exemption
- C.** Letter to Legislature in support of Bill S261 & H60
- D.** Open Meeting Law Complaint ~ Chad Williams
- E.** Principal Clerk, shellfish job position description

VI. *Public Hearings 7PM*

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Selectboard will hold a hybrid public hearing on July 13, 2023, at 7:00 p.m. to consider the following:

- A.** Application received on 4/14/2023 from Brent Valli (Wellfleet, MA) and Sandra Mitchell (Wellfleet, MA) for the renewal of shellfish grant license #s 95-21/22 consisting of approximately two acres on Egg Island for seven years beginning March 1, 2023, and expiring March 1, 2030.
- B.** Application received on 5/5/2023 from Jeremy Storer (Wellfleet, MA) for the renewal of shellfish grant license #s 95-13/14 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.
- C.** Application received on 5/5/2023 from Jeremy Storer (Wellfleet, MA) and Alfred Pickard (Wellfleet, MA) for the renewal of shellfish grant license # 2000-4 consisting of 2.16 acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.
- D.** Application received on 5/5/2023 from Jeremy Storer (Wellfleet, MA) for the transfer of shellfish grant license #s 95-13/14 consisting of approximately two acres on Egg Island from Jeremy Storer to Jeremy Storer and Brandon Silva (Wellfleet, MA).
- E.** Application received on 5/5/2023 from Jeremy Storer (Wellfleet, MA) and Alfred Pickard (Wellfleet, MA) for the transfer of shellfish grant license # 2000-4 consisting of 2.16 acres on Egg Island from Jeremy Storer and Alfred Pickard to Jeremy Storer, Alfred Pickard and Brandon Silva (Wellfleet, MA).
- F.** Application received on 5/30/2023 from Peter Rennert (Wellfleet, MA) and Zach Rennert (Wellfleet, MA) for the transfer of shellfish grant license #s 95-23/24 consisting of approximately two acres on Egg Island from Peter Rennert and Zach Rennert to Zach Rennert.

- G. Application received on 6/29/2023 from Michael Ramsdell (Wellfleet, MA) and Michael DeVasto (Wellfleet, MA) for the transfer of shellfish grant license #s 855 and 855B consisting of approximately two acres on Field Point from Michael Ramsdell and Michael DeVasto to Michael DeVasto and Kathleen Murphy (Wellfleet, MA).
- H. Application received on 6/29/2023 from Michael DeVasto (Wellfleet, MA) for the transfer of shellfish grant license # 855C consisting of approximately 1.6 acres on Field Point from Michael DeVasto to Michael DeVasto and Kathleen Murphy (Wellfleet, MA).
- I. Application received on 6/29/2023 from Rebecca Taylor (Wellfleet, MA) and Myron Taylor (Wellfleet, MA) to transfer shellfish grant license #s 734 and 734A consisting of a total of approximately 3.5 acres on Mayo Beach from Rebecca Taylor and Myron Taylor to Rebecca Taylor.
- J. Application received on 6/9/2023 from Rebecca Taylor (Wellfleet, MA) for two extensions to shellfish grant license # 734 (to be called 734B and 734C) on Mayo Beach for approximately 1.4 acres total, reconfigured from an extension approved by the Wellfleet Selectboard at its 3/21/2023 public hearing.
- K. **CONTINUED FROM 6/6/2023** ~ 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). New configuration of proposed grant extension submitted on 5/26/2023 equal to 0.35 acres.
- L. Application received on 5/26/2023 from Stephen Pickard (Wellfleet, MA), Iris Pickard (Wellfleet, MA) and Benjamin Pickard (Wellfleet, MA) for an extension to shellfish grant license # 2000-2 (to be called 2000-2 Ext.) on Egg Island for approximately 1.23 acres.

VII. ***Special Town Meeting Warrant***

VIII. ***Adjournment***



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

I

ANNOUNCEMENTS, OPEN SESSION, AND PUBLIC COMMENTS

| | |
|--|---|
| REQUESTED BY: | Wellfleet Selectboard |
| DESIRED ACTION: | Announcements to the board and public |
| PROPOSED MOTION: SUMMARY: | <u>NOTE:</u> <i>Public comments are limited to no more than two minutes per speaker.</i> The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): _____ |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

II

YEAR END BUDGETARY TRANSFERS

~ A ~

| | |
|--|---|
| REQUESTED BY: | Wellfleet Finance Committee Members, Town Administrator, Selectboard |
| DESIRED ACTION: | To approve the transfers that need to be made. |
| PROPOSED MOTION: SUMMARY: | I move to approve the year end budgetary transfers in the amount of \$ |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

III

DEPUTY SHELLFISH CONSTABLE APPOINTMENTS ~ Seasonal Positions ~

| | |
|-------------------------|---|
| REQUESTED BY: | Nancy Civetta ~ Shellfish Constable |
| DESIRED ACTION: | To approve the appointments of the seasonal Deputy Shellfish constables. |
| PROPOSED MOTION: | I Move to appoint of Erika Smith and Mark Howard as seasonal Deputy Shellfish Constables for the town of Wellfleet, starting June 30, 2023, through September 30, 2023, and again May 12 th through June 30, 2024. |
| SUMMARY: | |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300 Fax (508) 349-0305

www.wellfleet-ma.gov

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

ASSISTANT
TOWN ADMINISTRATOR

July 13, 2023

Mr. Dan McKiernan
Director, Mass. Division of Marine Fisheries
251 Causeway St., Suite 400
Boston, MA 02114

RE: MGL Ch. 130, Section 98: Shellfish constables; appointment; powers and duties;
notice of appointment

Dear Mr. McKiernan:

This is to officially notify you as per MGL Ch. 130, Section 98: Shellfish constables; appointment; powers and duties; notice of appointment, that we, as the Select Board in the Town of Wellfleet, in the County of Barnstable, in the Commonwealth of Massachusetts, voted on July 13, 2023, to appoint Erika Smith and Mark Howards to fulfill the duties and responsibilities of seasonal Town of Wellfleet Deputy Shellfish Constables.

They will fulfill their duties and enforce the Commonwealth's 322 CMR 16, the Wellfleet Shellfishing Policy and Regulations and other state and federal shellfishing rules and regulations starting June 30, 2023, through September 30, 2023, and again May 12, through June 30, 2024.

Respectfully,

The Wellfleet Selectboard

Ryan Curley, Chair

Barbara Carboni, Vice Chair

Michael DeVasto

Kathleen Bacon

John Wolf



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

IV

SHELLFISH ADVISORY BOARD APPLICANTS

~ A ~

| | |
|-------------------------|---|
| REQUESTED BY: | Adrien Kmiec ~ Alternate Member on SAB |
| DESIRED ACTION: | Application received June 5, 2023; To be appointed as a voting member to the Shellfish Advisory Board |
| PROPOSED MOTION: | A. The board will interview all five applicants and vote to appoint one as a voting member to the board. |
| SUMMARY: | |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition (s): |
| VOTED: | |



TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

RECEIVED

2023 JUN -5 A 9:31

TOWN CLERK
TOWN OF WELLFLEET

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail it to:
Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name Adrien Kmiec Date 6/5/23

Mailing Address 25 Old High Toss Bridge Rd
Wellfleet, MA

Phone (Home) 508 349 5580 (cell) 508 246 2066

E-mail AdrienKE@comcast.net

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: I am currently an alternate on the SAB board.

Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

shellfish grant last 25 yrs.
degree in wildlife management
own Hatch's Fish Market

Committees/Boards of Interest: 1) SAB voting member
2) _____
3) _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

IV

SHELLFISH ADVISORY BOARD APPLICANTS

~ B ~

| | |
|--|--|
| REQUESTED BY: | Bradford Morse |
| DESIRED ACTION: | Application received May 11, 2023; to be appointed as a voting member the Shellfish Advisory Board. |
| PROPOSED MOTION: SUMMARY: | The board will interview all five applicants and vote to appoint one as a voting member to the board. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail it to:

Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name Bradford Morse Date 5/11/23

Mailing Address Po. Box 1370 220 Paine Hollow Rd.
Wellfleet, Ma. 02667

Phone (Home) 508-349-2408 (cell) 508-237-6913

E-mail bardman98@icloud.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: 45 years Commercial fisherman

Lifelong Wellfleet Resident
Youth Coach, Umpire. Shellfish Grant
Lease Since 2008

Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

Former Coast Guard licenced Merchant Mariner A.B.S.
Former Fire Dept member Emergency
Medical Technician E.M.T.

Committees/Boards of Interest: 1) Shellfish Advisory Board
2) _____
3) _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

IV

SHELLFISH ADVISORY BOARD APPLICANTS

~ C ~

| | |
|-------------------------|--|
| REQUESTED BY: | Nemanja Krsmanovic |
| DESIRED ACTION: | Application received June 1, 2023; to be appointed as a voting member to the Shellfish Advisory Board |
| PROPOSED MOTION: | The board will interview all five applicants and vote to appoint one as a voting member to the board. |
| SUMMARY: | |
| Project | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



**TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP**

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail it to:

Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name NEMANJA KRSMANOVIC Date 6/1/2023

Mailing Address 80 STATE HIGHWAY ROUTE 6
WELLFLEET

Phone (Home) — (cell) 774-722-7378

E-mail NEMANJAKRSMANOVIC88@GMAIL.COM

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: SHELLFISHERMAN FOR LAST 13 YEARS

WORKED FOR B. AUSTIN FOR 7 YEARS AND PART-TIME
FOR HALF OF DOZEN OTHER SHELLFISHERMAN IN TOWN.
GRANT HOLDER FOR SINCE MARCH 2022.

Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

EDUCATION - COLLEGE DEGREE

Committees/Boards of Interest: 1) SHELLFISH ADVISORY BOARD
2) _____
3) _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

IV

SHELLFISH ADVISORY BOARD APPLICANTS

~ D ~

| | |
|-------------------------|--|
| REQUESTED BY: | Helen Miranda Wilson |
| DESIRED ACTION: | Application received June 12, 2023; to be appointed as a voting member on the Shellfish Advisory Board. |
| PROPOSED MOTION: | The board will interview all five applicants and vote to appoint one as a voting member to the board. |
| Summary: | |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP

RECEIVED

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. Please volunteer.

2023 JUN 12 P 12:02
TOWN CLERK
TOWN OF WELLFLEET

FILL OUT THE FORM BELOW and mail it to:
Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name Helen Miranda Wilson Date June 11th, 2023

Mailing Address 5 Money Hill Rd.
Wellfleet MA 02667

Phone (Home) (508) 349-3746 (cell) (508) 241-0208 *Try this # first. Only for text and phone calls, NOT email.*
E-mail helimirwil@c4.net

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: I have served Wellfleet as a special muni-

ipal employee as a member of the Selectboard (10 years), the Shellfish Advisory Board (9 years), the Planning Board (3 years), The ZBA (1 1/2 years), the Housing Authority (1-2 years), The Charter Review Committee (2+ years), the Water Issues Advisory Committee (1-2 years).

Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

Tom Siggia has just resigned from the SAB, after 8 years. He did ~~most~~ many of the administrative tasks. I did them myself for almost the whole time I was on the SAB and would be willing to do them myself again. I have gone to almost all the SAB meetings since 2003! I continue to do so and might as well make myself useful.

- Committees/Boards of Interest:
- 1) Shellfish Advisory Board (as a regular member)
 - 2) _____
 - 3) _____



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

IV

SHELLFISH ADVISORY BOARD APPLICANTS

~ E ~

| | |
|-------------------------|--|
| REQUESTED BY: | Chris Merl |
| DESIRED ACTION: | Application received June 28, 2023; to be appointed as a voting member to the Shellfish Advisory Board |
| PROPOSED MOTION: | The board will interview all five applicants and vote to appoint one as a voting member to the board. |
| SUMMARY: | |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



**TOWN OF WELLFLEET
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP**

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail it to:

Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name Chris Merl Date 6-28-23

Mailing Address P.O. 1993
Wellfleet MA 02667

Phone (Home) _____ (cell) 508-237-2632

E-mail cmerl2000@yahoo.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: _____

Previous member of SAB
35 years Commercial Fishing Experience

Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

Hatchery Course
Marine Science Understanding Course

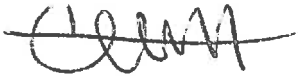
Committees/Boards of Interest: 1) SAB Voting Member
2) _____
3) _____

Christopher Merl
55 Whitetail Lane
Wellfleet, MA 02667
(508)237-2632
cmerl2000@yahoo.com

Dear Board of Selectmen,

I am writing to inform you that I cannot attend this week's Selectmen's meeting, where I am on the agenda as an applicant to join the SAB. I have not had time to contribute to our local Shellfish Advisory Board for many years due to my obligation to the Scallop Council and my family. There seem to be a lot of rising issues that I believe the knowledge from my 35-year shellfishing career and life-long residency would benefit the board in making decisions. I also believe that my knowledge of other fisheries and the consequences of decisions that have been made in them will benefit the town. I love Wellfleet and would hate to see our shellfishing industry not available to future Wellfleetians. Please consider my application. I am sorry for not being in attendance, but July and August are the two busiest months for my business.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Merl', with a horizontal line drawn through it.

Chris Merl



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

IV

BUSINESS

~ A ~

| | |
|--|--|
| REQUESTED BY: | Nancy Civetta, Shellfish Constable & Mary Mallory |
| DESIRED ACTION: | Approval of a commercial permit hardship exemption |
| PROPOSED MOTION: SUMMARY: | I move to direct the Shellfish Constable to issue a commercial shellfishing permit to Mary Mallory per section 6.1.5 Hardship Exemption |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

MEMORANDUM

DATE: July 10, 2023

TO: Town of Wellfleet Selectboard Members

RE: Commercial shellfishing permit hardship exemption requests:
Mary Mallory and Kathleen Murphy

Dear Selectboard members:

Mary Mallory is coming to you to request a hardship exemption because as a current grant holder, she missed applying for her commercial shellfishing permit by the February 28, 2023, deadline. I received her application and check on April 21, 2023, but by then, Town Counsel had recommended that grant holders out of compliance submit a hardship exemption request for missing the February 28, 2023, deadline. Therefore, I did not issue her a commercial shellfishing permit.

There is a public hearing tonight on a proposed grant extension for grant # 99-1, for which she holds a license. In order for you to approve her extension request, she will need to obtain a commercial shellfishing permit. She also needs the permit to be in current compliance with our regulations. She does have a state commercial shellfishing permit.

Therefore, she is coming to you for a hardship exemption tonight, and I support you allowing me to issue her a permit per our new regulations requiring all grant holders to obtain a commercial shellfishing permit. Her letter of explanation is attached.

Here are the specifications outlined in our Wellfleet Shellfishing Policy and Regulations:

REGULATION 6.1.4. Hardship Exemption

The Board of Selectmen may at its discretion grant permits after January 31st if the applicant demonstrates **all three** of the following conditions:

- 1) that unusual circumstances existed which would reasonably excuse a failure to file an application prior to February 1st, and
- 2) that a substantial hardship would be caused by the refusal of a permit, and
- 3) that the granting of the late permit would not affect the opportunity of applicants, who have applied in a timely manner, to harvest a reasonable quantity of shellfish.

In addition, **Kathleen Murphy** is also requesting a commercial shellfishing permit hardship exemption. There is a public hearing tonight to add her name to grant #s 855, 855B and 855C. In order to be added to the grants, she will need to obtain a commercial shellfishing

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305

permit. Following is the letter she submitted. Here are the points related to the above regulation.

- 1) Kathleen had no way of knowing that the Selectboard would request that she and her partner withdraw their previous grant transfer request due to the town not being able to issue a commercial shellfishing permit to a business entity.
- 2) She states in her letter that if something would happen to her partner, she would not be able to access her shellfish and gear because she is not named to the grant. *(This is true because both Mass. General Law and Town Regulations provide only for immediate family members and not life or business partners.)*
- 3) We see no adverse effect on other shellfishermen.

The Shellfish Department does not believe that the Selectboard intended to exclude shellfish grant transfer requests when it voted in the new regulation requiring all grant holders to purchase commercial shellfishing permits. In fact, discussion was had at the meeting specifically addressing the situation should new people request to be added to grants during the year.

As part of that discussion, I offered that the Selectboard could simply make a motion to direct me to issue the new applicant a commercial shellfishing permit. Town Counsel preferred that we conduct this via the hardship exemption regulation, and I let Kathleen know this. I strongly support you allowing me to issue her a permit, so that her name can be added to the shellfish grant license #s 855, 855A and 855B. She does have a state commercial shellfishing permit.

Should you wish to hear your discussion about this again, here is the link to the Dec. 20, 2022 Selectboard meeting:

<https://reflect-townofwellfleet.cablecast.tv/CablecastPublicSite/show/1378?seekto=3383&site=1>

The public hearing for the commercial permit purchase requirement of grant holders opens around 2:06:15. The question and discussion beginning around 2:11:08 with my response at 2:15:24. The final motion for a vote begins around 2:20:45.

In addition, Johnny and Chris and I discussed these situations in more detail, and the Shellfish Department believes that in this first year of transition to a new regulatory requirement, both of these requests should be honored and commercial shellfishing permits be allowed to be issued, so as not to interfere with the overall regulation compliance both of these people demonstrate, simply because the Town created a new revenue stream.

Thank you for your time and consideration.



Nancy Civetta
Shellfish Constable

Nancy Civetta

From: wmcmmom@aol.com
Sent: Monday, July 3, 2023 10:42 AM
To: Nancy Civetta
Subject: Mary Mallory permit

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Town of Wellfleet
Shellfish Department

Since this is the first year a commercial shellfish permit is required for grant holders and I have been delayed in receiving the state permit that is also required for the town permit, I am requesting a commercial shellfish permit at this time.

Mary Mallory
57 Freedjum Road
POBox 84
South Wellfleet, MA 02663



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

V

BUSINESS

~ B ~

| | |
|-------------------------|---|
| REQUESTED BY: | Nancy Civetta, Shellfish Constable, & Kathleen Murphy |
| DESIRED ACTION: | Approval of a commercial permit hardship exemption |
| PROPOSED MOTION: | I move to direct the Shellfish Constable to issue a commercial shellfishing permit to Kathleen Murphy per Section 6.1.5 Harship Exemption. |
| SUMMARY: | |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |

6/29/23

Dear Wellfleet Selectboard,

I am applying for a hardship exemption because I would like my name to be put on the grant that I work with my partner Michael DeVasto. We are domestic partners & business partners & have a 5 year old daughter. Should my name not be on the grant, per Mass General Law, I would not be allowed access to the grant should anything happen to Michael. I do not pick the mild, I am applying simply to add my name to the grant I have worked for 12 years. Thank you very much,

Katie Murphy

Wellfleet, MA 02667

P.S. The ~~unusual~~ 'unusual circumstances' are that I applied for the permit under my corporate name, or reasonably thought I was applying under my corporate name but this was not deemed acceptable.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

V

BUSINESS

~ C ~

| | |
|-------------------------|---|
| REQUESTED BY: | Ryan Curley, Chair |
| DESIRED ACTION: | To approve the letter written to Members of the Legislature |
| PROPOSED MOTION: | I move to approve the letter written on behalf of the town in support of the Act relative to universal School Meals. |
| SUMMARY: | |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



TOWN OF WELLFLEET

300 MAIN STREET WELLFLEET MASSACHUSETTS 02667

Tel (508) 349-0300 Fax (508) 349-0305

www.wellfleet-ma.gov

BOARD OF
SELECTMEN

TOWN
ADMINISTRATOR

ASSISTANT
TOWN ADMINISTRATOR

Dear Esteemed Members of the Legislature:

We write to you today with a sense of urgency to consider moving along in the quickest way possible, Bill Number S261 and H603, An Act Relative to Universal School Meals.

During the pandemic, the Federal Government implemented a universal free meal plan through the end of the School Year in June 2022. Last year, Governor Baker extended that initiative on the state level to the end of this present school year in June 2023. As of now, there is no federal or state initiative passed to extend the plan, and the Universal Free School Meals initiative ended in June of this year.

We all know that students need to have access to healthy meals at school. Data shows that access to healthy meals increases academic performance, a sense of well-being, and focus in class. In addition, other benefits of providing universal free lunch, are:

- Reduction of hunger and food insecurity
- Eliminating stigma for those on existing free and reduced meals
- Removal of administrative burden of the processing of applications
- Promotion of student health by encouraging healthy eating habits and healthier meals.
- Creation of faster service by eliminating the time needed processing lunch tickets at check out, thus providing longer time for eating.

While it's true that the federal free and reduced lunch programs will remain for those that qualify, it's important to note that the federally provided free and reduced lunch program tests eligibility on a one-size-fits-all federal poverty standard. For 2022-2023, the earnings for a family of 4 could not total more than \$36,075 to qualify for free lunch (DESE website). Based on incomes here in Massachusetts, that threshold is not high enough to include all families who need assistance.

Given the rising costs of food, clothing, and shelter, across the Commonwealth, as well as the intense pressures on working families, this article is essential to alleviate at least some of the stress on our communities. The Commonwealth is one of the most expensive states in the nation to raise a family. This is causing many to leave the Commonwealth and our local area of Cape Cod and impacting the competitiveness of our economy. Identifying areas of need and ways to reduce these costs will alleviate the flight of families and ensure that the Commonwealth can recapture its investments in education. It is essential to provide healthy, nutritious meals for all of our students and to provide a sense of security for all of our families.

Thank you for your kind attention.

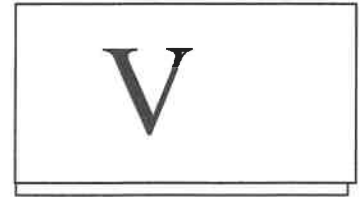
Regards,

The Wellfleet Selectboard



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023



~ BUSINESS ~

~ D ~

| | |
|-------------------------|--|
| REQUESTED BY: | Selectboard |
| DESIRED ACTION: | To Review and approve the draft response letter to Chad Williams for his Open Meeting Law Complaint filed on June 15, 2023 |
| PROPOSED MOTION: | I move to approve the letter written by town counsel KP Law in response to the Open meeting law complaint filed by Chad Williams on June 15, 2023; and direct administration to send the letter to Mr. Williams. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General
One Ashburton Place
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

RECEIVED
2023 JUN 15 P 4: 24
TOWN CLERK
TOWN OF WELLFLEET

Your Contact Information:

First Name: Charter Last Name: Williams

Address: 6 Commercial Street

City: Wellfleet State: MA Zip Code: 02667

Phone Number: 5083179374 Ext. _____

Email: charter.williams@gmail.com

Organization or Media Affiliation (if any): _____

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual Organization Media

Public Body that is the subject of this complaint:

City/Town County Regional/District State

Name of Public Body (including city/town, county or region, if applicable): Wellfleet Board of Selectmen

Specific person(s), if any, you allege committed the violation: _____

Date of alleged violation: 05/16/23

Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On May 16, 2023, the Wellfleet Selectboard held a public hearing that was advertised in the notice as "Jason Robicheau, The Grateful Mind ~ discussion on Community Host Agreement and the progress of his current licensing and final steps that need to be taken." This notice did not specify that there would be a vote taken in which the Selectboard would decide on whether or not to approve the Community Host Agreement ("HCA") that had been negotiated between The Grateful Mind and the Wellfleet Town Administrator. By using the term "discussion" in the description of the hearing within the meeting notice, the Selectboard failed to provide proper notice to interested parties, of which I am one. Residing at 6 Commercial Street, Wellfleet, MA, an abutting property to the proposed location of The Grateful Mind, at 15 Bank Street, Wellfleet, I have an interest in the outcome of this meeting. Without adequate notice that the meeting would actually result in the board taking a vote on the HCA for the proposed cannabis business at that address, myself and other abutters and townspeople that are against siting this type of business in the central district of Wellfleet, were deprived of their right to make their position known. Further, Mr. Robicheau's failure to seek a special permit from the ZBA for a recreational marijuana dispensary, as required by the Selectboard's own policy, effectively removed the ability for abutters and other town residents to voice concern over the proposed location of the dispensary.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

I request that the Selectboard strike the results of the vote taken during the May 16, 2023 meeting and reschedule Mr. Robicheau's hearing, ensuring that the notice provided adequately describes the actual scope of the meeting so interested parties may plan to attend and make their opposition known. I further request that the Selectboard refuse to entertain such a hearing until Mr. Robicheau can demonstrate that he has adhered to the Selectboard's policy of obtaining a special permit to operate a recreational marijuana dispensary from the ZBA.

Review, sign, and submit your complaint

I. Disclosure of Your Complaint.

Public Record. Under most circumstances, your complaint, and any documents submitted with your complaint, is considered a public record and will be available to any member of the public upon request.

Publication to Website. As part of the Open Data Initiative, the AGO will publish to its website certain information regarding your complaint, including your name and the name of the public body. The AGO will not publish your contact information.

II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to openmeeting@state.ma.us.

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: Charter Williams

Date: June 13, 2023

For Use By Public Body
Date Received by Public Body:

For Use By AGO
Date Received by AGO:

July 14, 2023

Carolyn M. Murray
cmurray@k-plaw.com**BY ELECTRONIC MAIL ONLY** (openmeeting@state.ma.us)Carrie Benedon, Esq.
Director, Division of Open Government
Office of Attorney General
One Ashburton Place
Boston, MA 02108Re: Town of Wellfleet – Select Board
Open Meeting Law Complaint from Charter Williams dated June 13, 2023

Dear Ms. Benedon:

Please be advised that this firm serves as Town Counsel to the Town of Wellfleet (the “Town”). The Town’s Selectboard (the “Board”) is in receipt of an Open Meeting Law Complaint (the “Complaint”) filed by Mr. Charter Williams (the “Complainant”), dated June 13, 2023, which was received by the Town on June 15, 2023. The Complaint alleges that the Board violated the Open Meeting Law by taking a vote under an insufficiently detailed agenda item and by not requiring a special permit be obtained from the Town’s Zoning Board of Appeals. A copy of the Complaint is attached hereto as Exhibit 1. The Board requested two brief extensions of time to respond to the Complaint from the Division of Open Government (the “Division”), which were granted on June 22, 2023 and July 12, 2023, respectively.

On July 13, 2023, the Board met in open session at a properly posted meeting to discuss the Complaint and consider its response. The Board has carefully reviewed the allegations contained in the Complaint and, following such discussion, has authorized this response on its behalf, in accordance with G.L. c.30A, §23 and 940 CMR 29.05(5), which is based upon information provided by the Town.

DISCUSSION

The Complaint does not allege any cognizable violation of the Open Meeting Law. First, pursuant to the Open Meeting Law, the Board properly listed discussion of the Host Community Agreement on its agenda. Second, the Complaint’s allegations with respect to special permitting from the Zoning Board of Appeals do not invoke the Open Meeting Law.

I. The agenda was sufficiently detailed.

The Open Meeting Law was enacted “to eliminate much of the secrecy surrounding deliberations and decisions on which public policy is based.” Ghiglione v. School Committee of Southbridge, 376 Mass. 70, 72 (1978). The Open Meeting Law specifically requires that “a public body shall post notice of every meeting at least 48 hours prior to the meeting, excluding Saturdays,

Carrie Benedon, Esq.
Director, Division of Open Government
July 11, 2023
Page 2

Sundays and legal holidays” and that “[n]otice shall be printed in a legible, easily understandable format and shall contain the date, time and place of the meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.” G.L. c. 30A, § 20. The Attorney General’s regulations further clarify that “[t]he list of topics shall have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.” 940 CMR 29.03(1)(a).

In the context of meeting agendas, “[t]he Board need not list each and every detail about a topic in order to comply with the [Open Meeting Law’s] requirements. See OML 2019-134. More specifically, the Open Meeting Law “does not require a public body to anticipate the course of deliberation or the outcome of a discussion, only that it identify the discussion topic with sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.” *Id.*; see G.L. c.30A, § 20(b); 940 CMR 29.03(1)(b). “The issue here...is not whether a vote was anticipated, but whether discussion of the topic was anticipated....” OML 2021-159.

Here, the agenda listed the following item under item IX. Business with specificity:

B. Jason Robicheau, The Grateful Mind ~ discussion on Community Host Agreement and the progress of his current licensing and final steps that need to be taken.

In accordance with the requirements of the Open Meeting Law, this agenda item for May 16, 2023 not only identified the proposed business as well as the name of the applicant, it also detailed the specific reason the Board would be discussing this business and applicant; namely, the review the proposed host community agreement and any “final steps that need to be taken.” The public was given clear notice that The Grateful Mind’s host community agreement was to be discussed at the Board’s meeting, including “final steps” for approval. The Board’s discussion at the meeting addressed such matter, with prior notice to members of the public who chose to attend. Indeed, the Board notes that individuals attending the May 16 meeting, including a member of the public, were recognized and spoke during the Board’s discussion of such agenda item. Therefore, no actionable violation of the Open Meeting Law occurred.

II. No public hearing was required, and all other allegations are not germane to the Open Meeting Law.

The Complaint further alleges that “Mr. Robicheau’s failure to seek a special permit from the ZBA for a recreational marijuana dispensary, as required by the Selectboard’s own policy, effectively removed the ability for abutters and other town residents to voice concern over the proposed location of the dispensary.” Ex. 1, at 2. Without waiving any of its rights relative to such allegations, the Board respectfully submits that such allegations fall outside of the scope of the Open Meeting Law, or the Division’s review. See [Division of Open Government, Frequently Asked Questions \(Public Hearings\)](#).



Carrie Benedon, Esq.
Director, Division of Open Government
July 11, 2023
Page 3

Specifically, an allegation relative to special permit matters does not implicate provisions of the Open Meeting Law or the Division's review pursuant to such legal requirements. The provisions of G.L. c.30A, §23 state, in pertinent part, "Upon the receipt of a complaint by any person, the attorney general shall determine, in a timely manner, whether there has been a violation of the open meeting law" (emphasis added). The Division declines to review allegations that do not implicate the Open Meeting Law. See OML Declination January 25, 2016 (Nahant); OML Declination April 8, 2022 (Savoy). Here, the Complaint alleges that the Board erred in not requiring The Grateful Mind to secure a special permit. Ex. 1, at 2. The Board respectfully submits that such allegations do not implicate the requirements of the Open Meeting Law, thus the relief requested relative to such special permit matters from the Zoning Board of Appeals is not warranted.

CONCLUSION

Based on the foregoing, the Board respectfully submits that there has been no violation of the Open Meeting Law and as such, the Board considers this matter resolved.

Please do not hesitate to contact me with any questions.

Very truly yours,

Carolyn M. Murray

CMM/mad

Enc.

cc: Select Board

Charter Williams (by e-mail only charter.williams@gmail.com)

871534/WELL/0178



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023



BUSINESS

~E.~

| | |
|-------------------------|---|
| REQUESTED BY: | Ryan Curley, Chair |
| DESIRED ACTION: | To review and approve or deny the Principal Clerk's reorganized job description |
| PROPOSED MOTION: | |
| SUMMARY: | The Selectboard's Principal Clerk's position has been reorganized. Without the approval of the board as required in Wellfleet's Home Rule Charter Chapter 5 Section 5-6-1. Under MGL Chapter 130 Section 62, the reorganized tasks are likely illegal, and the board has not seen or approved a job description for the Principal Clerk's |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |

- As the school year winds down, Spring activities have successfully culminated in track meets, t-ball games and parties, several creative arts projects and much learning and fun with the hiking and foraging class. Many thanks to community and parent volunteers for helping to make these programs such a success. Including: Arozana Davis, Justin Dalby, Alex Emmons, Rachel Finn, Elspeth Hay and Mollie Baird.
- Extensive planning is underway for the summer season. The Baker's Field Morning Recreation Program is currently full. All other programs are still open with the registration link available on the Town website.
- Pickleball round robins are held at the outdoor Mayo Beach Courts four days per week.
- The Music at Mayo Concert Series will consist of 18 shows beginning on Thursday July 6th
- A full list of summer activities as Well as the Music at Mayo Concert Schedule can be found on the Town of Wellfleet website.
- Morning Recreation registration is closed because the capacity has been reached.
- Both Morning Rec and Swimming lessons at Gull begin the first week in July.
- The Annual Road Race from Bakers Field to Great Island and back will be held on July 9th.
- Wellfleet's beloved square dances begin July 5th at the Rutz bandstand at the Pier.

Shellfish Department

- We revised and finalized the department's FY 24-26 goals.
- We finalized and distributed our two job postings. We worked with Town Administrator to increase our part-time winter position to full-time in order to take on Principal Clerk shellfish-related responsibilities, such as grant licenses and winter shellfish permit sales. We distributed it to the Mass Shellfish Officer's Assn. and AmeriCorps Cape Cod. It is also on the Town's website.
- As of June 1, and until Sept. 30, recreational shellfishing can only take place on Wednesdays and Sundays at the Indian Neck recreational-only shellfishing area. In addition, South Lieutenant Island is closed to oyster harvest. We changed out shellfish signs throughout town.
- We made a few seed confiscations in the recreational shellfishery and had a few who were using last year's permits and made them renew.
- We conducted our first grant inspection.
- On June 2, we began our cultch season which is still ongoing. We are grateful to the DPW staff for helping us at any time of day! We received our Chapter 91 license and Water Quality Certification for our cultching activities in the summer of 2022 (after our 2022 cultching operations were completed), so this is the first year where we are confined to cultching within our permitted areas. We buoy off new cultch areas every low tide we can, taking our GPS with us so we understand where the boundary lines are. We place our

Part I ADMINISTRATION OF THE GOVERNMENT

Title XIX AGRICULTURE AND CONSERVATION

Chapter 130 MARINE FISH AND FISHERIES

Section 62 RECORDS OF LICENSED AREAS, LICENSES GRANTED,
TRANSFERS AND RENEWALS

Section 62. The aldermen, city council or selectmen shall keep in their offices plans showing all such licensed areas, and, in a book devoted to that purpose only, a record of each license granted and of all transfers or renewals thereof, which shall include the name and residence of the licensee or transferee, the dates of issue, transfer, renewal and expiration thereof, and a copy of the description of the licensed areas as the same appears in the license. Each license, and all transfers or renewals thereof, shall forthwith after the granting or approval thereof be transmitted by the board so granting or approving the same to the city or town clerk, who shall record the same in a book kept especially therefor in his office. The licensee or transferee shall within thirty days after such issue or approval pay to said clerk for each license or renewal issued or transfer approved one dollar for such recording, and for each license issued shall also pay four dollars as reimbursement of said city or town for the cost incurred in granting said license, a record of which payment shall forthwith be entered upon said record by said clerk, and such license, transfer or renewal shall not take effect until said fees are paid and entry thereof

made as aforesaid. Said records shall be open to public inspection at all reasonable times. Forms for such license and for the transfer or renewal of the same shall be provided by the aldermen, city council or selectmen at the expense of their city or town.

(g) the Town Treasurer; and

(h) the Town Collector.

5-4-3 Notwithstanding any provision of this Charter, MGL, or bylaws to the contrary, one person may be appointed to serve as both Town Treasurer and Town Collector, and in such instance this shall be deemed to be a single position.

Section 5-5 Responsibilities for Personnel Administration

5-5-1 The Town Administrator shall administer and enforce the Personnel Bylaw, Selectboard policies, collective bargaining agreements and bylaws.

5-5-2 The Town Administrator shall cause to be written, approve, sign, and maintain in an up-to-date file the job description of all appointed positions under the direction of the Selectboard or Town Administrator. The Town Administrator shall maintain in said file an up-to-date listing of approved job descriptions of all appointed positions under the direction of other elected officers and committees.

Section 5-6 Responsibilities for Administrative Reorganization

5-6-1 The Town Administrator may, with the approval of the Selectboard, establish, reorganize, consolidate, or abolish any positions under the Town Administrator's direction and supervision, except as otherwise provided by MGL and this Charter.

Section 5-7 Department of Public Works

5-7-1 Deleted <date of 2019 ATE>.

Section 5-8 Removal

5-8-1 The Selectboard may initiate the removal of the Town Administrator by adopting a resolution to that effect, stating the reasons therefor, provided that no such resolution shall be adopted within sixty days following any Town election that has resulted in a change in the incumbents on the Board.

5-8-2 The adoption of said resolution shall serve to suspend the Town Administrator for a period of not more than forty-five days, during which the salary shall continue to be paid. A copy of the resolution shall be delivered forthwith to the Town Administrator in person, or sent by registered mail to the Town Administrator's place of residence.

5-8-3 Within ten days following the adoption of such resolution, the Town Administrator may file a written request for a hearing. If such a hearing is requested, the Selectboard shall schedule it within three weeks of such filing. The Selectboard shall advertise the hearing in a newspaper of local or regional circulation and shall cause notices citing the purpose, location, time, and date to be posted in the Town Hall and in two or

**TOWN OF WELFLEET
SELECTBOARD MEETING
THURSDAY, JULY 13, 2023**

Note: Start Time of 6:30 p.m.

The Wellfleet Selectboard will hold a public meeting on Tuesday, July 13, 2023, at 6:30 p.m. The Chapter 2 of the Acts of 2023, this meeting will be conducted in person and as a courtesy via remote means, per 940 MCR 29.10 and the Town's Remote Participation Policy. While an option for remote attendance and/or participation is provided as a courtesy to the public, the meeting/hearing may not be suspended or terminated if technological problems interrupt the virtual broadcast unless otherwise required by law. **Joining the Meeting:**

- In-person at the Wellfleet ACC, 715 Old King's Highway, Wellfleet, MA, 02667
- Via Zoom by using the following link:
<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>
- By Phone: +1 929 205 6099 and enter **Meeting ID: 856 8960 4806 | Passcode: 611877** Landline callers can participate by dialing *9 to raise their hand.

AGENDA

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.

II. Financial Transfers

A. The finance committee will approve any transfers that need to be made at this meeting for the end of the year. ~ Finance Committee, Selectboard, Town Administrator

III. Deputy Shellfish Constable Appointments ~ Seasonal Positions

A. Erika Smith

B. Mark Howard

IV. Shellfish Advisory Board Applicants

A. Adrien Kmiec ~ Voting Member application received June 5th to move from alternate member to voting member.

B. Bradford Morse ~ Application received May 11, 2023, to be on the board in any capacity.

C. Nemanja Krsmanovic ~ Application Received June 1, 2023, to be on the Shellfish Advisory board in any capacity.

D. Helen Miranda Wilson ~ Application received June 12, 2023, to be on the Shellfish Advisory Board as a Voting Member

E. Chris Merl ~ Application received June 28, 2023, to be on the board as a voting member.

V. Business

A. Mary Mallory commercial permit hardship exemption

B. Kathleen Murphy commercial permit hardship exemption

~continued~

VI. Public Hearings, 7 p.m.

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Selectboard will hold a hybrid public hearing on July 13, 2023, at 7:00 p.m. to consider the following:

- A) Application received on 4/14/2023 from Brent Valli (Wellfleet, MA) and Sandra Mitchell (Wellfleet, MA) for the renewal of shellfish grant license #s 95-21/22 consisting of approximately two acres on Egg Island for seven years beginning March 1, 2023, and expiring March 1, 2030.
- B) Application received on 5/5/2023 from Jeremy Storer (Wellfleet, MA) for the renewal of shellfish grant license #s 95-13/14 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.
- C) Application received on 5/5/2023 from Jeremy Storer (Wellfleet, MA) and Alfred Pickard (Wellfleet, MA) for the renewal of shellfish grant license # 2000-4 consisting of 2.16 acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.
- D) Application received on 5/5/2023 from Jeremy Storer (Wellfleet, MA) for the transfer of shellfish grant license #s 95-13/14 consisting of approximately two acres on Egg Island from Jeremy Storer to Jeremy Storer and Brandon Silva (Wellfleet, MA).
- E) Application received on 5/5/2023 from Jeremy Storer (Wellfleet, MA) and Alfred Pickard (Wellfleet, MA) for the transfer of shellfish grant license # 2000-4 consisting of 2.16 acres on Egg Island from Jeremy Storer and Alfred Pickard to Jeremy Storer, Alfred Pickard and Brandon Silva (Wellfleet, MA).
- F) Application received on 5/30/2023 from Peter Rennert (Wellfleet, MA) and Zach Rennert (Wellfleet, MA) for the transfer of shellfish grant license #s 95-23/24 consisting of approximately two acres on Egg Island from Peter Rennert and Zach Rennert to Zach Rennert.
- G) Application received on 6/29/2023 from Michael Ramsdell (Wellfleet, MA) and Michael DeVasto (Wellfleet, MA) for the transfer of shellfish grant license #s 855 and 855B consisting of approximately two acres on Field Point from Michael Ramsdell and Michael DeVasto to Michael DeVasto and Kathleen Murphy (Wellfleet, MA).
- H) Application received on 6/29/2023 from Michael DeVasto (Wellfleet, MA) for the transfer of shellfish grant license # 855C consisting of approximately 1.6 acres on Field Point from Michael DeVasto to Michael DeVasto and Kathleen Murphy (Wellfleet, MA).
- I) Application received on 6/29/2023 from Rebecca Taylor (Wellfleet, MA) and Myron Taylor (Wellfleet, MA) to transfer shellfish grant license #s 734 and 734A consisting of a total of approximately 3.5 acres on Mayo Beach from Rebecca Taylor and Myron Taylor to Rebecca Taylor.
- J) Application received on 6/9/2023 from Rebecca Taylor (Wellfleet, MA) for two extensions to shellfish grant license # 734 (to be called 734B and 734C) on Mayo Beach for approximately 1.4 acres total, reconfigured from an extension approved by the Wellfleet Selectboard at its 3/21/2023 public hearing.
- K) Application received on 5/26/2023 from Stephen Pickard (Wellfleet, MA), Iris Pickard (Wellfleet, MA) and Benjamin Pickard (Wellfleet, MA) for an extension to shellfish grant license # 2000-2 (to be called 2000-2 Ext.) on Egg Island for approximately 1.23 acres.
- L) CONTINUED FROM 6/6/2023 ~ 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). *New configuration of proposed grant extension submitted on 5/26/2023 equal to 0.35 acres.*

Recommendation of the Shellfish Constable will be available in the July 13, 2023, Selectboard's packet.

WELLFLEET SELECTBOARD

LOCALiQ NEW ENGLAND

PO Box 631210 Cincinnati, OH 45263-1210

PROOF OF PUBLICATION

Nancy Civetta
Wellfleet Board Of Selectmen
300 Main St
Wellfleet Ma 02667-7438

STATE OF MASSACHUSETTS, COUNTY OF BARNSTABLE

The Cape Cod Times, a daily newspaper distributed in Barnstable County, published in the English language in the City of Cape Cod, County of Barnstable, State of Massachusetts printed and published and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated on:

07/03/2023

and that the fees charged are legal.
Sworn to and subscribed before on 07/03/2023

Nicole Jacobs
Legal Clerk

Denise Roberts
Notary, State of WI, County of Brown

4-6-27

My commission expires

Publication Cost: \$289.85
Order No: 9002877 # of Copies:
Customer No: 669962 1
PO #: 7-13-23 PHN

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

DENISE ROBERTS
Notary Public
State of Wisconsin

TOWN OF WELLFLEET
PUBLIC HEARING

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Select-board will hold a hybrid public hearing on July 13, 2023, at 7:00 p.m. to consider the following:

1) Application received on 4/14/2023 from Brent Valli (Wellfleet, MA) and Sandra Mitchell (Wellfleet, MA) for the renewal of shellfish grant license #s 95-21/22 consisting of approximately two acres on Egg Island for seven years beginning March 1, 2023, and expiring March 1, 2030.

2) Application received on 5/5/2023 from Jeremy Storer (Wellfleet, MA) for the renewal of shellfish grant license #s 95-13/14 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.

3) Application received on 5/5/2023 from Jeremy Storer (Wellfleet, MA) and Alfred Pickard (Wellfleet, MA) for the renewal of shellfish grant license # 2000-4 consisting of 2.16 acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.

4) Application received on 5/5/2023 from Jeremy Storer (Wellfleet, MA) for the transfer of shellfish grant license #s 95-13/14 consisting of approximately two acres on Egg Island from Jeremy Storer to Jeremy Storer and Brandon Silva (Wellfleet, MA).

5) Application received on 5/5/2023 from Jeremy Storer (Wellfleet, MA) and Alfred Pickard (Wellfleet, MA) for the transfer of shellfish grant license # 2000-4 consisting of 2.16 acres on Egg Island from Jeremy Storer and Alfred Pickard to Jeremy Storer, Alfred Pickard and Brandon Silva (Wellfleet, MA).

6) Application received on 5/30/2023 from Peter Rennert (Wellfleet, MA) and Zach Rennert (Wellfleet, MA) for the transfer of shellfish grant license #s 95-23/24 consisting of approximately two acres on Egg Island from Peter Rennert and Zach Rennert to Zach Rennert.

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8) Application received on 6/29/2023 from Michael DeVasto (Wellfleet, MA) for the transfer of shellfish grant license # 855C consisting of approximately 1.6 acres on Field Point from Michael DeVasto to Michael DeVasto and Kathleen Murphy (Wellfleet, MA).

9) Application received on 6/29/2023 from Rebecca Taylor (Wellfleet, MA) and Myron Taylor (Wellfleet, MA) to transfer shellfish grant license #s 734 and 734A consisting of a total of approximately 3.5 acres on Mayo Beach from Rebecca

Taylor and Myron Taylor to Rebecca Taylor.

10) Application received on 6/9/2023 from Rebecca Taylor (Wellfleet, MA) for two extensions to shellfish grant license # 734 (to be called 734B and 734C) on Mayo Beach for approximately 1.4 acres total, reconfigured from an extension approved by the Wellfleet Selectboard at its 3/21/2023 public hearing.

11) Application received on 5/26/2023 from Stephen Pickard (Wellfleet, MA), Iris Pickard (Wellfleet, MA) and Benjamin Pickard (Wellfleet, MA) for an extension to shellfish grant license # 2000-2 (to be called 2000-2 Ext.) on Egg Island for approximately 1.23 acres.

Recommendation of the Shellfish Constable will be available in the July 13, 2023, Selectboard's packet.

In person: 715 Old King's Highway (Adult Community Center)

Join Zoom Meeting
[https://us02web.zoom.us/j/85689604806?](https://us02web.zoom.us/j/85689604806?pwd=bjplVFFBZzViQ0xNwKZkMm9iMVdrdz09)
pwd=bjplVFFBZzViQ0xNwKZkMm9iMVdrdz09
Meeting ID: 856 8960 4806 ~
Passcode: 611877 ~Dial by your location; +1 929 205 6099 US (New York)

WELLFLEET SELECT-BOARD

9002877 7/3/23



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: July 11, 2023
To: Selectboard Members
Re: Town of Wellfleet Shellfishing Policy and Regulations: Sections 7.8.6 Limit on Size of Grant and 7.8.7 Grants Established Before August 1, 1993
From: Nancy Civetta, Shellfish Constable

Dear Selectboard members,

While reviewing paperwork for a couple of the grant renewals for your meeting on July 13, 2023, I realized that some of them were for acreage in excess of the seven-acre limit established in our regulations.

Here are the relevant sections from the Town of Wellfleet Shellfishing Policy and Regulations:

7.8.6. Limit on Size of Grant

No licensee shall hold a license for, or have use of, more than seven (7) acres in total. Each person named on a license as a licensee shall be charged with the total acreage covered by that license. (See Section 7.3 Annual License Fee.) Individuals holding more than seven (7) acres prior to the adoption of the establishment of this limit will not be required to accept a license for a lesser acreage, but will not be eligible for a license for any additional acreage.

7.8.7. Grants Established Before August 1, 1993

Any license/s issued prior to August 1, 1993, the date on which the Selectboard established the maximum size of seven (7) acres for an aquaculture holding, will remain valid, and will be allowed to continue according to the existing terms and conditions of said license.

The Shellfish Department conducted a lot of research into this. As part of that research, we found that not only were there two renewals in front of you now, Jeremy Storer and Brent Valli-Sandra Mitchell, in excess of the seven acre limit, but that we have a handful of other families who also hold licenses for more than seven acres:

1. Brent Valli and Sandra Mitchell (husband and wife)
2. Aaron Francis (put on by his uncle David on a grant licensed to his grandfather Joe before David)
3. Irving Puffer and Jacob Puffer (father and son)
4. Tobin Storer, Kelly Ruml and Jeremy Story (father and mother and son)
5. Bob Wallace and John Wallace (father and son)

While the older generation may fall into the category defined by Section 7.8.7, none of the younger generation of license holders were added before August 1, 1993.

1. Brent Valli and Sandra Mitchell were added to each other's grants totaling 5.46 and about two acres on 1/27/2003.
2. Aaron Francis was added on 11/25/2003 to his uncle's one grant equal to 8.5 acres.



3. Jacob Puffer was added on 11/14/2006 to his father's two grants consisting of 10.21 and 5.48 acres.
4. Jeremy Storer was added to his father's two grants totaling nine acres on 11/22/2011 and was added to his mother's three grants totaling an additional approximate 4.16 acres on 5/24/2016.
5. John Wallace was added to his father's three grants totaling 2.29 and five acres on 12/24/2014.

Upon pulling the above files from the Town Hall records (using a sign out sheet and replacing them when we had finished our review), we conducted painstaking research going back into the minutes of each of the Selectboard meetings for transfers and renewals. We found a precedent that the Selectboard set with the Valli-Mitchell shellfish grant situation at its 1/27/2003 public hearing. (See minutes attached with highlighting.)

At that meeting, the Selectboard granted Brent and Sandra a waiver to allow them to hold shellfish grant licenses in excess of seven acres. While we did not find the same waiver notes in other Selectboard public hearings, we feel that the precedent was set for these specific family situations.

We also conducted additional research into the language of Section 7.8.7, where it is states that ANY LICENSE ISSUED prior to August 1, 1993, ... will be allowed to continue ACCORDING TO THE EXISTING TERMS AND CONDITIONS OF SAID LICENSE.

In all shellfish grant licenses, the following terms are stated:

"This license is transferable only in conformity with the provisions of Chapter 130 and with approval in writing of the Selectmen."

Chapter 130 places no acreage limits on holding shellfish grant licenses, and the Selectboard clearly approved the original transfers and subsequent renewals of these licenses year after year, so this seemed to validate that the exceeding of acreage in the above specific family instances has not been an issue for the Selectboard in the past.

I will admit that in 2018, I oversaw the renewal of the Puffer's two shellfish grant licenses for 15.69 acres, and in 2020, I put forth renewals for Francis's license for 8.5 acres and Valli-Mitchell's renewals for three grants consisting of 3.46 acres, and I never realized that this was an issue, perhaps assuming some sort of "grandfathering."

Upon conferring with my colleagues, Johnny and Chris, we would recommend that moving forward, a motion for a waiver on acreage is done as part of the renewals for these five specific family situations and the grant holders as they are currently licensed.

I am happy to answer any questions you may have.

Respectfully submitted,



Nancy Civetta, Shellfish Constable

Town of
WELLFLEET
Massachusetts



BOS Minutes - 1/27/03

Board of Selectmen
 Library Meeting Room
 January 27, 2003
 Minutes

The meeting was called to order at 7:00 p.m. by Chairman Roger L. Putnam, Jr. Selectmen present included Michael May, Dale Donovan, Michael Parlante and Jerry Houk. Town Administrator Tim Smith also attended.

Open Session:

- Margo KochRuthe addressed the Board regarding her October 28th request for a letter of assurance from the Board that the matter of the "junk yard" in her neighborhood would be addressed by the Town. The Town Administrator updated the Board on the status of this matter and will forward a letter to Ms. KochRuthe outlining the Town's efforts to date.

On a motion by Parlante, seconded by Donovan, the Board voted 3-0-2, with May and Houk abstaining (May had not attended the 1/13 meeting and Houk had not attended either meeting) to approve the minutes of January 9 and January 13, 2003.

On a motion by Parlante, seconded by May, the Board voted unanimously to release the executive session minutes dated 10/7/94, 9/19/94, 9/12/94, 8/29/94, 8/22/94, 8/1/94, 7/25/94, 7/18/94, 6/13/94, 6/6/94, 5/31/94, 5/16/94, 5/8/94.

The Town Administrator reminded the Board of its final budget meeting scheduled for February 5th at 7:00 p.m. in the Library Meeting Room to meet with school officials.

Selectmen's Comments/Reports:

- Selectman Houk - 1) noted that Warren Rhodes had passed away and suggested that a letter be drafted to Judy Rhodes. On a motion by Donovan, seconded by Putnam, the Board voted unanimously that the Clerk of the Board draft a letter to Ms. Rhodes for signature by all Board members; 2) commented on the status of the Public Safety Review Committee noting that he felt that
- Selectman Donovan commented on the memo to the Planning Board from the Assistant Town Administrator indicating that the Board is asking for consideration of a specific Town Meeting article noting that the article has not been discussed by the Board. The Town Administrator will follow up on this matter.

The Board met with Paul Ruchinskas, Affordable Housing Specialist of the Cape Cod Commission, regarding allocations and guidelines for the \$500,000 affordable housing allocation from Barnstable County. Mr. Ruchinskas outlined rental housing development subsidies, the purchase pool program, technical assistance to the towns and program guidelines noting that applications were available as of January 2, 2003.

The Board held the following Shellfish Department public hearings consecutively. Selectman Parlante recused himself. Selectman Donovan read the public notice. Shellfish Constable Bill Walton was in attendance and presented his recommendations to the Board.

- a) Application from Brent Valli for transfer of shellfish grant licenses #781A, #781B and #781AC located at Egg Island and consisting of 5.5 acres from Brent Valli to Brent Valli and

Sandra Mitchell and the application from Sandra Mitchell for transfer of shellfish grant licenses #95-21 and #95-22 located at Egg Island and consisting of 1.8 acres from Sandra Mitchell to Sandra Mitchell and Brent Valli - the Shellfish Constable recommended that this transfer be approved on the condition that Mr. Valli amend license #781AC (currently awaiting paperwork from the Army Corps of Engineers) prior to final approval by reducing the area by .3 acres so that these applicants will not be in violation of the Wellfleet Shellfishing Policy and Regulation section 5.1.7, which states that no individual may hold more than 7 acres and that approval of this transfer be pending finalization of shellfish grant license #781AC. Brent Valli requested that the Board consider a waiver and not require that the grant license area be reduced by .3 acres because a considerable amount of paperwork would have to be refiled and the area proposed by the Shellfish Constable would not be useful to anyone else. On a motion by Donovan, seconded by Houk, the Board voted unanimously 4-0 to grant a waiver to Mr. Valli and Ms. Mitchell and to approve these transfers per the recommendation of the Shellfish Constable.

- b) Application from Wentzle Ruml IV for renewal of shellfish grant licenses #95-13, #95-14 and #2000-4 located at Egg Island and consisting of approximately 4 acres - the Shellfish Constable recommended that these licenses be renewed as follows: #95-13 and #95-14 for a period of 10 years ending on March 1, 2013 and #2000-4 for a period of 5 years ending on March 1, 2008. On a motion by Houk, seconded by Donovan, the Board voted unanimously 4-0 to approve renewal of these grant licenses.
- c) Application from Richard Bartke for renewal of shellfish grant license #00-10 located at Indian Neck and consisting of 3 acres - the Shellfish Constable recommended that this license be renewed for a period of 5 years commencing on the expiration date of December 18, 2002 and ending on December 18, 2007. On a motion by Houk, seconded by May, the Board voted unanimously 4-0 to approve renewal of this grant license.
- d) Application from Richard Goldberg for renewal of shellfish grant license #01-08 located at Indian Neck and consisting of .5 acre - the Shellfish Constable recommended that this grant license be renewed for a period of 5 years ending on September 19, 2008. On a motion by Houk, seconded by May, the Board voted unanimously 4-0 to approve renewal of this grant license.
- e) Application of James Falcone for renewal of shellfish grant license #01-01 located at Lt. Island and consisting of 1 acre - the Shellfish Constable recommended that this grant license be renewed for a period of 5 years ending on February 15, 2008. On a motion by Houk, seconded by May, the Board voted unanimously 4-0 to approve renewal of this grant license.

Selectman Michael Parlante rejoined the Board.

- f) Consideration of amendment of Section 8.1.4 of the Wellfleet Shellfishing Policies and Regulations by adding as the final sentence "A violation of this regulation shall exist if the take contains more than 5% seed shellfish." - the Shellfish Constable presented his recommendation that the words "per batch" be added to the end of this section and that any seed found should be returned to the waters of the Harbor. Shellfish Advisory Committee Chair Chris Merl indicated that the Committee had voted to approve the Constable's recommendations. On a motion by Donovan, seconded by Parlante, the Board voted unanimously to amend Section 8.1.4 of the Wellfleet Shellfishing Policies and Regulations by adding the following last sentence: "A violation of this regulation shall exist if the take contains more than 5% seed shellfish per batch (see sec. 11.1.3)."

Selectman Donovan presented his correspondence report noting that anyone interested in serving on the Citizen's Police Academy starting on March 20th should call the Police Department.

The Board discussed:

- 1) Water Issues - there was consensus to schedule this discussion for a meeting as Water Commissioners on February 3rd in the Library Meeting Room with members of the Water Issues Advisory Committee and Board of Health.
- 2) Business Licenses - Selectman Parlante recused himself. Donovan moved and Houk seconded a motion to approve the business licenses as printed on the agenda. (Down Under Video; Boathouse Fish Market; Wellfleet Marine Corp. (booth); Wellfleet Marine Corp. (pier store); Southfleet Motor Inn) Selectman May noted the conditions indicated by the Harbormaster on Wellfleet Marine Corp's (booth) license application ("Strike from line #7 'Mooring Rentals', want copies of launch tenders licenses for those that apply). The Board voted unanimously to approve these licenses as conditioned by the Harbormaster. Selectman Parlante rejoined the Board.
- 3) Auditor Recommendation - the Town Administrator requested that this matter be postponed to the February 10th meeting of the Board.
- 4) Senior Center Change Order - the Town Administrator explained that the \$13,000 change order is necessary to upgrade the fire code in the main room and corridors in order to increase the capacity of the new Senior Center building. On a motion by Donovan, seconded by Parlante, the Board voted unanimously to approve the Senior Center change order as outlined by the Town Administrator.
- 5) Landfill Capping - the Town Administrator indicated that the Town has received complaints of methane gas leaks and that the current engineering firm is not capable of continuing. He recommended that the Town retain Environmental Partners Group to finish the project. On a motion by Parlante, seconded by Donovan, the Board voted unanimously to hire Environmental Partners Group to perform engineering services for landfill capping. The Town Administrator noted that funds are available for this project.
- 6) Vote to Deficit Spend for Snow Removal - on a motion by Donovan, seconded by May, the Board voted unanimously to deficit spend for snow removal in FY'03.
- 7) Appointment of Relief Dispatchers - on a motion by Parlante, seconded by May, the Board voted unanimously to appoint the following as Relief Dispatchers: Anne M. DeBary, Graham Morris, Geraldine LaPense, Rose Marie Fiske and Samantha Fiske.
- 8) Contract for Bath House Feasibility Study - the Town Administrator recommended that the Board contract with Bourne Engineering for the Shellfish building bath house project. On a motion by Parlante, seconded by May, the Board voted unanimously to contract with Bourne Engineering to perform a feasibility study and concept design for the shellfish building in the amount of \$7,300.

On a motion by Houk, seconded by May, the Board voted unanimously to adjourn at 8:19 p.m.

Respectfully submitted,

Linda Smulligan
Administrative Assistant

Roger L. Putnam, Jr.

Michael May

Dale Donovan

Michael Parlante

Jerry Houk



SELECTBOARD

VI

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

PUBLIC HEARINGS

~ A ~

| | |
|-------------------------|--|
| REQUESTED BY: | Shellfish Constable Nancy Civetta |
| DESIRED ACTION: | Approval of renewal of grant #s 95-21/22 |
| PROPOSED MOTION: | I move to approve the renewal of Brent Valli and Sandra Mitchell's shellfish grant license #95-21 and #95-22 consisting of approximately two acres on Egg Island for seven years beginning March 1, 2023, and expiring March 1, 2030. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: July 11, 2023
To: Selectboard Members
Re: Grant renewal recommendation
From: Nancy Civetta, Shellfish Constable

Dear Selectboard members:

I received an application from Brent Valli and Sandra Mitchell on April 14, 2023, to renew shellfish grant licenses #95-21 and #95-22 consisting of approximately two acres on Egg Island for seven years beginning March 1, 2023, and expiring March 1, 2030.

Per our regulations, grant holders can choose for a lesser term (than ten years) for their grant renewals, and in this case, Brent and Sandra would like these two grants to expire with their other three grants. This makes sense to the Shellfish Department from a paperwork and efficiency standpoint for both parties.

I reviewed their 2022 annual grant report and compared it with the grant inspection we conducted last year to ensure their grants were meeting minimum production requirements. They are.

I reviewed their state propagation and commercial shellfishing permits to make sure they were in good standing. They are.

In addition, Brent and Sandy have been working hard to remove their old aquaculture gear on Egg Island. I have noticed significant effort over the last four years, resulting in a much cleaner area in general, which is greatly appreciated.

As mentioned in my previous memo, Brent and Sandy were granted a waiver at the 1/27/2003 Selectboard meeting to hold licenses for more than seven acres.

I recommend that Brent Valli and Sandra Mitchell's licenses for grants #95-21 and #95-22 be renewed for seven years beginning March 1, 2023, and expiring March 1, 2030.

Attached please find their application.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Nancy Civetta".

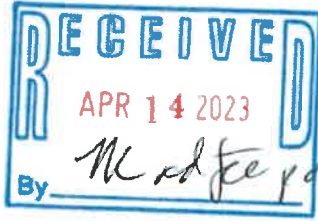
Nancy Civetta
Shellfish Constable

Phone (508) 349-0325



Fax (508) 349-0305

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE



Date: 4/14/23

TO: Board of Selectmen
300 Main Street
Wellfleet, MA 02667

I/We hereby request renewal of Shellfish Grant License # 95/21-22, located at

Westend on Egg Island, in Wellfleet, MA and consisting of 1.8 acres,

and with an issue date of March 1, 1996, and an expiration date of March 2023
for a (five) (seven) year period. to expire 03/01/2030 with other grants (78)

I/We agree to pay to the Town Clerk, within thirty days after approval, the annual fee and \$1.00 for recording
and \$ 4.00 for costs incurred by the Town of Wellfleet in granting said renewal.

Signature Signature Signature
Name Name Name
Mailing Address Mailing Address Mailing Address
Telephone Telephone Telephone
Email Email Email



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

VI

~ PUBLIC HEARINGS ~

~ B ~

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|-------------------------|---|
| REQUESTED BY: | Shellfish Constable ~ Nancy Civetta |
| DESIRED ACTION: | Approval of renewal grant #s 95-13 and 95-14 |
| PROPOSED MOTION: | I move to grant the waiver to sections 7.8.6 and 7.8.7 and approve the renewal of Jeremy Storer's shellfish grant licenses #95-13 and #95-14 consisting of approximately two acres on Egg Island for ten years, one months and 29 days beginning March 1 2023, and expiring April 30, 2033. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: July 11, 2023
To: Selectboard Members
Re: Grant waiver and renewal recommendation
From: Nancy Civetta, Shellfish Constable

Dear Selectboard members:

I received an application on 05/05/2023 from Jeremy Storer (Wellfleet, MA) for the renewal of shellfish grant license #s 95-13/14 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.

I reviewed last year's annual grant report for #95-13/14 and compared it with the grant inspection we conducted to ensure this grant was meeting minimum production requirements. There is more than ample oyster and quahog production on this grant to meet minimum productivity. There is significant farming taking place.

I reviewed his state commercial shellfishing and propagation permits, and he is in good standing. He also holds a Town commercial shellfishing permit.

As discussed in my memo at the beginning of the public hearing section of your agenda, I believe that a precedent has been set that would allow the Selectboard to grant Jeremy a waiver to hold licenses for more than seven acres. I reviewed this with Johnny and Chris, and we believe that the Selectboard should grant the waiver.

I recommend that Jeremy Storer's shellfish grant license #s 95-3 and 95-14, consisting of approximately two acres on Egg Island, be renewed for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.

I have written the motion following how the original motion regarding the Valli-Mitchell grant waiver was made on 1/27/2003. (See Selectboard minutes attached to previous memo.)

Attached please find the renewal application.

Respectfully submitted,

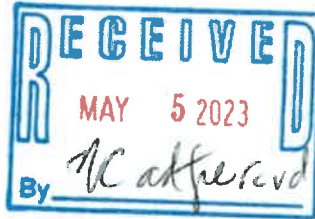
A handwritten signature in blue ink, appearing to read "Nancy Civetta".

Nancy Civetta
Shellfish Constable



APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 5/1/23



TO: Board of Selectmen
300 Main Street
Wellfleet, MA 02667

I/We hereby request renewal of Shellfish Grant License # 95-13 and 95-14 located at

EGG ISLAND, in Wellfleet, MA and consisting of ~ 2 acres,

and with an issue date of 3/1/1996, and an expiration date of 3/1/2023

for a (five) (ten) year period.

I/We agree to pay to the Town Clerk, within thirty days after approval, the annual fee and \$1.00 for recording and \$ 4.00 for costs incurred by the Town of Wellfleet in granting said renewal.

Signature

Signature

Signature

Name

Jeremy Storer

Name

Name

Mailing Address

104 Freshbrook Ln
Wellfleet ma 02667

Mailing Address

Mailing Address

Telephone

508-237-7523

Telephone

Telephone

Email

Jeremy Storer@
Comcast.net

Email

Email



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

VI

PUBLIC HEARINGS

~ C ~

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|-------------------------|---|
| REQUESTED BY: | Shellfish Constable Nancy Civetta |
| DESIRED ACTION: | Approval of renewal of grant #2000-4 |
| PROPOSED MOTION: | I move to grant a waiver to sections 7.8.6 and 7.8.7 and approve the renewal of Jeremy Storer's and Alfred Pickard's shellfish grant license #2000-4 consisting of 2.16 acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: July 11, 2023
To: Selectboard Members
Re: Grant waiver and renewal recommendation
From: Nancy Civetta, Shellfish Constable

Dear Selectboard members:

I received an application on 05/05/2023 from Jeremy Storer (Wellfleet, MA) and Alfred Pickard (Wellfleet, MA) for the renewal of shellfish grant license #2000-4 consisting of 2.16 acres on Egg Island for ten years, one month and 29 days, beginning March 1, 2023, and expiring April 30, 2033.

I reviewed last year's annual grant report for #2000-4 and compared it with the grant inspection we conducted to ensure this grant was meeting minimum production requirements. Alfred planted 100,000 field plant quahogs there last year, which is an investment that we consider making minimum productivity. We understand that he has already planted more quahogs there this month. We will continue to monitor this.

I reviewed their state commercial shellfishing and propagation permits, and both Jeremy and Alfred are in good standing. Both also hold Town commercial shellfishing permits.

As discussed in my memo at the beginning of the public hearing section of your agenda, I believe that a precedent has been set that would allow the Selectboard to grant Jeremy a waiver to hold licenses for more than seven acres. I reviewed this with Johnny and Chris, and we believe that the Selectboard should grant the waiver.

I recommend that Jeremy Storer and Alfred Pickard's shellfish grant license #2000-4 consisting of 2.16 acres on Egg Island be renewed for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.

I have written the motion following how the original motion regarding the Valli-Mitchell grant waiver was made on 1/27/2003. (See Selectboard minutes attached to previous memo.)

Attached please find the renewal application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nancy Civetta".

Nancy Civetta
Shellfish Constable

Phone (508) 349-0325

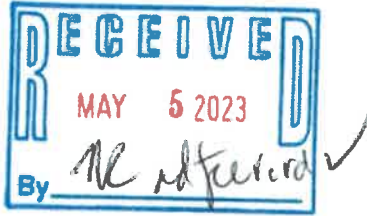


Fax (508) 349-0305

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 5/1/23

TO: Board of Selectmen
300 Main Street
Wellfleet, MA 02667



I/We hereby request renewal of Shellfish Grant License # 2000-04, located at

EGG ISLAND, in Wellfleet, MA and consisting of 2.16 acres,

and with an issue date of 4/18/2000, and an expiration date of 3/1/2023

for a (five) ~~(ten)~~ year period.

I/We agree to pay to the Town Clerk, within thirty days after approval, the annual fee and \$1.00 for recording and \$ 4.00 for costs incurred by the Town of Wellfleet in granting said renewal.

| | | |
|-----------------------|--------------------------|-----------------|
| Signature | Signature | Signature |
| | | |
| Name | Name | Name |
| <u>ALFRED PRKARD</u> | <u>Jeremy Starv</u> | |
| Mailing Address | Mailing Address | Mailing Address |
| <u>PO Box 1409</u> | <u>104 Freshbrook Ln</u> | |
| <u>508 349-6417</u> | <u>508-272-7323</u> | |
| Telephone | Telephone | Telephone |
| <u>WMSMOM@AOL.COM</u> | <u>Jeremy Starv</u> | |
| Email | Email | Email |
| | <u>concomca@net</u> | |



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

VI

PUBLIC HEARINGS

~ D ~

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|-------------------------|---|
| REQUESTED BY: | Shellfish Constable Nancy Civetta |
| DESIRED ACTION: | Approval of transfer of shellfish grant license #s 95-13/14 |
| PROPOSED MOTION: | I move to approve the transfer of shellfish grant license #s 95-13/14 consisting of approximately two acres on Egg Island from Jeremy Storer (Wellfleet, MA) to Jeremy Storer and Brandon Silva (Wellfleet, MA). |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: July 11, 2023
To: Selectboard Members
Re: Grant transfer recommendation
From: Nancy Civetta, Shellfish Constable

Dear Selectboard members:

I received an application dated 05/05/2023 from Jeremy Storer (Wellfleet, MA) for the transfer of shellfish grant license #s 95-13 and 95-14 consisting of approximately two acres on Egg Island from Jeremy Storer to Jeremy Storer and Brandon Silva (Wellfleet, MA).

I reviewed last year's annual grant report for #95-13/14 and compared it with the grant inspection we conducted to ensure this grant was meeting minimum production requirements. There is more than ample oyster and quahog production on this grant to meet minimum productivity. There is significant farming taking place.

I reviewed Jeremy's state commercial shellfishing and propagation permits, and he is in good standing. He also holds a Town commercial shellfishing permit. Brandon holds both state and town commercial shellfishing permits and has extensive experience working with Jeremy on his Indian Neck farms.

I recommend that shellfish grant license #s 95-13 and 95-14 consisting of approximately two acres on Egg Island be transferred from Jeremy Storer to Jeremy Storer and Brandon Silva.

Attached please find the transfer application and other required documentation.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Nancy Civetta".

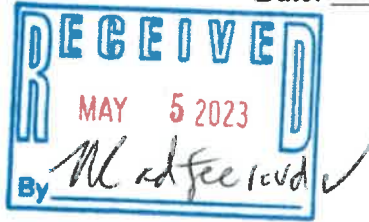
Nancy Civetta
Shellfish Constable



APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 5/1/23

To: Town of Wellfleet Selectboard
300 Main Street
Wellfleet, MA 02667



I/We hereby request transfer of Shellfish Grant License # 95-13 and 95-14

From Jeremy Storer

To Brandon Silva + Jeremy Storer

Said grant license is located at BGG ISLAND, in Wellfleet, MA

and consisting of ~ 2 @ acres, as shown on a plan prepared

by SLADE ASSOC. and dated 8/21/95

[Signature] [Signature]

Signature Signature Signature

Jeremy Storer Brandon Silva

Name Name po Box 2101 Name

104 Fresh brook Ln wellfleet MA 02667

Mailing Address Mailing Address Mailing Address

wellfleet ma 2206

508 237-7523 774-722-1421

Telephone Telephone Telephone

Jeremy Storer @ Brandon Silva 349

Email Email @ gmail.com Email

comcast.net

BRANDON SILVA

TOWN OF WELLFLEET SHELLFISH DEPARTMENT
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- Applicant has paid \$175 advertising fee for public hearing.
- Applicant is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.
- Applicant is 18 years of age or older.
- Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.
- All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.
- At this time, there are no more than three lease holders named to the lease.
- If applicant is applying for a lease on private property, permission from the owner has been obtained.
- The applicant has held and been documented by the Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for this license. Applicant shall submit copies of state-filed catch reports, OR,
- The applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department.
 - This shall be supported by a letter from a license holder who employed the applicant describing the type of work performed and any other information which might be relevant.
- The applicant shall present a detailed five-year business plan for how s/he intends to use the grant, including shellfish species, amounts and sizes, and gear to be used, access routes and any other information relevant to proposed operations.
- For any proposed new grants or extensions, approximate coordinates and a map should be reviewed by the Shellfish Constable, including a site visit, and provided in the documentation for the Selectboard.
- The applicant has received and agreed in writing to comply with the current version of the Town's Shellfish Policy and Regulations.
- The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with [MGL Ch. 130](#) and [CMR 322](#), as well as the most recent [SEMAC Best](#)

N/A

N/A

[Management Practices](#), [DMF's vibrio control plan](#), [National Shellfish Sanitation Program's Guide](#) and [DPH's Regulations for Fish and Fishery Products](#), as they apply to the harvest of shellfish governing his/her business operations.

The applicant does not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

FROM WELLFLEET SHELLFISH POLICY AND REGULATIONS

SECTION 1: DEFINITIONS

Aquaculture License - An authorization, granted by a vote of the Board of Selectmen, to utilize a specific tract of land, under coastal waters (1) to plant and grow shellfish using in-bottom or off-bottom culture; (2) to place shellfish in or under protective devices affixed directly to the tidal flats or land under Wellfleet's coastal waters, such as boxes, pens, trays, bags or nets; (3) to harvest and take legal shellfish; (4) to plant cultch for the purpose of catching shellfish seed; and (5) to grow shellfish by means of racks, rafts or floats ([MGL Chapter 130; Section 57](#)).

Licensed Area (Grant) - a designated bottom area, certified by the Division of Marine Fisheries (DMF) and licensed by a vote of the Board of Selectmen, on which the licensee may plant, grow and harvest shellfish ([MGL Chapter 130; Sections 57 & 68](#)).

Resident - A declared resident of the Town of Wellfleet. Written proof that Wellfleet is the domicile as well as the legal residence of the applicant shall be required to the satisfaction of the Shellfish Constable and Board of Selectmen. Domicile will be established after one year of residency in Wellfleet is demonstrated. Proof of legal residence may include voter registration, automobile registration, driver's license, income tax filings, census data, or passport.

7.8. Issuance of Licenses for Aquaculture

7.8.1. Eligibility Requirements: Licenses shall only be issued to domiciled residents (See Sec.1 Definitions) of the Town, 18 years of age or older, who have the knowledge and experience to fulfill the responsibilities specified in the license, provided that the applicant has held and been documented by the Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for a license. Applicant shall submit copies of state-filed catch reports. OR, provided the applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department. This shall be supported by a letter from a license holder who employed the applicant describing the type of work performed and any other information which might be relevant. The applicant shall present a detailed five-year business plan for how s/he intends to use the grant, including shellfish species, amounts and sizes, and gear to be used, access routes and any other information relevant to proposed operations. In addition, any applicant shall not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

At such time as a licensee ceases to be a domiciled resident of the Town that individual shall be removed from the license. The status of all other licensees will not change. If that licensee is the sole licensee then the license shall be revoked.

To: Wellfleet Selectboard

From: Brandon Silva

Date: 5-1-2023

I, Brandon Silva, agree to comply with the Town of Wellfleet's Shellfishing Policy and Regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation, harvest and sales.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon Silva", written in a cursive style.

to whom it may concern,
Brandon Silva has been
my main employee on
my Shellfish grant for
The last 5 years.

- Jeremy Storer



SELECTBOARD

AGENDA ACTION REQUEST
MEETING DATE: July 13, 2023

VI

PUBLIC HEARINGS

~ E ~

| | |
|-------------------------|---|
| REQUESTED BY: | Shellfish Constable Nancy Civetta |
| DESIRED ACTION: | Approval of renewal of grant #2000-4 |
| PROPOSED MOTION: | I move to grant a waiver to sections 7.8.6 and 7.8.7 and approve the renewal of Jeremy Storer's and Alfred Pickard's shellfish grant license #2000-4 consisting of 2.16 acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: July 11, 2023
To: Selectboard Members
Re: Grant transfer recommendation
From: Nancy Civetta, Shellfish Constable

Dear Selectboard members:

I received an application dated 05/05/2023 for the transfer of shellfish grant license #2000-4 consisting of 2.16 acres on Egg Island from Jeremy Storer (Wellfleet, MA) and Alfred Pickard (Wellfleet, MA) to Jeremy Storer, Alfred Pickard and Brandon Silva (Wellfleet, MA).

I reviewed last year's annual grant report for #2000-4 and compared it with the grant inspection we conducted to ensure this grant was meeting minimum production requirements. Alfred planted 100,000 field plant quahogs there last year, which is an investment that we consider making minimum productivity. We understand that he has already planted more quahogs there this month. We will continue to monitor this.

I reviewed their state commercial shellfishing and propagation permits, and both Jeremy and Alfred are in good standing. Both also hold Town commercial shellfishing permits. Brandon holds both state and town commercial shellfishing permits. He also has extensive experience working with Jeremy on his Indian Neck farms.

I recommend that shellfish grant license #2000-4 be transferred from Jeremy Storer and Alfred Pickard to Jeremy Storer, Alfred Pickard and Brandon Silva.

Attached please find the transfer application and other required documentation.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Nancy Civetta".

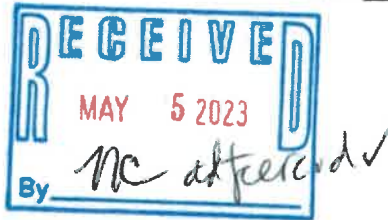
Nancy Civetta
Shellfish Constable



APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 5/1/23

To: Town of Wellfleet Selectboard
300 Main Street
Wellfleet, MA 02667



I/We hereby request transfer of Shellfish Grant License # 2000-4
From Jeremy Storer + Alfred Pickard
To Brandon Silva + Alfred Pickard + Jeremy Storer
Said grant license is located at EBB ISLAND, in Wellfleet, MA
and consisting of 2.16 acres, as shown on a plan prepared
by Glade Assoc. and dated 4/11/2000

| | | |
|--|--|--|
| Signature | Signature | Signature |
| Name <u>ALFRED PICKARD</u> | Name <u>Jeremy Storer</u> | Name <u>Brandon Silva</u> |
| Mailing Address <u>5348 Rt 6 POB 1407</u> | Mailing Address <u>104 Fresh Brook Ln</u> | Mailing Address <u>PO BOX 2101 Wellfleet MA 02667</u> |
| Telephone <u>508 349-6417</u> | Telephone <u>508-237-7523</u> | Telephone <u>774-722-1421</u> |
| Email <u>alpickard@pol.com</u> | Email <u>Jeremy Storer@comcast.net</u> | Email <u>Brandon Silva349@gmail.com</u> |



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

VI

~ PUBLIC HEARINGS ~

~ F ~

| | |
|-------------------------|---|
| REQUESTED BY: | Shellfish Constable ~ Nancy Civetta |
| DESIRED ACTION: | Approve the transfer of shellfish grant license #95-23 and #95-24 |
| PROPOSED MOTION: | I move to approve the transfer of shellfish grant license #95-23 and #95-24 consisting of a total of approximately two acres on Egg Island from Zach Rennert and Peter Rennert to Zach Rennert. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: July 11, 2023
To: Selectboard Members
From: Nancy Civetta, Shellfish Constable
RE: Recommendation shellfish grant transfer

Dear Selectboard members,

On May 30, 2023, I received an application from Peter Rennert (Wellfleet, MA) and Zach Rennert (Wellfleet, MA) for the transfer of shellfish grant license #s 95-23/24 consisting of approximately two acres on Egg Island from Peter Rennert and Zach Rennert to Zach Rennert. I recommend that shellfish grant #s 95-23 and 95-24 be transferred into Zach's name alone.

Respectfully submitted,

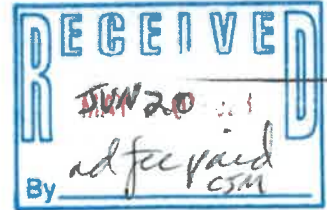
A handwritten signature in cursive script, appearing to read "Nancy Civetta".

Nancy Civetta
Shellfish Constable

Phone (508) 349-0325



Fax (508) 349-0305



APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date 5.8.2023

To: Town of Wellfleet Selectboard
300 Main Street
Wellfleet, MA 02667

I We hereby request transfer of Shellfish Grant License # 95-23 + 95-24
From PETER RENNERT + ZACH RENNERT
To ZACH RENNERT
Said grant license is located at COG ISLAND in Wellfleet, MA
and consisting of 2.2 acres acres, as shown on a plan prepared
by Glade Associates and dated 5/21/1995

Zach Rennert Peter Rennert

| | | |
|------------------------------|--------------------------------|-----------------|
| Signature | Signature | Signature |
| <u>Zach Rennert</u> | <u>Peter Rennert</u> | |
| Name | Name | Name |
| <u>PO Box 1150 Wellfleet</u> | <u>PO Box 1150</u> | |
| Mailing Address | Mailing Address | Mailing Address |
| <u>MA 02667</u> | <u>Wellfleet MA 02667</u> | |
| Telephone | Telephone | Telephone |
| <u>507 364 0635</u> | <u>617-894-3440</u> | |
| Email | Email | Email |
| <u>rennertzach@gmail.com</u> | <u>wellfleetpete@gmail.com</u> | |



SELECTBOARD

VI

AGENDA ACTION REQUEST
MEETING DATE: July 13, 2023

PUBLIC HEARINGS

~ G ~

| | |
|-------------------------|---|
| REQUESTED BY: | Shellfish Constable Nancy Civetta |
| DESIRED ACTION: | Approve the transfer of shellfish grant license #s 855 and 855B |
| PROPOSED MOTION: | I move to approve the transfer of shellfish grant license #s 855 and 855B consisting of approximately two acres on Field Point from Michael Ramsdell and Michael DeVasto to Michael DeVasto and Kathleen Murphy. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



SELECTBOARD

VI

AGENDA ACTION REQUEST
MEETING DATE: July 13, 2023

PUBLIC HEARINGS

~ H ~

| | |
|-------------------------|--|
| REQUESTED BY: | Shellfish Constable Nancy Civetta |
| DESIRED ACTION: | Approve the transfer of shellfish grant license #855C |
| PROPOSED MOTION: | I move to approve the transfer of shellfish grant license #855C consisting of approximately 1.6 acres on Field Point from Michael DeVasto to Michael DeVasto and Kathleen Murphy. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: July 11, 2023
To: Selectboard members
Re: Recommendation for shellfish grant transfer
From: Nancy Civetta, Shellfish Constable

Dear Selectboard members:

I received an application on 6/29/2023 from Michael DeVasto (Wellfleet, MA) and Michael Ramsdell (Wellfleet, MA) to transfer shellfish grant licenses #855 and #855B consisting of a total of approximately two acres on Field Point from Michael DeVasto and Michael Ramsdell to Michael DeVasto and Kathleen Murphy (Wellfleet, MA).

I received another application on 6/29/2023 from Michael DeVasto to transfer shellfish grant license #855C consisting of a total of approximately 1.6 acres on Field Point from Michael DeVasto to Michael DeVasto and Kathleen Murphy.

I reviewed the annual grant reports for #855 and #855B and compared them with the grant inspections we conducted to ensure these grants were meeting minimum production requirements. These two grants demonstrate abundant shellfish farming; there is no question about them exceeding minimum productivity. All the permitting and certifications for grant #855C was completed in 2022, so this grant extension is being farmed in 2023. We positioned the buoys together using the Shellfish Department's GPS in the spring, and a professional survey is scheduled for the fall. There is visible shellfish production in the extension already this year.

I reviewed Michael DeVasto's state propagation and commercial shellfishing permits, and they are in good standing. I reviewed Kathleen's state commercial shellfishing permit, and she is also in good standing. I am hopeful that you have taken the Shellfish Department's previous recommendation and will allow us to issue her a Town commercial shellfishing permit.

Katie has more than a decade of experience in shellfish farming on these grants and meets every requirement set out in our regulations except the newly required Town commercial shellfishing permit for grant holders. We firmly believe that it was not the intention of the Selectboard when it introduced a new revenue stream last December to exclude potential new grant holders from being added to grants in the interim months when commercial shellfishing permits are not on sale.

In addition, when you invoked a moratorium on grant transfers at your April 18, 2023, meeting, you specified it to "non-natural" persons only, which makes us believe that you intended to allow natural person, domiciled residents of Wellfleet to continue to be able to be transferred onto shellfish grant licenses.

Phone (508) 349-0325



Fax (508) 349-0305

Here is the motion from your [4-18-23 meeting minutes](#) online:

“Chair Curley Moved; Board Member Bacon Seconded; and it was voted to establish a moratorium on the transfer of shellfish licenses as stated in Section 7.7 relative to one of the transferees is a non-natural person until September 30, 2023, including a finding that this action is appropriate in the best interest for the fishery and the environment.”

I have conferred with Johnny and Chris who agree with the recommendation to transfer shellfish grant license #s 855 and 855B from Michael DeVasto and Michael Ramsdell to Michael DeVasto and Kathleen Murphy, and to recommend transferring shellfish grant license #855C from Michael DeVasto to Michael DeVasto and Kathleen Murphy.

Attached please find the transfer application and other required documentation.

Respectfully submitted,

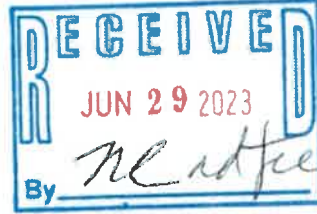


Nancy Civetta
Shellfish Constable

APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 6/29/23

To: Town of Wellfleet Selectboard
300 Main Street
Wellfleet, MA 02667



I/We hereby request transfer of Shellfish Grant License # 855/855B.
From Michael DeVasto & Michael Ramsdell
To Michael DeVasto & Kathleen Murphy
Said grant license is located at Indian Neck (Middle Point) in Wellfleet, MA

and consisting of .22 acres, as shown on a plan prepared
by Slade + Associates and dated 7/13/2000 and
A. Henry Nickerson " " 11/27/1985

[Signatures of Kathleen Murphy, Michael DeVasto, and Michael Ramsdell]

Signature Name
Kathleen Murphy Michael DeVasto Michael Ramsdell

Mailing Address
240 Pinewood Circle P.O. Box 151 100 Pole Dike Rd
Wellfleet, MA 02667 Wellfleet, MA 02667

Telephone
774 722 9157 774/722-9158 508 246 0537

Email
kathleenmurphy80@gmail.com fieldpointoyster.com willlyphumb@yahoo.com

APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

To: Town of Wellfleet Selectboard
300 Main Street
Wellfleet, MA 02667



I/We hereby request transfer of Shellfish Grant License # 855-C

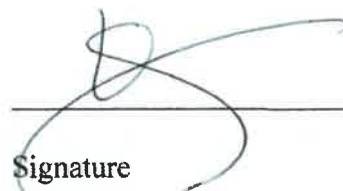
From Michael DeVasto

To Michael DeVasto & Kathleen Murphy

Said grant license is located at Field Point, in Wellfleet, MA

and consisting of 1.6 acres, as shown on a plan prepared

by TBD this year and dated _____



Signature _____ Signature _____ Signature _____

Kathleen Murphy Michael DeVasto
Name Name Name

240 Pinewood Circle Po Box 151
Mailing Address Mailing Address Mailing Address

Wellfleet MA 02667 Wellfleet, MA 02667

7747229157 774-722-7158
Telephone Telephone Telephone

KathleenMurphy80@gmail Fieldpointoysterfarm@gmail.com
Email Email Email

KATHLEEN MURPHY
TOWN OF WELLFLEET SHELLFISH DEPARTMENT
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- Applicant has paid \$175 advertising fee for public hearing.
- Applicant is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.
- Applicant is 18 years of age or older.
- Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.
- All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.
- At this time, there are no more than three lease holders named to the lease.
- If applicant is applying for a lease on private property, permission from the owner has been obtained. *HDTLTA*
- The applicant has held and been documented by the Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for this license. Applicant shall submit copies of state-filed catch reports, OR,
- The applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department.
 - This shall be supported by a letter from a license holder who employed the applicant describing the type of work performed and any other information which might be relevant. *Michael DeVasto*
- The applicant shall present a detailed five-year business plan for how s/he intends to use the grant, including shellfish species, amounts and sizes, and gear to be used, access routes and any other information relevant to proposed operations.
- For any proposed new grants or extensions, approximate coordinates and a map should be reviewed by the Shellfish Constable, including a site visit, and provided in the documentation for the Selectboard.
- The applicant has received and agreed in writing to comply with the current version of the Town's Shellfish Policy and Regulations.
- The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with [MGL Ch. 130](#) and [CMR 322](#), as well as the most recent [SEMAC Best](#)

[Management Practices](#), [DMF's vibrio control plan](#), [National Shellfish Sanitation Program's Guide](#) and [DPH's Regulations for Fish and Fishery Products](#), as they apply to the harvest of shellfish governing his/her business operations.

- The applicant does not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

FROM WELLFLEET SHELLFISH POLICY AND REGULATIONS

SECTION 1: DEFINITIONS

Aquaculture License - An authorization, granted by a vote of the Board of Selectmen, to utilize a specific tract of land, under coastal waters (1) to plant and grow shellfish using in-bottom or off-bottom culture; (2) to place shellfish in or under protective devices affixed directly to the tidal flats or land under Wellfleet's coastal waters, such as boxes, pens, trays, bags or nets; (3) to harvest and take legal shellfish; (4) to plant cultch for the purpose of catching shellfish seed; and (5) to grow shellfish by means of racks, rafts or floats ([MGL Chapter 130; Section 57](#)).

Licensed Area (Grant) - a designated bottom area, certified by the Division of Marine Fisheries (DMF) and licensed by a vote of the Board of Selectmen, on which the licensee may plant, grow and harvest shellfish ([MGL Chapter 130; Sections 57 & 68](#)).

Resident - A declared resident of the Town of Wellfleet. Written proof that Wellfleet is the domicile as well as the legal residence of the applicant shall be required to the satisfaction of the Shellfish Constable and Board of Selectmen. Domicile will be established after one year of residency in Wellfleet is demonstrated. Proof of legal residence may include voter registration, automobile registration, driver's license, income tax filings, census data, or passport.

7.8. Issuance of Licenses for Aquaculture

7.8.1. Eligibility Requirements: Licenses shall only be issued to domiciled residents (See Sec.1 Definitions) of the Town, 18 years of age or older, who have the knowledge and experience to fulfill the responsibilities specified in the license, provided that the applicant has held and been documented by the Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for a license. Applicant shall submit copies of state-filed catch reports. OR, provided the applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department. This shall be supported by a letter from a license holder who employed the applicant describing the type of work performed and any other information which might be relevant. The applicant shall present a detailed five-year business plan for how s/he intends to use the grant, including shellfish species, amounts and sizes, and gear to be used, access routes and any other information relevant to proposed operations. In addition, any applicant shall not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

At such time as a licensee ceases to be a domiciled resident of the Town that individual shall be removed from the license. The status of all other licensees will not change. If that licensee is the sole licensee then the license shall be revoked.

To: Wellfleet Selectboard

From: *Kathleen Murphy*

Date: *6/29/23*

I, *Kathleen Murphy*, agree to comply with the Town of Wellfleet's Shellfishing Policy and Regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation, harvest and sales.

Sincerely,

A handwritten signature in blue ink, appearing to be 'KM', written in a cursive style.

Nancy Civetta

From: Field Point Oyster Farm <fieldpointoysterfarm@gmail.com>
Sent: Thursday, June 29, 2023 10:57 AM
To: Nancy Civetta
Subject: Katie Murphy

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom it May Concern,

Katie has been continuously working in aquaculture on sites 855 and 855B since 2011. She is involved in all aspects of the business and materially participating in the farming of clams and oysters.

--

Michael DeVasto
Field Point Oyster Farm
PO Box 151
Wellfleet, MA 02667
774.722.9158

www.wellfleetoysterfarm.com



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

VI

PUBLIC HEARINGS

~ I ~

| | |
|-------------------------|---|
| REQUESTED BY: | Shellfish Constable ~ Nancy Civetta |
| DESIRED ACTION: | To approve the transfer of shellfish grant license \$734 and #734A |
| PROPOSED MOTION: | I move to approve the transfer of shellfish grant license #s 734 and 734A consisting of a total of approximately 3.5 acres on Mayo Beach from Rebecca Taylor and Myron Taylor to Rebecca Taylor. |
| SUMMARY: | |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

VI

PUBLIC HEARINGS

~ J ~

| | |
|--|--|
| REQUESTED BY: | Shellfish Constable ~ Nancy Civetta |
| DESIRED ACTION: | To approve two extensions to be called #734B and #734C to shellfish grant license #s 734 and 734A |
| PROPOSED MOTION: Summary: | I move to approve two shellfish grant license extensions to be called #734B and #734C to shellfish grant license #s 734 and 734A consisting of a total of approximately 0.61 and 0.79 acres respectively on Mayo Beach for Rebecca Taylor. |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

July 10, 2023

To: Selectboard Members
From: Nancy Civetta, Shellfish Constable
RE: Rebecca Taylor revised grant extensions request and removing Myron Taylor from shellfish grant license #s 734 and 734A

Dear Selectboard members,

First, Rebecca Taylor submitted paperwork to remove her dad, Myron Taylor's name from shellfish grant license #s 734 and 734A because he is retiring. Although I am sad to see him retire, I recommend that shellfish grant #s 734 and 734A be transferred into Rebecca's name alone. Please join me in commending Myron Taylor for his long career on the water and the help he has given the town with his research and observations of the natural world given his decades of experience shellfishing in Wellfleet Harbor.

Second, as you know, the Shellfish Department has been working with Rebecca Taylor and Angela Osowski to find a compromise for a grant extension between their respective grants on Mayo Beach.

I received a revised application for two grant extensions from Rebecca Taylor on June 29, 2023. The first proposed revised grant extension would be numbered 734B, which would be an altered configuration from what you approved at your March 21, 2023, meeting. It will now NOT include the area between the Taylor and Osowski grants and will only incorporate the area on the offshore side of grants 734 and 734A, consisting of approximately 0.61 acres on Mayo Beach.

The second proposed extension, to be called 734C, is on the inshore area of grants 734 and 734A, consisting of 0.79 acres on Mayo Beach. The new configuration allows Osowski's request for an extension to grant #99-1 to be located mostly where she had originally asked for it and provides for a 10-foot buffer to be used as a driveway between grant #s 734A and 99-1 Ext. Attached please find the grant extensions application and associated maps.

I reviewed Rebecca's state propagation and commercial shellfishing permits to make sure they were in good standing. We reviewed their annual grant reports and compared them with the grant inspections we conducted, and all is going well. On June 9, 2023, we conducted a site visit with Harbormaster Will Sullivan and Director of Community Services (for the Beach Dept.) Suzanne Grout Thomas. Neither had any concerns about the location of these proposed shellfish grant extensions.



We greatly respect the time and effort that both Rebecca Taylor and Angela Osowski have invested into finding this compromise, and we are completely supportive of it. We recommend that you approve these grant extension requests.

Respectfully submitted,

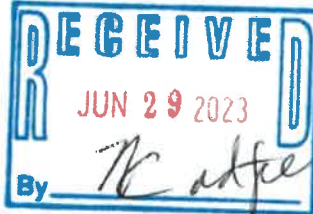
A handwritten signature in cursive script, appearing to read "Nancy Civetta".

Nancy Civetta
Shellfish Constable

APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 6-29-2023

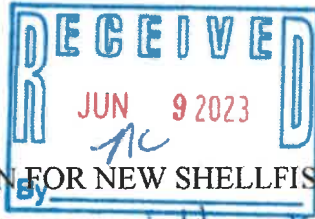
To: Town of Wellfleet Selectboard
300 Main Street
Wellfleet, MA 02667



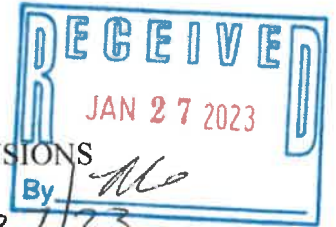
I/We hereby request transfer of Shellfish Grant License # 734.5 & 734A
From Myron Taylor and Rebecca Taylor
To Rebecca Taylor

Said grant license is located at Mayo Beach, in Wellfleet, MA
and consisting of ~ 3.5 acres, as shown on a plan prepared
by Slade Associates and dated 7.28.1994

| | | |
|-----------------------------|-----------------------------|-----------------|
| <u>Myron G Taylor</u> | <u>Rebecca Taylor</u> | |
| Signature | Signature | Signature |
| <u>MYRON G. TAYLOR</u> | <u>Rebecca Taylor</u> | |
| Name | Name | Name |
| <u>135 Cokes Neck Rd</u> | <u>137 Fresh Brook Ln</u> | |
| Mailing Address | Mailing Address | Mailing Address |
| <u>Wellfleet, MA 02667</u> | <u>Wellfleet MA 02667</u> | |
| <u>508-349-3527</u> | <u>812-806-7887</u> | |
| Telephone | Telephone | Telephone |
| <u>parrisjt@hotmail.com</u> | <u>quahogsl00@gmail.com</u> | |
| Email | Email | Email |



Handwritten note: started 6/21/2023 ✓



APPLICATION FOR NEW SHELLFISH GRANT AND EXTENSIONS

By amended report and map

DATE: 1/27/23

This request is being made under Mass. General Law, Chapter 130, Sections 57 & 59 and the Town of Wellfleet Shellfishing Policy and Regulations 7.2. Previously Established Grants that Become Available.

Name Rebecca Taylor

Address 137 Fresh Brook Ln

Telephone 812-606-7887 ← Cell Phone _____

Email qua_hogs100@gmail.com

GENERAL INFORMATION

Previous shellfishing experience: I started working on this grant in 1989 around age 12. I have farmed shellfish all my life in all capacities

How long have you had a commercial shellfish permit? (list years)
~1995- Present

How long have you lived in Wellfleet?
45 yrs

Additional comments: This is to rectify the issues w/ previous extender granted in 2002. I need this area to expand my oyster farming space as the rest of the grant is quacks and I can't make more there in the coming years to expand my shellfish business.





By applying for this license and signing below, the applicant agrees to comply with the Town of Wellfleet's Shellfish Policy and Regulations. The applicant also acknowledges that s/he will be held responsible to MGL Ch. 130 and CMR 322, as well as the most recent SEMAC Best Management Practices, DMF's vibrio control plan, National Shellfish Sanitation Program's Guide and DPH's Regulations for Fish and Fishery Products, as they apply to the harvest of shellfish governing his/her business operations.

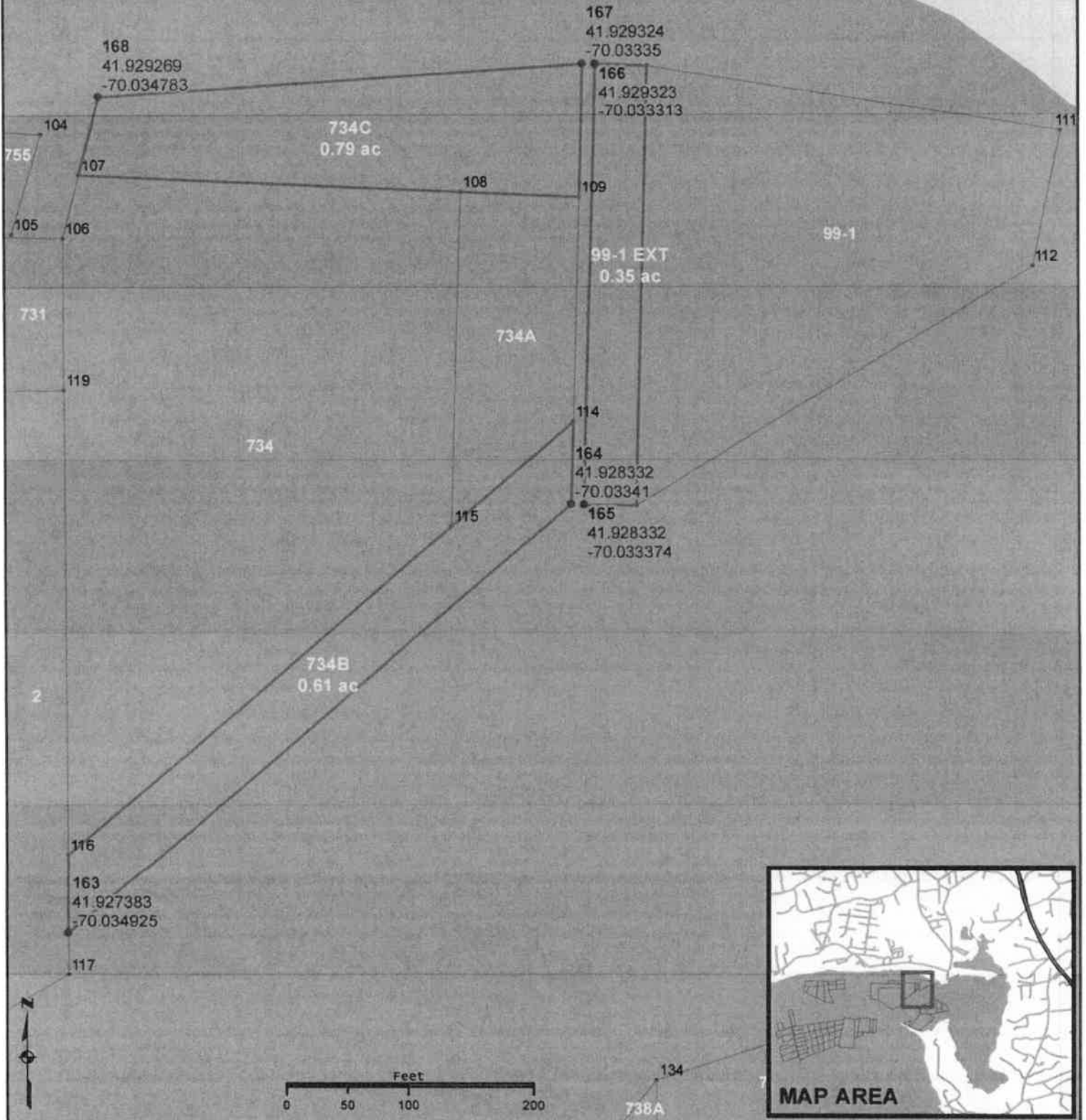
Signature of Applicant
Rebecca H Taylor

[Signature]
Shellfish Constable

Extension Compromise Proposal for Grants 734x & 99-1 – Wellfleet Harbor

LEGEND

-  Proposed new grants
-  New grant corners
-  Grant boundaries
-  Grant corners





Wellfleet, MA

1 inch = 560 Feet



July 3, 2023

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

REBECCA TAYLOR

TOWN OF WELLFLEET SHELLFISH DEPARTMENT
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- Applicant has paid \$175 advertising fee for public hearing.
- Applicant is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.
- Applicant is 18 years of age or older.
- Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.
- All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.
- At this time, there are no more than three lease holders named to the lease.

N/A If applicant is applying for a lease on private property, permission from the owner has been obtained.

The applicant has held and been documented by the Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for this license. Applicant shall submit copies of state-filed catch reports, OR,

The applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department.

This shall be supported by a letter from a license holder who employed the applicant describing the type of work performed and any other information which might be relevant.

The applicant shall present a detailed five-year business plan for how s/he intends to use the grant, including shellfish species, amounts and sizes, and gear to be used, access routes and any other information relevant to proposed operations.

For any proposed new grants or extensions, approximate coordinates and a map should be reviewed by the Shellfish Constable, including a site visit, and provided in the documentation for the Selectboard.

The applicant has received and agreed in writing to comply with the current version of the Town's Shellfish Policy and Regulations.

The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with [MGL Ch. 130](#) and [CMR 322](#), as well as the most recent [SEMAC Best](#)

CURRENT GRANT HOLDERS N/A

[Management Practices](#), [DMF's vibrio control plan](#), [National Shellfish Sanitation Program's Guide](#) and [DPH's Regulations for Fish and Fishery Products](#), as they apply to the harvest of shellfish governing his/her business operations.

- The applicant does not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

FROM WELLFLEET SHELLFISH POLICY AND REGULATIONS

SECTION 1: DEFINITIONS

Aquaculture License - An authorization, granted by a vote of the Board of Selectmen, to utilize a specific tract of land, under coastal waters (1) to plant and grow shellfish using in-bottom or off-bottom culture; (2) to place shellfish in or under protective devices affixed directly to the tidal flats or land under Wellfleet's coastal waters, such as boxes, pens, trays, bags or nets; (3) to harvest and take legal shellfish; (4) to plant cultch for the purpose of catching shellfish seed; and (5) to grow shellfish by means of racks, rafts or floats ([MGL Chapter 130; Section 57](#)).

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Resident - A declared resident of the Town of Wellfleet. Written proof that Wellfleet is the domicile as well as the legal residence of the applicant shall be required to the satisfaction of the Shellfish Constable and Board of Selectmen. Domicile will be established after one year of residency in Wellfleet is demonstrated. Proof of legal residence may include voter registration, automobile registration, driver's license, income tax filings, census data, or passport.

7.8. Issuance of Licenses for Aquaculture

7.8.1. Eligibility Requirements: Licenses shall only be issued to domiciled residents (See Sec.1 Definitions) of the Town, 18 years of age or older, who have the knowledge and experience to fulfill the responsibilities specified in the license, provided that the applicant has held and been documented by the Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for a license. Applicant shall submit copies of state-filed catch reports. OR, provided the applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department. This shall be supported by a letter from a license holder who employed the applicant describing the type of work performed and any other information which might be relevant. The applicant shall present a detailed five-year business plan for how s/he intends to use the grant, including shellfish species, amounts and sizes, and gear to be used, access routes and any other information relevant to proposed operations. In addition, any applicant shall not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

At such time as a licensee ceases to be a domiciled resident of the Town that individual shall be removed from the license. The status of all other licensees will not change. If that licensee is the sole licensee then the license shall be revoked.

To: Wellfleet Selectboard

From: Rebecca H. Taylor, , ,

Date: 1/27/23

I, Rebecca H. Taylor, , , agree to comply with the Town of Wellfleet's Shellfishing Policy and Regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation, harvest and sales.

Sincerely,

Rebecca H. Taylor

AQUACULTURE DESCRIPTION FORM

Clear Fields

Name: Last Taylor First Rebecca M.I. _____

Business Name (optional): _____

Mailing Address 137 Fresh Brook Lane

City/Town Wellfleet State MA ZipCode 02667

Telephone _____ Cell Phone 812-606-7887

E-Mail Address quahogs100@gmail.com

A. SITE DESCRIPTION

Location of proposed aquaculture license site(s) and access routes (Include a site map in USGS 1:24,000 or 1:25,000 format with site boundaries clearly outlined and both current and historic Massachusetts Department of Environmental Protection (MassDEP) mapped eelgrass layers depicted on the map. The MA-ShellFAST tool may be used for generating the map and measuring distances/acreage).

City/Town: Wellfleet

Shellfish Growing Area (SGA): CCB11

of Acres: 734B 0.61, 734C 0.79

Site boundaries defined by latitude and longitude in decimal degrees (i.e. 42.36115°, -71.057083°):

See attached

Have you conducted a survey of the site (Y/N)? yes Date? 6/9/23

Method of Survey: Site visit with Harbor Master, Beach Director + Shellfish Constable

Average Depth at Mean Low Tide (MLW): 0

Mean High Tide (MHW): 10-12 feet

The site is located in an: intertidal area; subtidal area; spans both intertidal and subtidal areas.

| NAME | LAT | LON | notes |
|------|-------------|--------------|---------|
| N163 | 41.927383 | -70.034925 | 734B SW |
| N164 | 41.928332 | -70.03341 | 734B SE |
| N116 | 41.92756259 | -70.0349221 | 734B NW |
| N114 | 41.92851667 | -70.03339915 | 734B NE |
| N107 | 41.92909241 | -70.03484679 | 734C SW |
| N109 | 41.92902163 | -70.03336828 | 734C SE |
| N167 | 41.929324 | -70.03335 | 734C NE |
| N168 | 41.929269 | -70.034783 | 734C NW |

What type of sediment or bottom substrate is on the site? (Benthic Habitat Conditions):
mud and sand

Is eelgrass currently present on or within twenty-five (25) ft. of the proposed site¹ (Y/N)? No

If eelgrass is present or currently/historically mapped by DEP within the shellfish growing area, what is the shortest distance to actual or mapped eelgrass from the proposed site? _____ ft.

Are there shellfish currently on the site (Y/N)? Yes

If yes what species and approximate densities?
This area has been under cultivation by my family for 20 years, both quahogs and oysters are present.

Is the proposed grant site located within an [Area of Critical Environmental Concern \(ACEC\)](#) (Y/N)?
Yes

Is the proposed grant site located within [Natural Heritage Endangered Species Project \(NHESP\)](#) mapped habitat (Y/N)? *If yes, you must submit a MESA Project Review Checklist to NHESP.*
Yes

Is the proposed grant site located within an [Outstanding Resource Waters](#) (Y/N)? No

Is there an [Environmental Justice \(EJ\) population](#) located within 1-mile of the project site (Y/N)?
No

If so, please complete the attached supplement to this form for projects located within 1-mile of EJ populations.

Describe whether alternative locations were considered and identify the siting criteria used to select this site and the characteristics of the site that make it suitable for aquaculture use. It may be helpful for this evaluation to be based on the siting criteria identified in DMF's Shellfish Planting Guidelines and the Army Corps of Engineers General Permit for Aquaculture.

Has the site been used for private shellfish propagation within the last two years (Y/N)? No Yes

Has the site been used for municipal shellfish propagation within the last two years (Y/N)? No

1. Proposed aquaculture license sites with eelgrass present within the footprint or within 25 ft. of eelgrass will not be granted certification by DMF.

B. SPECIES TO BE CULTURED

What species of shellfish do you plan to cultivate? (Select all that apply)

- Eastern Oyster
- Quahog or Hard Clam
- Softshell Clam or Steamer
- Surf Clam
- Razor Clam
- Bay Scallop
- Blue Mussel
- Other _____

Do you propose on-bottom placement of cultch or spat on shell on the site (Y/N)? ~~No~~ Yes

If yes, explain.
Oyster shells on bottom and spat on shell from our grant, overwintering of larger oysters

C. GEAR

What methods of culture will be used (specify by species if necessary)?

On- bottom Off- bottom submerged Off- bottom floating

Describe the type of gear to be utilized for each species to be cultured, include dimensions (Cages, Racks, Trays, Bags, Nets, Floating): ***Depending on the gear type used, the project may require additional permitting by the Massachusetts Department of Environmental Protection (MassDEP). Consult with your Harbormaster, and if needed, with the MassDEP Waterways Program.***

Cages,
Racks, Trays, Bags, Nets, maybe new grow out technology in future

*Include with your submission of this form a site map on a USGS 1:24,000 map with site boundaries clearly outlined and a cross-section schematic of the gear to be deployed on the site. 3

If you will utilize floating gear, what measures will you take to deter birds (bird deterrence plan required)?

- Spikes
- Zip ties
- Kites/streamers
- Faux predators
- Wire cage exclusion
- Sweeps/spinners
- Sonic deterrents
- Other

N/A

Please describe your bird deterrence plan:

What methods will you utilize to harvest shellfish? (Hand, Drag, Other) Please describe:

Hand rakes, bull rakes

How will the proposed license site be marked? (Buoy color, Type, Lines, Anchor)

Yellow buoy

How will you access the license site?

truck and skiff

What equipment do you plan on utilizing to maintain the license site and transport product?

Vehicle: Make: Ford Pickup Model: F150

Boat: Make: tbd Model: _____

Will any accessory structures be used on the license site? (barge, float, upweller, etc.)

no

Will this be a seasonal operation (gear and product removed from site in winter) or year-round?

year-round operation

Please include any additional information here:

any quahog screens will remain over winter, any oyster gear will be removed, some oysters will remain on ground

D. CUMULATIVE IMPACTS

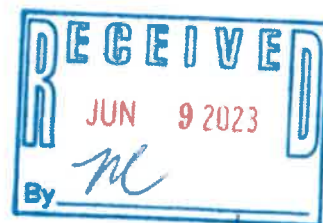
After voting to grant the site license at a duly advertised public hearing (M.G.L. c.130 §60), the Select Board of the municipality must submit a request for site certification to the Division of Marine Fisheries (DMF). A site inspection that may include a site survey will be performed by DMF. If DMF determines that issuance of the site license and operational activities thereunder will have no substantial adverse impacts to natural resources and existing fisheries, DMF will issue a conditional certification letter to the municipality and include a summary table that identifies other existing and conditionally certified aquaculture sites, gear types, and acreage within the same embayment as the proposed site.

This table will be used to assess cumulative impacts if the project is subject to environmental review by the Massachusetts Environmental Policy Act (MEPA) Office and should be submitted as an attachment with your MEPA filing. If the project is subject to the MEPA Special Review Procedure (SRP), the applicant hereby acknowledges and agrees to following the procedures set forth in the SRP. The SRP can be viewed [here](#).

All information furnished on this application is true and accurate to the best of my knowledge. I will notify the Division Marine Fisheries Shellfish Sanitation and Management Program immediately of any changes.

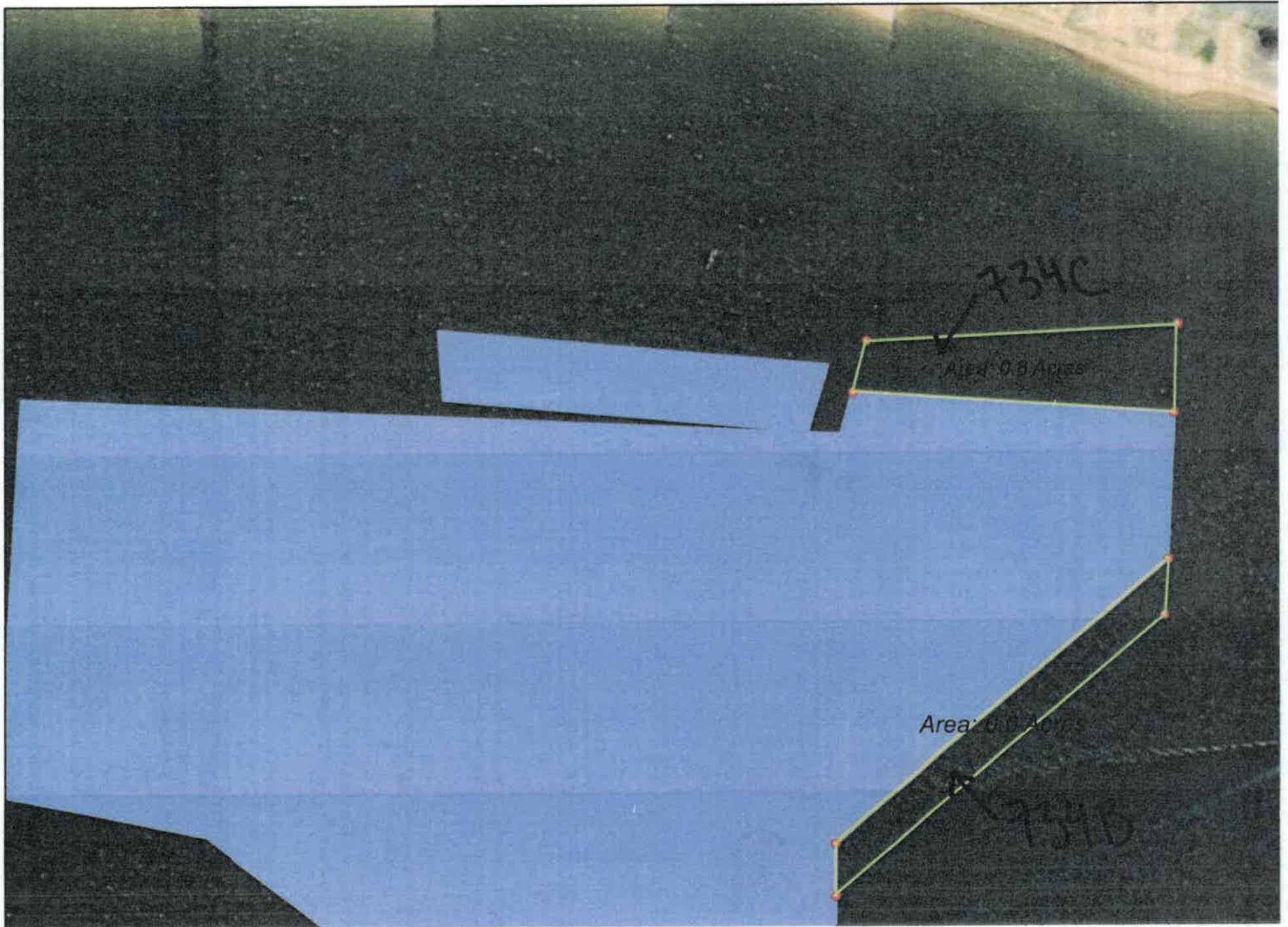
Signature of Applicant Rebecca H. Taylor Date 6/9/23
~~1/27/23~~

Division of Marine Fisheries
ATTN: Aquaculture Coordinator
706 South Rodney French Boulevard
New Bedford, MA 02744
Phone: (508) 742-9766



*amended layout
and map*

Permit Application



Permit Application



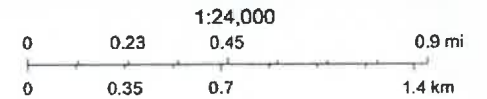
6/9/2023, 3:34:42 PM

Override 1

Book1

Aquaculture

Shellfish



Maxar



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: July 13, 2023

VI

PUBLIC HEARINGS

~ K ~

| | |
|-------------------------|---|
| REQUESTED BY: | Shellfish Constable, Nancy Civetta |
| DESIRED ACTION: | To approve grant extension request for grant #99-1 on Mayo Beach for Angela Osowski and Robert and Mary Mallory |
| PROPOSED MOTION: | I move to approve Angela Osowski's and Robert and Mary Mallory's request for a grant extension to be called #99-1 Ext. consisting of approximately 0.35 acres on Mayo Beach. |
| SUMMARY: | |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: July 10, 2023
To: Selectboard Members
From: Nancy Civetta, Shellfish Constable
RE: Angela Osowski, Robert and Mary Mallory grant #99-1 extension request

Dear Selectboard members,

As you know, the Shellfish Department has been working with Rebecca Taylor and Angela Osowski to find a compromise for a grant extension between their respective grants on Mayo Beach.

I received a revised application for a grant extension from Angela Osowski on May 26, 2023, on behalf of her and Robert and Mary Mallory. The proposed revised grant extension would be numbered 99-1 Ext. and consists of approximately 0.35 acres on Mayo Beach in the general area where they had proposed it before but allowing for a driveway buffer between the extension and Taylor grant #s 734A and 734B. Attached please find the grant extension application and associated maps.

I reviewed their state propagation and commercial shellfishing permits to make sure they were in good standing. Robert and Mary Mallory do not have propagation permits, but Angela Osowski does, and that is enough. Angela and Robert have all their commercial shellfishing permits in order, and Mary is coming to you with a hardship exemption request for hers. She does have a state shellfishing permit already.

We reviewed their annual grant reports and compared them with the grant inspections we conducted, and all is going well. On June 9, 2023, we conducted a site visit with Harbormaster Will Sullivan and Director of Community Services (for the Beach Dept.) Suzanne Grout Thomas. Neither had any concerns about the location of this proposed shellfish grant extension.

We greatly respect the time and effort that both Rebecca Taylor and Angela Osowski have invested into finding this compromise, and we are completely supportive of it. We recommend that you approve this grant extension request.

They will then need to go through the rest of the permitting and certification process for this new grant with the Mass. Division of Marine Fisheries, Wellfleet Conservation Commission, Army Corps of Engineers, etc.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Nancy Civetta".

Nancy Civetta, Shellfish Constable

Phone (508) 349-0325



Fax (508) 349-0305



RCVD 1.10.2023

APPLICATION FOR SHELLFISH GRANT LICENSE

LAYOUT AND MAP

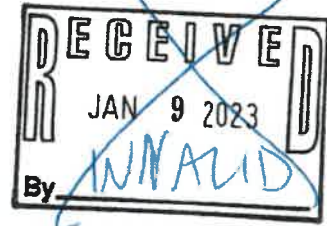
DATE: January 9th 2023

This request is being made under Chapter 130, Sections 57 & 59.

| | | |
|-----------|---|---|
| Name | Angela Osowski | Robert & Mary Mallory |
| Address | 25 Holbrook Ave/Box 2147 Wellfleet, Ma 02667 | 57 Freedjum Rd/Box 84 S. Wellfleet 02663 |
| Telephone | 508-364-1034 (cell) 508-349-6417 (home) | |

Approximate location of proposed grant license area:
East end of Mayo Beach

Desired size of proposed grant-license area:
0.43 Acres



GENERAL INFORMATION

Previous shellfishing experience:

Angela Osowski
Grant holder for 7 years
Shellfish License holder
for 18 years

Robert Mallory
Grant holder for 27 years
Shellfish License holder
for 70 years 1953

Mary Mallory
Grant holder for 24 years

How long have you had a shellfish permit (commercial/non-commercial)?
Angela 18 years Robert 70 years

How long have you lived in Wellfleet?
Domicile of Wellfleet for 35 years, 71 years, 71 years

Comments:

Signature of Applicant





Robert Mallory
Mary Mallory

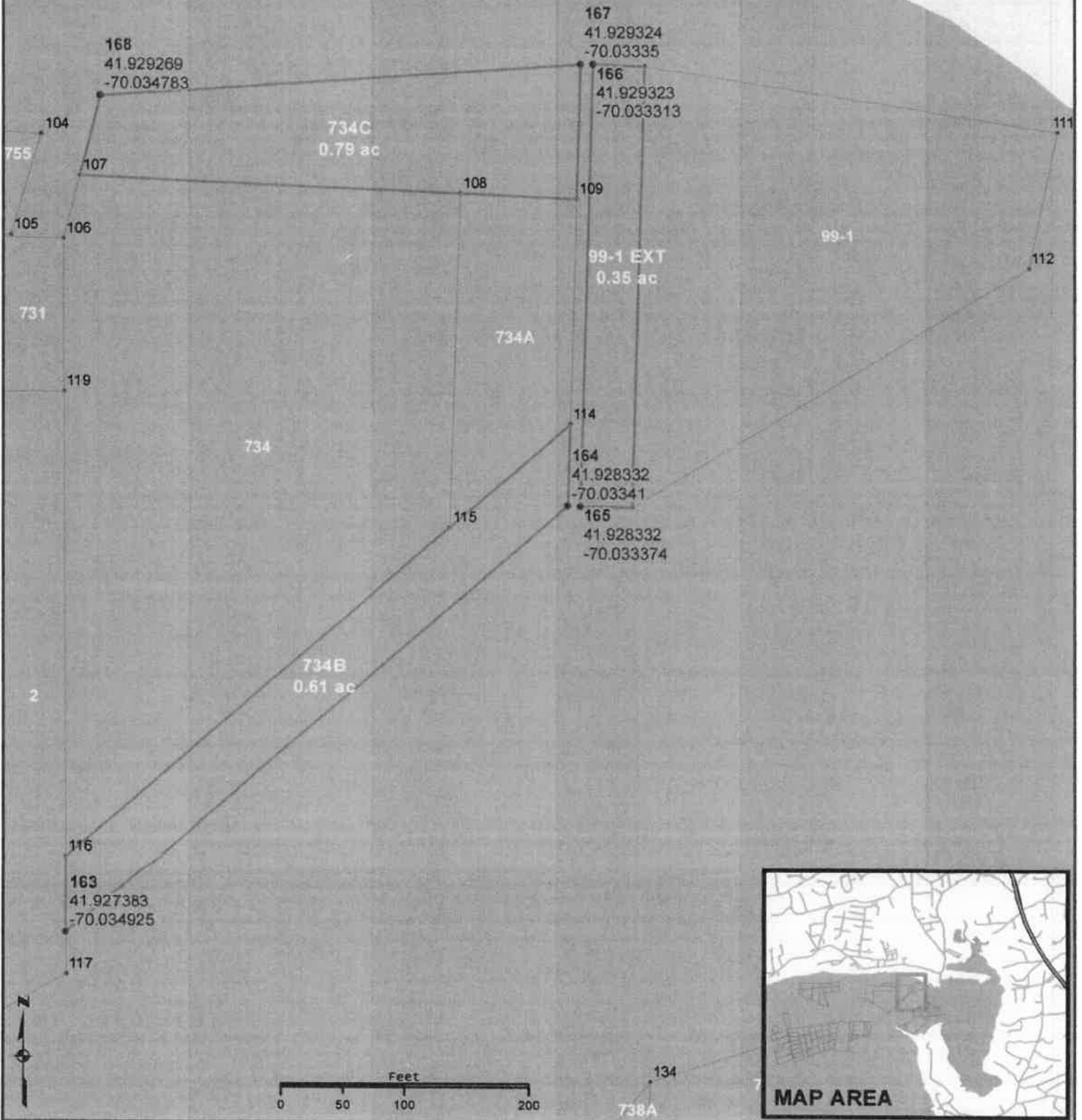
Shellfish Constable

Henry Wells

Extension Compromise Proposal for Grants 734x & 99-1 – Wellfleet Harbor

LEGEND

-  Proposed new grants
-  New grant corners
-  Grant boundaries
-  Grant corners





Wellfleet, MA



July 3, 2023

1 inch = 560 Feet

www.cai-tech.com



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ANGIE OSOWSKI

TOWN OF WELFLEET SHELLFISH DEPARTMENT
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- Applicant has paid \$175 advertising fee for public hearing.
- Applicant is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.
- Applicant is 18 years of age or older.
- Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.
- All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.
- At this time, there are no more than three lease holders named to the lease.
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[Management Practices](#), [DMF's vibrio control plan](#), [National Shellfish Sanitation Program's Guide](#) and [DPH's Regulations for Fish and Fishery Products](#), as they apply to the harvest of shellfish governing his/her business operations.

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ROBERT MULLOY

TOWN OF WELFLEET SHELLFISH DEPARTMENT
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- Applicant has paid \$175 advertising fee for public hearing. Yes via CO-GRANT HOLDER ANGIE OSOWSKI
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7.8.1. Eligibility Requirements: Licenses shall only be issued to domiciled residents (See Sec.1 Definitions) of the Town, 18 years of age or older, who have the knowledge and experience to fulfill the responsibilities specified in the license, provided that the applicant has held and been documented by the Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for a license. Applicant shall submit copies of state-filed catch reports. OR, provided the applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department. This shall be supported by a letter from a license holder who employed the applicant describing the type of work performed and any other information which might be relevant. The applicant shall present a detailed five-year business plan for how s/he intends to use the grant, including shellfish species, amounts and sizes, and gear to be used, access routes and any other information relevant to proposed operations. In addition, any applicant shall not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

At such time as a licensee ceases to be a domiciled resident of the Town that individual shall be removed from the license. The status of all other licensees will not change. If that licensee is the sole licensee then the license shall be revoked.

MARY MALLOREY

TOWN OF WELFLEET SHELLFISH DEPARTMENT
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- Applicant has paid \$175 advertising fee for public hearing. Yes, VIA CO-GRANT HOLDER ANGIE OSOWSKI
- Applicant is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.
- Applicant is 18 years of age or older.
- Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.
- All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.
- At this time, there are no more than three lease holders named to the lease.
- N/A If applicant is applying for a lease on private property, permission from the owner has been obtained. MAYORCATCH IS TOWN-OWNED.
- The applicant has held and been documented by the Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for this license. Applicant shall submit copies of state-filed catch reports, OR,
- The applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department.
- N/A This shall be supported by a letter from a license holder who employed the applicant describing the type of work performed and any other information which might be relevant. CURRENT GRANT HOLDER
- The applicant shall present a detailed five-year business plan for how s/he intends to use the grant, including shellfish species, amounts and sizes, and gear to be used, access routes and any other information relevant to proposed operations.
- For any proposed new grants or extensions, approximate coordinates and a map should be reviewed by the Shellfish Constable, including a site visit, and provided in the documentation for the Selectboard.
- The applicant has received and agreed in writing to comply with the current version of the Town's Shellfish Policy and Regulations.
- The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with [MGL Ch. 130](#) and [CMR 322](#), as well as the most recent [SEMAC Best](#)

[Management Practices](#), [DMF's vibrio control plan](#), [National Shellfish Sanitation Program's Guide](#) and [DPH's Regulations for Fish and Fishery Products](#), as they apply to the harvest of shellfish governing his/her business operations.

- The applicant does not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

FROM WELLFLEET SHELLFISH POLICY AND REGULATIONS

SECTION 1: DEFINITIONS

Aquaculture License - An authorization, granted by a vote of the Board of Selectmen, to utilize a specific tract of land, under coastal waters (1) to plant and grow shellfish using in-bottom or off-bottom culture; (2) to place shellfish in or under protective devices affixed directly to the tidal flats or land under Wellfleet's coastal waters, such as boxes, pens, trays, bags or nets; (3) to harvest and take legal shellfish; (4) to plant cultch for the purpose of catching shellfish seed; and (5) to grow shellfish by means of racks, rafts or floats ([MGL Chapter 130; Section 57](#)).

Licensed Area (Grant) - a designated bottom area, certified by the Division of Marine Fisheries (DMF) and licensed by a vote of the Board of Selectmen, on which the licensee may plant, grow and harvest shellfish ([MGL Chapter 130; Sections 57 & 68](#)).

Resident - A declared resident of the Town of Wellfleet. Written proof that Wellfleet is the domicile as well as the legal residence of the applicant shall be required to the satisfaction of the Shellfish Constable and Board of Selectmen. Domicile will be established after one year of residency in Wellfleet is demonstrated. Proof of legal residence may include voter registration, automobile registration, driver's license, income tax filings, census data, or passport.

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At such time as a licensee ceases to be a domiciled resident of the Town that individual shall be removed from the license. The status of all other licensees will not change. If that licensee is the sole licensee then the license shall be revoked.

To: Wellfleet Selectboard

From: Angela Osowski, Robert Mallory, and Mary Mallory

Date: January 9th, 2023

I, Angela Osowski, Robert Mallory, and Mary Mallory, Agree to comply with the Town of Wellfleet's Shellfishing Policy and Regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation, harvest and sales.

Sincerely,



Angela Osowski



Robert Mallory



Mary Mallory

AQUACULTURE DESCRIPTION FORM

Clear Fields

Name: Last Osowski/Mallory First Angela/Robert & Mary M.I. _____

Business Name (optional): _____

Mailing Address box 214/

City/Town Wellfleet State MA ZipCode 02667

Telephone 5083496417 Cell Phone 508-364-1034

E-Mail Address capelobstergiri@gmail.com

A. SITE DESCRIPTION

Location of proposed aquaculture license site(s) and access routes (Include a site map in USGS 1:24,000 or 1:25,000 format with site boundaries clearly outlined and both current and historic Massachusetts Department of Environmental Protection (MassDEP) mapped eelgrass layers depicted on the map. The [MA-ShellFAST](#) tool may be used for generating the map and measuring distances/acreage).

City/Town: Wellfleet

Shellfish Growing Area (SGA): CCB 11

of Acres: 0.40

Site boundaries defined by latitude and longitude in decimal degrees (i.e. 42.36115°, -71.057083°):
(#110) 41.92932 -70.03316 (#113) 41.92833 -70.03322
(#165/c) 41.928332 -70.033374 (#166/b) 41.929323 -70.033313 (see attached)

Have you conducted a survey of the site (Y/N)? Yes Date? 6/9/2023

Method of Survey:

Walked site to examine substrate. Same substrate as current grant
Site visit with Harbormaster, Beach Director and Shellfish Constable.

Average Depth at Mean Low Tide (MLW): 1 ft

Mean High Tide (MHW): 11 ft

The site is located in an: intertidal area; subtidal area; spans both intertidal and subtidal areas.

| NAME | LAT | LON | notes |
|------|-------------|--------------|-------------|
| N110 | 41.92931737 | -70.03315966 | 99-1 EXT NE |
| N113 | 41.92832805 | -70.03321682 | 99-1 EXT SE |
| N165 | 41.928332 | -70.033374 | 99-1 EXT SW |
| N166 | 41.929323 | -70.033313 | 99-1 EXT NW |

What type of sediment or bottom substrate is on the site? (Benthic Habitat Conditions):
sand

Is eelgrass currently present on or within twenty-five (25) ft. of the proposed site¹ (Y/N)? No

If eelgrass is present or currently/historically mapped by DEP within the shellfish growing area, what is the shortest distance to actual or mapped eelgrass from the proposed site? N/A ft.

Are there shellfish currently on the site (Y/N)? No

If yes what species and approximate densities?

Is the proposed grant site located within an Area of Critical Environmental Concern (ACEC) (Y/N)?
No Yes

Is the proposed grant site located within Natural Heritage Endangered Species Project (NHESP) mapped habitat (Y/N)? *If yes, you must submit a MESA Project Review Checklist to NHESP.*
No Yes

Is the proposed grant site located within an Outstanding Resource Waters (Y/N)? No

Is there an Environmental Justice (EJ) population located within 1-mile of the project site (Y/N)?
No

If so, please complete the attached supplement to this form for projects located within 1-mile of EJ populations.

Describe whether alternative locations were considered and identify the siting criteria used to select this site and the characteristics of the site that make it suitable for aquaculture use. It may be helpful for this evaluation to be based on the siting criteria identified in DMF's Shellfish Planting Guidelines and the Army Corps of Engineers General Permit for Aquaculture.

Has the site been used for private shellfish propagation within the last two years (Y/N)? No

Has the site been used for municipal shellfish propagation within the last two years (Y/N)? No

1. Proposed aquaculture license sites with eelgrass present within the footprint or within 25 ft. of eelgrass will not be granted certification by DMF.

B. SPECIES TO BE CULTURED

What species of shellfish do you plan to cultivate? (Select all that apply)

- Eastern Oyster
- Quahog or Hard Clam
- Softshell Clam or Steamer
- Surf Clam
- Razor Clam
- Bay Scallop
- Blue Mussel
- Other _____

Do you propose on-bottom placement of cultch or spat on shell on the site (Y/N)? No



If yes, explain.

C. GEAR

What methods of culture will be used (specify by species if necessary)?

On- bottom Off- bottom submerged Off- bottom floating

Describe the type of gear to be utilized for each species to be cultured, include dimensions (Cages, Racks, Trays, Bags, Nets, Floating): ***Depending on the gear type used, the project may require additional permitting by the Massachusetts Department of Environmental Protection (MassDEP). Consult with your Harbormaster, and if needed, with the MassDEP Waterways Program.***
100' x14' Tenax netting held down with ½" rebar & rebar "U" hooks for Quahog racks with bags and aqua trays for oysters

*Include with your submission of this form a site map on a USGS 1:24,000 map with site boundaries clearly outlined and a cross-section schematic of the gear to be deployed on the site. 3

If you will utilize floating gear, what measures will you take to deter birds (bird deterrence plan required)?

- Spikes
- Zip ties
- Kites/streamers
- Faux predators
- Wire cage exclusion
- Sweeps/spinners
- Sonic deterrents
- Other

Please describe your bird deterrence plan:

What methods will you utilize to harvest shellfish? (Hand, Drag, Other) Please describe:
Hand rake and Bull rake

How will the proposed license site be marked? (Buoy color, Type, Lines, Anchor)
20 inch fluorescent yellow balls with grant number affixed with screw anchors

How will you access the license site?

By boat, truck and foot

What equipment do you plan on utilizing to maintain the license site and transport product?

Vehicle: Make: Chevrolet Model: Silverado

Boat: Make: Carolina Skiff Model: 24

Will any accessory structures be used on the license site? (barge, float, upweller, etc.)

No

Will this be a seasonal operation (gear and product removed from site in winter) or year-round?

year-round operation

Please include any additional information here:

All oyster racks and aqua trays will be removed for the winter

D. CUMULATIVE IMPACTS

After voting to grant the site license at a duly advertised public hearing (M.G.L. c.130 §60), the Select Board of the municipality must submit a request for site certification to the Division of Marine Fisheries (DMF). A site inspection that may include a site survey will be performed by DMF. If DMF determines that issuance of the site license and operational activities thereunder will have no substantial adverse impacts to natural resources and existing fisheries, DMF will issue a conditional certification letter to the municipality and include a summary table that identifies other existing and conditionally certified aquaculture sites, gear types, and acreage within the same embayment as the proposed site.

This table will be used to assess cumulative impacts if the project is subject to environmental review by the Massachusetts Environmental Policy Act (MEPA) Office and should be submitted as an attachment with your MEPA filing. If the project is subject to the MEPA Special Review Procedure (SRP), the applicant hereby acknowledges and agrees to following the procedures set forth in the SRP. The SRP can be viewed [here](#).

All information furnished on this application is true and accurate to the best of my knowledge. I will notify the Division Marine Fisheries Shellfish Sanitation and Management Program immediately of any changes.

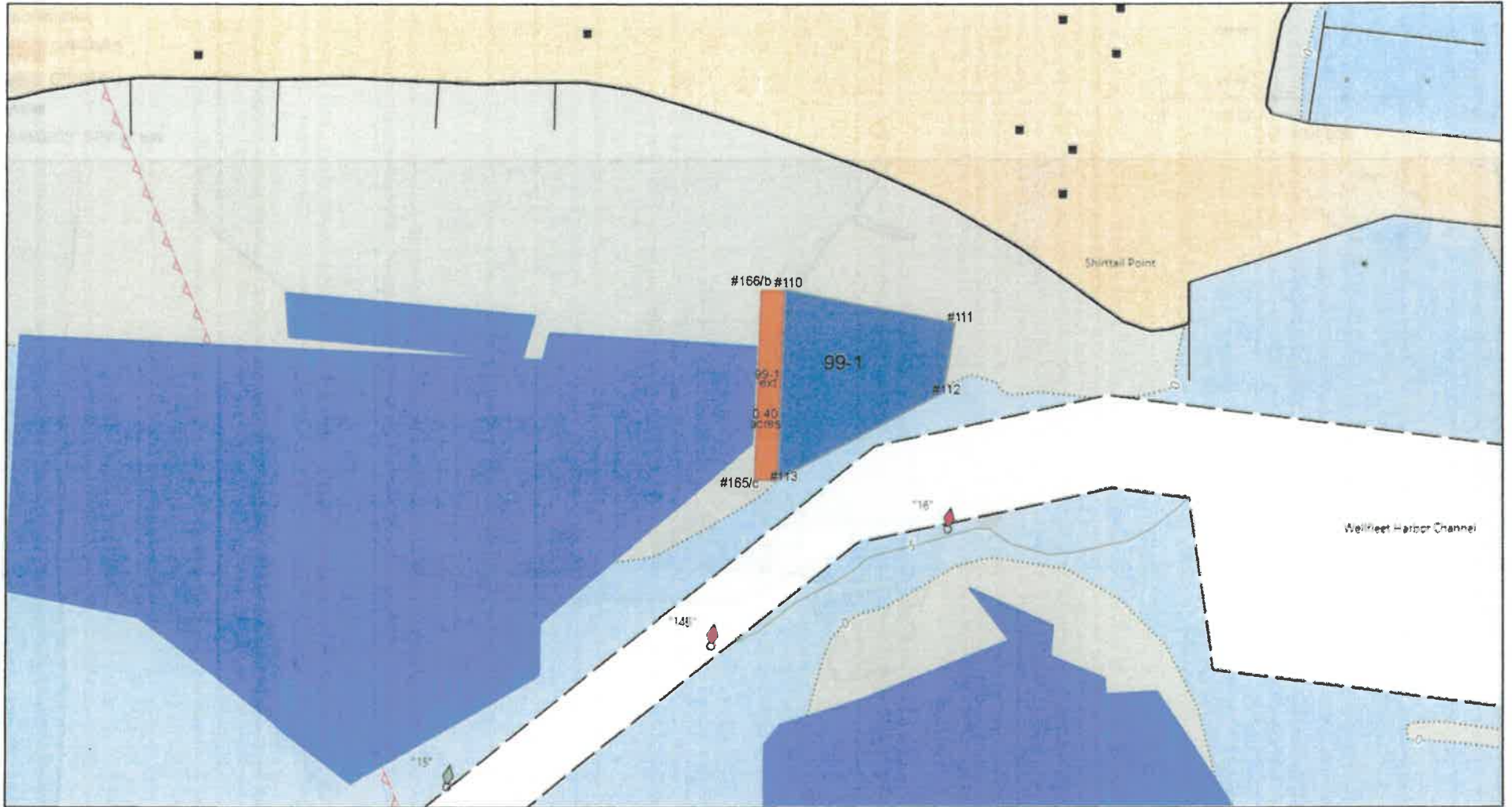
Signature of Applicant Robert Malloy Date 1-9-23
Mary Malloy 1/9/23
[Signature] 1/9/2023

Division of Marine Fisheries
ATTN: Aquaculture Coordinator
706 South Rodney French Boulevard
New Bedford, MA 02744
Phone: (508) 742-9766



*amended layout
and map*

Osowski/Mallory



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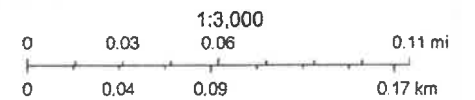
Areas

Override 1

Override 2

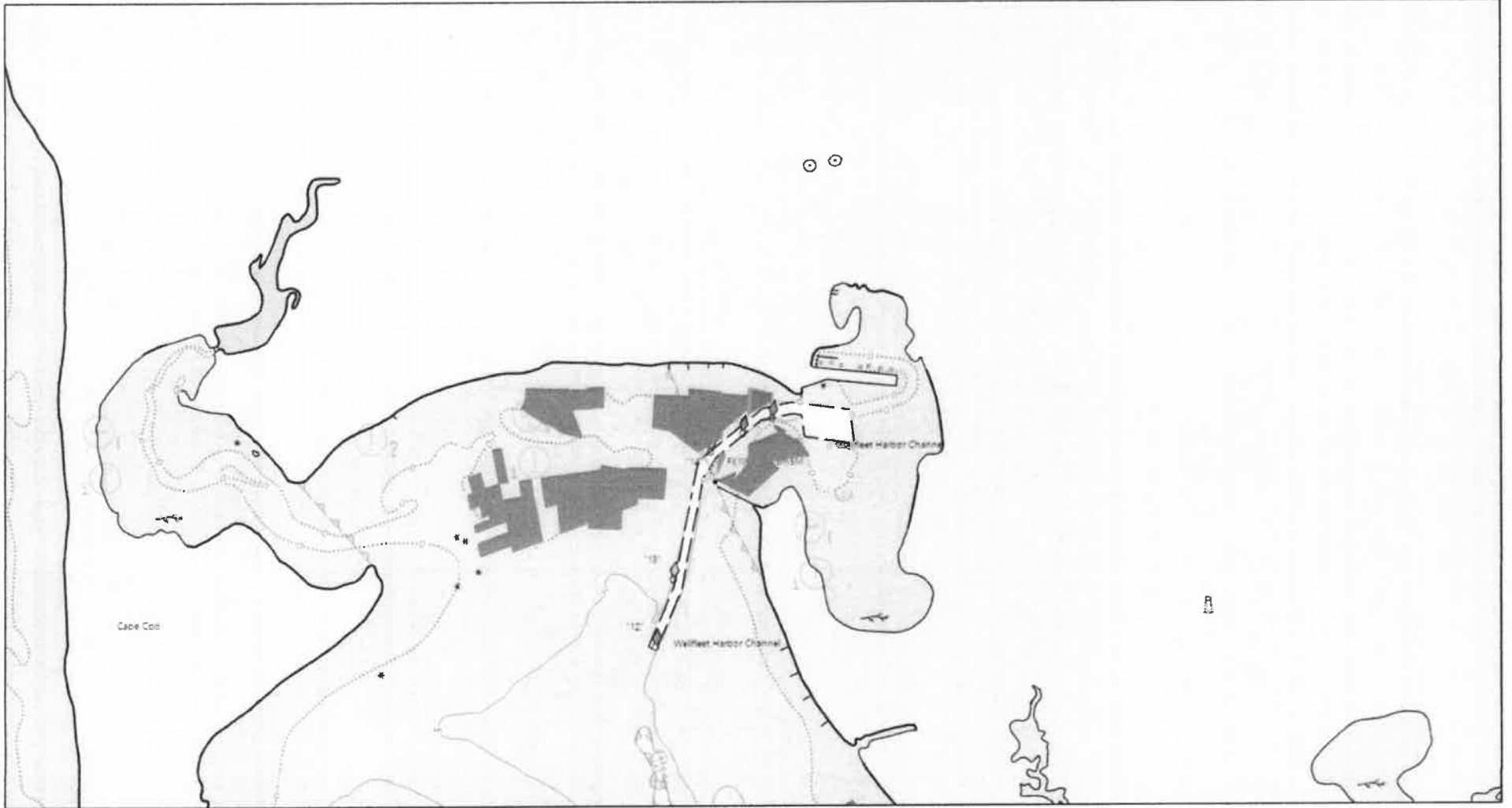
Aquaculture

Shellfish



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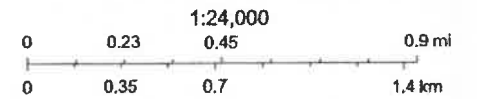
Osowski/Mallory



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Areas

-  Override 1
-  Override 2
- Aquaculture**
-  Shellfish



Maxar



SELECTBOARD

VI

AGENDA ACTION REQUEST
MEETING DATE: July 13, 2023

PUBLIC HEARINGS

~ L ~

| | |
|-------------------------|--|
| REQUESTED BY: | Shellfish Constable Nancy Civetta |
| DESIRED ACTION: | To approve grant extension request for grant #2000-2 on Egg Island for Stephen, Iris and Benjamin Pickard |
| PROPOSED MOTION: | I move to approve an extension to shellfish grant license # 2000-2 (to be called 2000-2 Ext.) on Egg Island for approximately 1.23 acres for Stephen Pickard, Iris Pickard and Benjamin Pickard |
| ACTION TAKEN: | Moved By: _____ Seconded By: _____ Condition(s): |
| VOTED: | Yea _____ Nay _____ Abstain _____ |



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

DATE: July 11, 2023
TO: Selectboard Members
FROM: Nancy Civetta, Shellfish Constable
RE: Stephen, Iris and Benjamin Pickard application for a grant extension

Dear Selectboard members,

I received an application on May 26, 2023, from Stephen Pickard, Iris Pickard and Benjamin Pickard requesting a shellfish grant license extension on Egg Island (to be called #2000-2 Ext), totaling approximately 1.23 acres. This is an extension that had previously been approved by the Selectboard on March 11, 2002. However, the paperwork was never completed, and the Mass. Division of Marine Fisheries said that they would have to begin again, which is what they are now doing.

With the current application, the Pickards have gone back to the original configuration of the extension approved in 2002 as opposed to the revised configuration that was presented to the Selectboard earlier this year due to feedback from the Harbormaster about its proximity to the channel. At this point, they feel they would like to try taking advantage of the depth of the grant to test some new techniques that could possibly mean less labor.

Stephen met independently with both the Harbormaster and me to explain why he had re-included the area by the channel. He said he believes that that deeper water area will be better for growth of quahog seed using trays due to the currents flushing food by and the fact that it rarely comes out of the water, which means that seed quahogs can feed continuously. He said he also would be trying to overwinter oysters in harvest bags to keep them accessible for sale yet secured below any potential for exposure to the elements or ice. Both the Harbormaster and I agreed that this seemed like a well thought-out use of the deep water area that would not present conflicts with boaters, kayakers, etc. because of the depth of the grant where the gear would be. Stephen indicated that they will put out more than the four corner buoys in order to accurately mark the channel.

All three applicants are current grant holders with propagation permits in good standing. I have compared annual grant reports for 2000-2 to our annual grant inspections and have determined that their current grant meets minimum productivity. Adding 1.23 acres to their current 1.5 acres doesn't put them over the seven-acre limit. Each of them has both state and town commercial shellfishing permits.

Quahog runs take up real estate for years, so I understand from a business perspective why they need to expand their operations. I recommend that you approve this grant extension. Attached is the complete application and maps.

Sincerely,

Nancy Civetta, Shellfish Constable

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



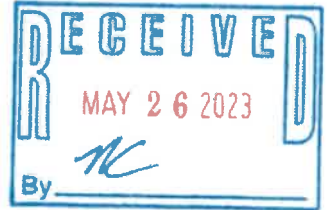
Fax (508) 349-0305

APPLICATION FOR SHELLFISH GRANT LICENSE

DATE: May 23, 2023

This request is being made under Chapter 130, Sections 57 & 59.

Name Stephen Pickard, Iris Pickard, & Benjamin Pickard
Address 25 Holbrook Ave/Box 622 Wellfleet, Ma 02667
Telephone 508-332-0422 (cell) 508-349-6417 (home)



Approximate location of proposed grant license area:
West of 2000-2 & 2000-3 west side of Egg Island
South of 2000-1 EXT.
North of 2000-3 EXT.

Desired size of proposed grant license area:
~1.23 Acres

GENERAL INFORMATION

Previous shellfishing experience:

Stephen Pickard
Grant holder for 22 years
Shellfish License holder
for 41 years

Iris Pickard
Grant holder for 6 years
Shellfish License holder
for 14 years
Bachelor of Science in
Marine Biology and
Aquaculture
Shellfish Hatchery Lab
Technician 5 Years

Benjamin Pickard
Grant holder for 6 years
Shellfish License holder
for 11 years
Bachelor of Arts in Marine
Biology and Aquaculture

How long have you had a shellfish permit (commercial/non-commercial)?
Stephen 41 years , Iris 14 years, Benjamin 11 years

How long have you lived in Wellfleet?
Domicile of Wellfleet for my whole life 55 years, 26 years, 23 years

Comments:
[Handwritten signatures of Stephen Pickard, Iris Pickard, and Benjamin Pickard]

Signature of Applicant

Shellfish Constable

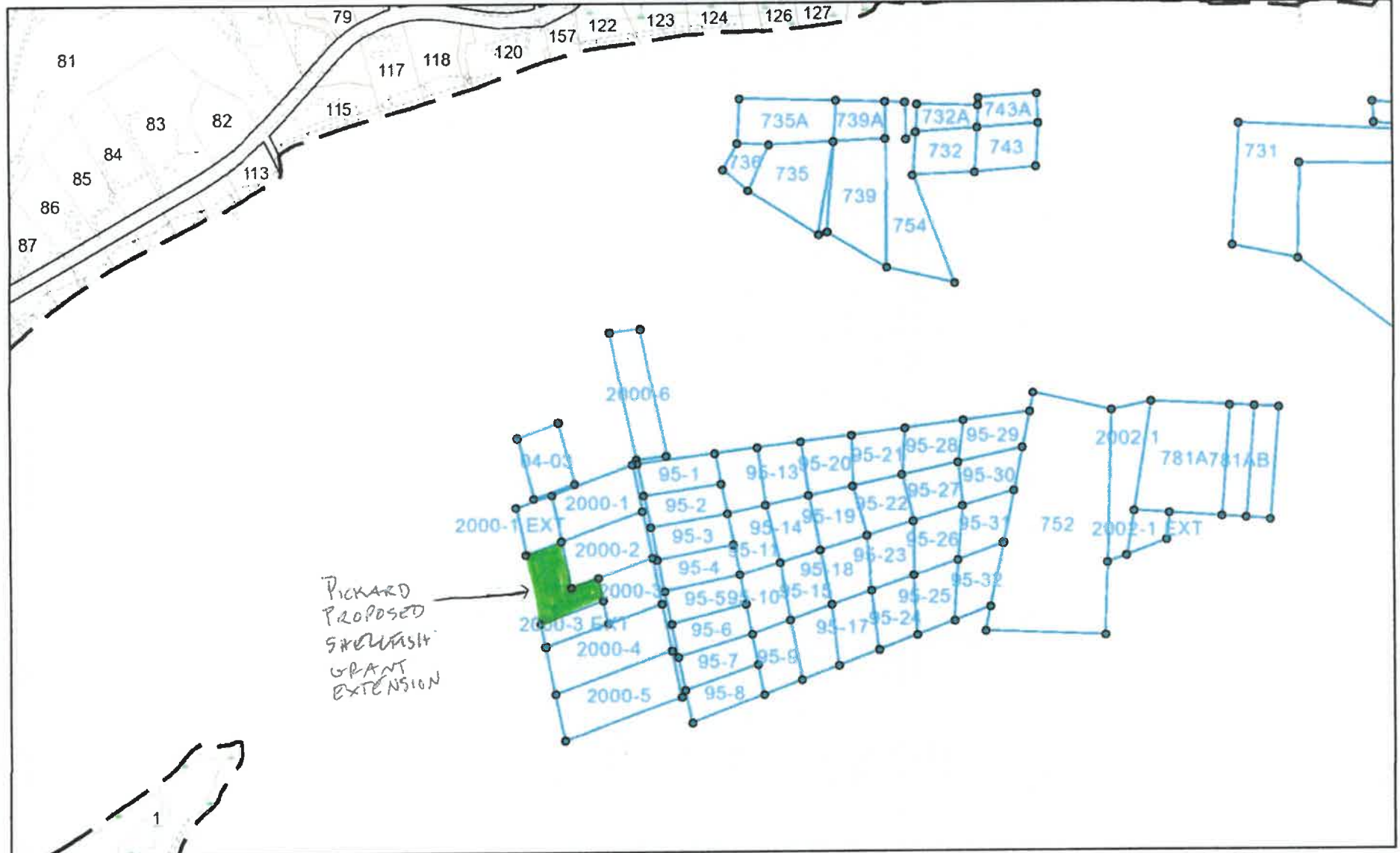


Wellfleet, MA

1 inch = 560 Feet

www.cai-tech.com

July 3, 2023



PICKARD
PROPOSED
SHOWBUSH
GRANT
EXTENSION

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

STEPHEN PICKARD, IRIS PICKARD, BENJAMIN PICKARD

TOWN OF WELFLEET SHELLFISH DEPARTMENT
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- Applicant has paid \$175 advertising fee for public hearing.
- Applicant is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.
- Applicant is 18 years of age or older.
- Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.
- All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.
- At this time, there are no more than three lease holders named to the lease.

N/A

If applicant is applying for a lease on private property, permission from the owner has been obtained.

The applicant has held and been documented by the Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for this license. Applicant shall submit copies of state-filed catch reports, OR,

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This shall be supported by a letter from a license holder who employed the applicant describing the type of work performed and any other information which might be relevant.

N/A
current grant holders

The applicant shall present a detailed five-year business plan for how s/he intends to use the grant, including shellfish species, amounts and sizes, and gear to be used, access routes and any other information relevant to proposed operations.

For any proposed new grants or extensions, approximate coordinates and a map should be reviewed by the Shellfish Constable, including a site visit, and provided in the documentation for the Selectboard.

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The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with [MGL Ch. 130](#) and [CMR 322](#), as well as the most recent [SEMAC Best](#)

[Management Practices](#), [DMF's vibrio control plan](#), [National Shellfish Sanitation Program's Guide](#) and [DPH's Regulations for Fish and Fishery Products](#), as they apply to the harvest of shellfish governing his/her business operations.

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At such time as a licensee ceases to be a domiciled resident of the Town that individual shall be removed from the license. The status of all other licensees will not change. If that licensee is the sole licensee then the license shall be revoked.

To: Wellfleet Selectboard

From: Stephen Pickard, Iris Pickard & Benjamin Pickard

Date: May 23, 2023

I, Stephen Pickard, Iris Pickard and Benjamin Pickard, Agree to comply with the Town of Wellfleet's Shellfishing Policy and Regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation, harvest and sales.

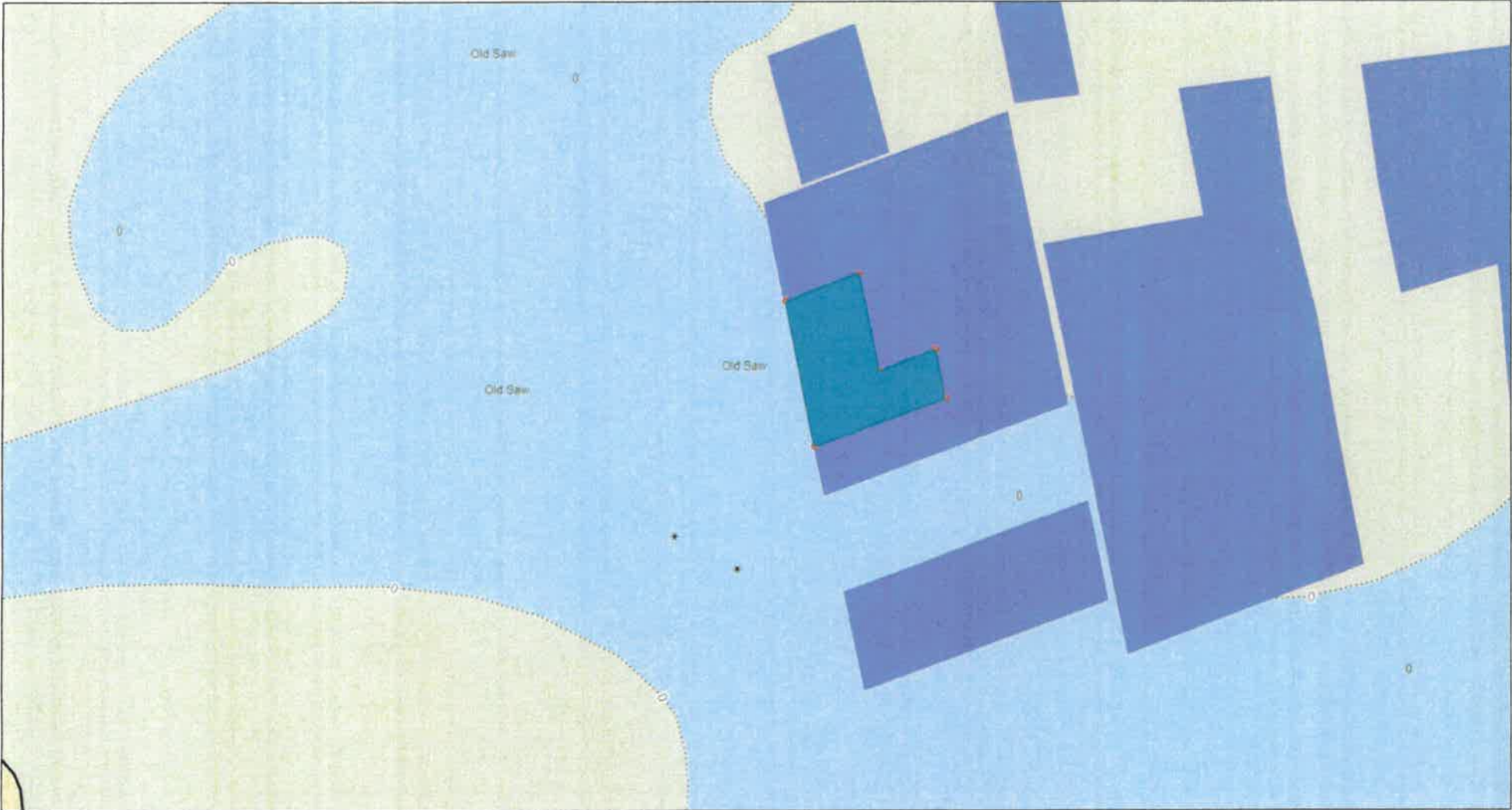
Sincerely,


Stephen Pickard


Iris Pickard


Benjamin Pickard

Stephen Pickard

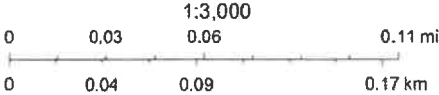


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- Override 1
- points with marker number

Aquaculture

- Shellfish



Maxar, Microsoft

AQUACULTURE DESCRIPTION FORM

Clear Fields

Name: Last Pickard First Stephen, Iris & Benjamin M.I. _____

Business Name (optional): _____

Mailing Address Box 622

City/Town Wellfleet State MA ZipCode 02667

Telephone 5083496417 Cell Phone 5083320422

E-Mail Address uptowngirlpt@comcast.net

A. SITE DESCRIPTION

Location of proposed aquaculture license site(s) and access routes (Include a site map in USGS 1:24,000 or 1:25,000 format with site boundaries clearly outlined and both current and historic Massachusetts Department of Environmental Protection (MassDEP) mapped eelgrass layers depicted on the map. The MA-ShellFAST tool may be used for generating the map and measuring distances/acreage).

City/Town: Wellfleet

Shellfish Growing Area (SGA): CCB 11

of Acres: 1.23

Site boundaries defined by latitude and longitude in decimal degrees (i.e. 42.36115°, -71.057083°):
41.92451 -70.04878 41.924 -70.04864 41.92411 -70.04824 41.92386-70.04816
41.92361 -70.04909 41.92437 -70.0493

Have you conducted a survey of the site (Y/N)? Yes Date? 11/22/2022

Method of Survey:
Walk with shellfish constable and harbor master

Average Depth at Mean Low Tide (MLW): 1 ft

Mean High Tide (MHW): 11 ft

The site is located in an: intertidal area; subtidal area; spans both intertidal and subtidal areas.

What type of sediment or bottom substrate is on the site? (Benthic Habitat Conditions):
sand

Is eelgrass currently present on or within twenty-five (25) ft. of the proposed site¹ (Y/N)? No

If eelgrass is present or currently/historically mapped by DEP within the shellfish growing area, what is the shortest distance to actual or mapped eelgrass from the proposed site? N/A _____ ft.

Are there shellfish currently on the site (Y/N)? No

If yes what species and approximate densities?

Is the proposed grant site located within an Area of Critical Environmental Concern (ACEC) (Y/N)?

~~No~~ YES

Is the proposed grant site located within Natural Heritage Endangered Species Project (NHESP) mapped habitat (Y/N)? *If yes, you must submit a MESA Project Review Checklist to NHESP.*

~~No~~ YES

Is the proposed grant site located within an Outstanding Resource Waters (Y/N)? No

Is there an Environmental Justice (EJ) population located within 1-mile of the project site (Y/N)?

NO

If so, please complete the attached supplement to this form for projects located within 1-mile of EJ populations.

Describe whether alternative locations were considered and identify the siting criteria used to select this site and the characteristics of the site that make it suitable for aquaculture use. It may be helpful for this evaluation to be based on the siting criteria identified in DMF's Shellfish Planting Guidelines and the Army Corps of Engineers General Permit for Aquaculture.

Has the site been used for private shellfish propagation within the last two years (Y/N)? No

Has the site been used for municipal shellfish propagation within the last two years (Y/N)? No

1. Proposed aquaculture license sites with eelgrass present within the footprint or within 25 ft. of eelgrass will not be granted certification by DMF.

B. SPECIES TO BE CULTURED

What species of shellfish do you plan to cultivate? (Select all that apply)

- Eastern Oyster
- Quahog or Hard Clam
- Softshell Clam or Steamer
- Surf Clam
- Razor Clam
- Bay Scallop
- Blue Mussel
- Other _____

Do you propose on-bottom placement of cultch or spat on shell on the site (Y/N)? *No*

If yes, explain.

C. GEAR

What methods of culture will be used (specify by species if necessary)?

On- bottom Off- bottom submerged Off- bottom floating

Describe the type of gear to be utilized for each species to be cultured, include dimensions (Cages, Racks, Trays, Bags, Nets, Floating): ***Depending on the gear type used, the project may require additional permitting by the Massachusetts Department of Environmental Protection (MassDEP). Consult with your Harbormaster, and if needed, with the MassDEP Waterways Program.***

100' x14' Tenax netting held down with ½' ' rebar & rebar "U" hooks for Quahog racks and bags for oysters

*Include with your submission of this form a site map on a USGS 1:24,000 map with site boundaries clearly outlined and a cross-section schematic of the gear to be deployed on the site. 3

If you will utilize floating gear, what measures will you take to deter birds (bird deterrence plan required)?

- Spikes
- Zip ties
- Kites/streamers
- Faux predators
- Wire cage exclusion
- Sweeps/spinners
- Sonic deterrents
- Other

Please describe your bird deterrence plan:

What methods will you utilize to harvest shellfish? (Hand, Drag, Other) Please describe:
Hand rake and Bull rake

How will the proposed license site be marked? (Buoy color, Type, Lines, Anchor)
20 inch fluorescent yellow balls with grant number affixed with screw anchors

How will you access the license site?

By boat, truck and foot

What equipment do you plan on utilizing to maintain the license site and transport product?

Vehicle: Make: Chevrolet Model: Silverado

Boat: Make: Carolina Skiff Model: 24

Will any accessory structures be used on the license site? (barge, float, upweller, etc.)

No

Will this be a seasonal operation (gear and product removed from site in winter) or year-round?

year-round operatio *All oyster gear will be removed in winter.*

Please include any additional information here:

D. CUMULATIVE IMPACTS

After voting to grant the site license at a duly advertised public hearing (M.G.L. c.130 §60), the Select Board of the municipality must submit a request for site certification to the Division of Marine Fisheries (DMF). A site inspection that may include a site survey will be performed by DMF. If DMF determines that issuance of the site license and operational activities thereunder will have no substantial adverse impacts to natural resources and existing fisheries, DMF will issue a conditional certification letter to the municipality and include a summary table that identifies other existing and conditionally certified aquaculture sites, gear types, and acreage within the same embayment as the proposed site.

This table will be used to assess cumulative impacts if the project is subject to environmental review by the Massachusetts Environmental Policy Act (MEPA) Office and should be submitted as an attachment with your MEPA filing. If the project is subject to the MEPA Special Review Procedure (SRP), the applicant hereby acknowledges and agrees to following the procedures set forth in the SRP. The SRP can be viewed [here](#).

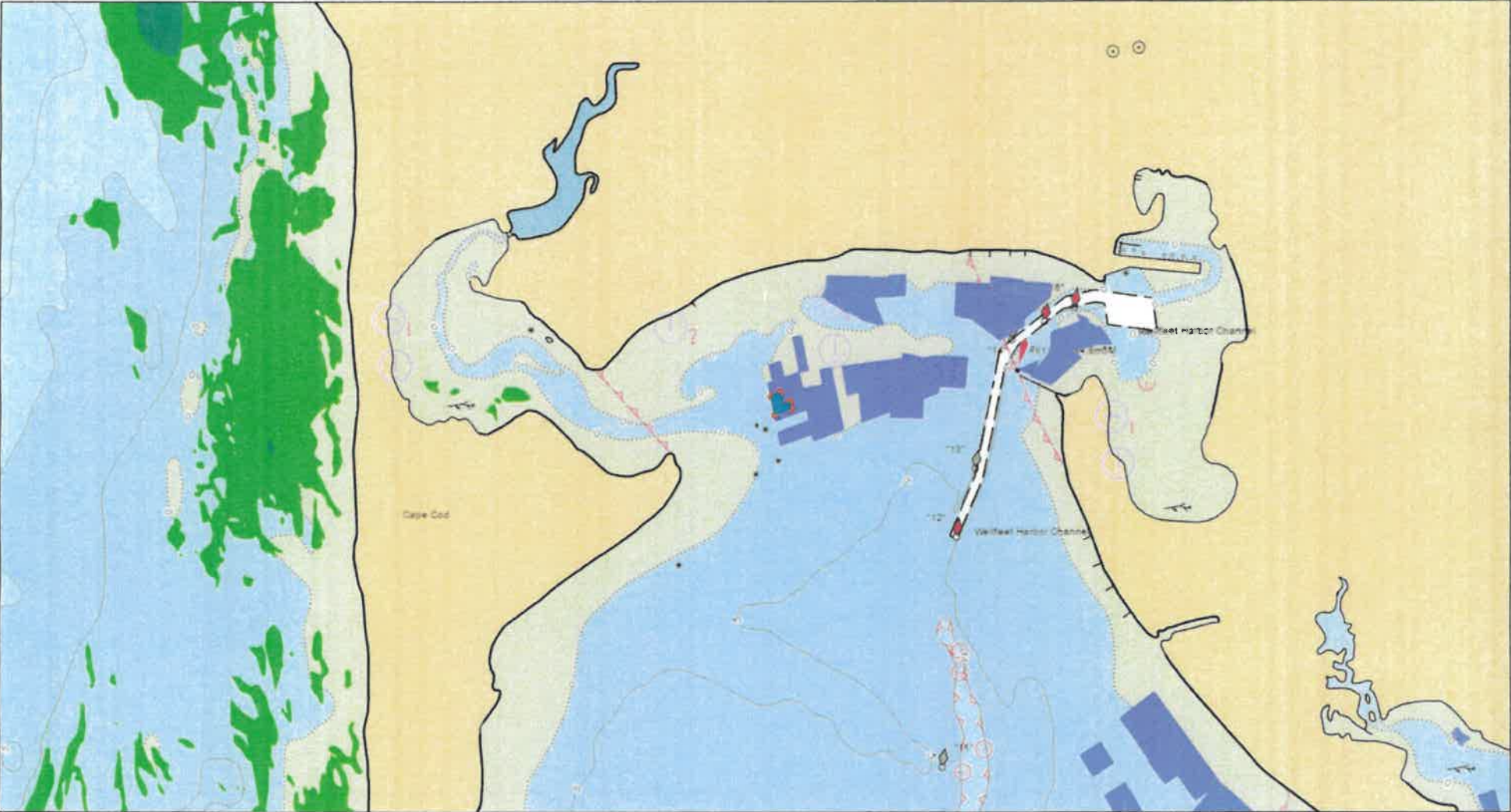
All information furnished on this application is true and accurate to the best of my knowledge. I will notify the Division Marine Fisheries Shellfish Sanitation and Management Program immediately of any changes.

Signature of Applicant  Date 5/23/2023



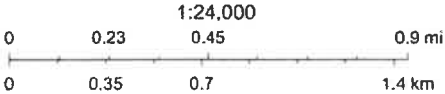
Division of Marine Fisheries
ATTN: Aquaculture Coordinator
706 South Rodney French Boulevard
New Bedford, MA 02744
Phone: (508) 742-9766

Stephen Pickard



11/20/2022, 3:04:36 PM

- Override 1
- Eelgrass Beds - Current
- points with marker number
- Eelgrass Beds - Historic
- Aquaculture
- Shellfish



Maxar