



Wellfleet Selectboard

Note: Start Time of 7pm

The Wellfleet Selectboard will hold a public meeting on **Tuesday, April 18, 2023, at 7:00 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=blplVFFBZzViO0xNWkZKMm9iMVdrdz09>

By Phone: **phone +1929 205 6099** and enter **Meeting ID: 856 8960 4806** **IPasscode: 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 the outside of 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. *Consent Agenda*

- A. 36th Annual Swim for Life~ Provincetown Community Comp, ~ Great Pond, September 9, 2023; 8am-1 lam.
- B. Appointment to the Recycling Committee as an alternate ~ Carol Magenau

III. *Public Hearings*

- A. [Deleting Section 7.22 Hydraulic Harvesting of Shellfish from Grant Areas](#) from the Town of Wellfleet Shellfishing Policy and Regulations

- B. Assignment of shellfish grant license # 95-16 consisting of approximately 0.92 acres on Egg Island to the Dec. 20, 2022, lottery winner Ross Scherma (Wellfleet, MA).
- C. Application received on 2/21/2023 from Russ Apgar (Wellfleet, MA) for the renewal of shellfish grant license #s 95-27/28 consisting of approximately two acres on Egg Island for ten years and 28 days beginning April 2, 2023, and expiring April 30, 2033.
- D. Application received on 3/31/2023 from Edwin C., Jr. (Wellfleet, MA) and Lisbeth Berrio (Wellfleet, MA) and Jeffrey Pickard (Wellfleet, MA) for the renewal of shellfish grant license #s 95-11/12 consisting of approximately two acres on Egg Island for nine years, seven months, and three days, beginning September 27, 2023, and expiring April 30, 2033.
- E. Application received on 3/28/2023 from Jacob Dalby (Wellfleet, MA) and Justin Dalby (Wellfleet, MA) for the renewal of shellfish grant license #s 95-31/32 consisting of approximately two acres on Egg Island for 10 years, one month, and 29 days beginning March 1, 2023, and expiring April 30, 2033.
- F. Application received on 4/3/2023 from Andy Jacob (Wellfleet, MA) for the renewal of shellfish grant license # 16-01 consisting of 0.78 acres on Old Wharf Point for ten years, one month, and six days beginning March 24, 2023, and expiring April 30, 2033.
- G. Application received on 4/3/2023 for the transfer of grant license # 16-01 consisting of 0.78 acres on Old Wharf Point from Andy Jacob (Wellfleet, MA) to Andy Jacob and James Kearing (Wellfleet, MA).
- H. Application received on 3/29/2023 from Nate Johnson (Wellfleet, MA) and Rodney Avery (Wellfleet, MA) for the renewal of shellfish grant license #05-01 consisting of 0.99 acres in Loagy Bay for nine years, seven months, and three days, beginning September 27, 2023, and expiring April 30, 2033.
- I. Application received on 3/28/2023 from Robert Olson (Wellfleet, MA) and Barbara Olson (Wellfleet, MA) for the renewal of shellfish grant license #s 95-1/2/3/4 consisting of approximately four acres on Egg Island for ten years, one month, and 29 days beginning March 1, 2023, and expiring April 30, 2033.
- J. Application received on 4/4/2023 from Michael Seiser (Wellfleet, MA) and Will Barrio (Wellfleet, MA) for the renewal of shellfish grant license #s 95-17/18 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.
- K. Application received on 4/4/2023 for the transfer of shellfish grant license #s 95-17/18 consisting of approximately two acres on Egg Island from Michael Seiser (Wellfleet, MA) and Will Barrio (Wellfleet, MA) to Michael Seiser, Will Barrio and Krista Lee (Wellfleet, MA).
- L. Application received on 3/23/2023 for the transfer of shellfish grant license #s 771 and 771 Ext, consisting of 1.99 and 0.51 acres respectively, on Old Wharf Point from Berta Bruinooge (Wellfleet, MA) and Evan Bruinooge (Wellfleet, MA) to Evan Bruinooge and Casey Semple (Wellfleet, MA).
- M. Application received on 4/4/2023 for the transfer of shellfish grant license # 2008-02 consisting of 1.5 acres on Field Point from Clinton Austin (Wellfleet, MA) to Clinton Austin and Kaitlyn Sarazin (Wellfleet, MA).

- N. **CONTINUED FROM 3/21/2023** ~ Application received 1/18/2023 for the transfer of shellfish grant license #s 855, 855-B and 855-C totaling approximately 3.6 acres on Field Point from Michael DeVasto (Wellfleet, MA) and Michael Ramsdell (Wellfleet, MA) to Northern Collective, Inc. (Wellfleet, MA).
- O. **CONTINUED FROM 3/21/2023** ~ Application received 1/10/2023 for a grant extension (to be numbered #99-1 Ext) to shellfish grant license #99-1 consisting of approximately .43 acres on Mayo Beach from Angela Osowski (Wellfleet, MA), Robert Mallory (Wellfleet, MA) and Mary Mallory (Wellfleet, MA).
- P. **Moratorium on Aquaculture Licenses ~ Section 7.7 (Transfers)**

IV. ***Business***

- A. Town Administrator Performance Review ~ Selectboard.

V. ***Selectboard Reports***

VI. ***Town Administrator's Report***

VII. ***Topics for Future Discussion***

VIII. ***Vacancy Reports***

IX. ***Minutes***

- A. April 4, 2023

X. ***Adjournment***



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023

I

ANNOUNCEMENTS, OPEN SESSION, AND PUBLIC COMMENTS

REQUESTED BY:	Wellfleet Selectboard
DESIRED ACTION:	Announcements to the board and public
PROPOSED MOTION: SUMMARY:	<i>NOTE: 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: April 18, 2023

II

CONSENT AGENDA

REQUESTED BY:	Various Parties
DESIRED ACTION:	To approve the following without objection
SUMMARY:	I move to approve the following items with no objection: <ul style="list-style-type: none">• Annual Swim for Life ~ Provincetown Community Comp. ~ Great Pond, September 9, 2023; 8am – 11am• Appointment of Carol Magenau as an alternate member to the Recycling Committee

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELLFLEET
300 MAIN STREET
WELLFLEET, MA 02667

Applicant Provincetown Community Comp

Affiliation or Group 36th Swim for Life

Telephone Number 774 840-0458

Mailing Address P.O. Box 819, Ptown, MA 02657

Email address jay@thecomcompact.org

Town Property to be used (include specific area) Great Pond

Date(s) and hours of use: September 9, 2023; 8:00-11:00 am

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also, please indicate if fees will be charged by applicant.
A benefit for AIDS, women's health & the community. This is our 5th year in Wellfleet and we will limit the number of swimmers to 50. Additional parking will be available at the Council on Aging. There will be no sales. Swimmers collect pledges ahead of the event, mostly online. We are grateful for the use of this magnificent pond. The Cape community thanks you.

Describe any Town services requested (police details, DPW assistance, etc.)
NA

NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:
Approved as submitted.
Approved with the following condition(s):
Disapproved for following reason(s):

Date: Processing Fee: \$50.00 pd ✓ check
Fee: 010686

APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS

Health/Conservation Agent: Comments/Conditions: Permits/Inspections needed:	Inspector of Buildings: Comments/Conditions: Permits/Inspections needed:
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Police Department: Comments/Conditions:	Fire Department: Comments/Conditions:
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DPW: Comments/Conditions	Community Services Director: Comments/Conditions:
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Harbormaster: Comments/Conditions	Shellfish: Comments/Conditions
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Recreation: Comments/Conditions	Town Administrator: Comments/Conditions
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**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 Carol (Mary Caroline) Magenan Date 4-4-23

Mailing Address PO Box 277, South Wellfleet
MA 02663

Phone (Home) 508-349-6697 (cell) 508-237-8750

E-mail carol.magenan@gmail.com

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: I serve on the Energy + Climate Action
Committee + have been attending Recycling Ctte meetings
on its behalf.

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

I have an undergrad degree from Radcliffe/Harvard and
Masters in Library Science (Simmons) and Business Admin.
(Univ. of CT) I'm retired from a career as an academic
librarian.

Committees/Boards of Interest: 1) Recycling Committee as Alternate
2) _____
3) _____

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 Selectboard will hold a hybrid public hearing on April 18, 2023, at 7:00 p.m. to consider the following:

- 1) Deleting Section 7.22 Hydraulic Harvesting of Shellfish from Grant Areas from the Town of Wellfleet Shellfishing Policy and Regulations
- 2) Assignment of shellfish grant license # 95-16 consisting of approximately 0.92 acres on Egg Island to the Dec. 20, 2022 lottery winner Ross Scherma (Wellfleet, MA).
- 3) Application received on 2/21/2023 from Russ Apgar (Wellfleet, MA) for the renewal of shellfish grant license #s 95-27/28 consisting of approximately two acres on Egg Island for ten years and 28 days beginning April 2, 2023, and expiring April 30, 2033.
- 4) Application received on 3/31/2023 from Edwin C., Jr. (Wellfleet, MA) and Lisbeth Berrio (Wellfleet, MA) and Jeffrey Pickard (Wellfleet, MA) for the renewal of shellfish grant license #s 95-11/12 consisting of approximately two acres on Egg Island for nine years, seven months, and three days, beginning September 27, 2023, and expiring April 30, 2033.
- 5) Application received on 3/28/2023 from Jacob Dalby (Wellfleet, MA) and Justin Dalby (Wellfleet, MA) for the renewal of shellfish grant license #s 95-31/32 consisting of approximately two acres on Egg Island for 10 years, one month, and 29 days beginning March 1, 2023, and expiring April 30, 2033.
- 6) Application received on 4/3/2023 from Andy Jacob (Wellfleet, MA) for the renewal of shellfish grant license # 16-01 consisting of 0.78 acres on Old Wharf Point for ten years, one month, and six days beginning March 24, 2023, and expiring April 30, 2033.
- 7) Application received on 4/3/2023 for the transfer of grant license # 16-01 consisting of 0.78 acres on Old Wharf Point from Andy Jacob (Wellfleet, MA) to Andy Jacob and James Kearing (Wellfleet, MA).
- 8) Application received on 3/29/2023 from Nate Johnson (Wellfleet, MA) and Rodney Avery (Wellfleet, MA) for the renewal of shellfish grant license #05-01 consisting of 0.99 acres in Loagy Bay for nine years, seven months, and three days, beginning September 27, 2023 and expiring April 30, 2033.
- 9) Application received on 3/28/2023 from Robert Olson (Wellfleet, MA) and Barbara Olson (Wellfleet, MA) for the renewal of shellfish grant license #s 95-1/2/3/4 consisting of approximately four acres on Egg Island for ten years, one month, and 29 days beginning March 1, 2023, and expiring April 30, 2033.
- 10) Application received on 4/4/2023 from Michael Seiser (Wellfleet, MA) and Will Barrio (Wellfleet, MA) for the renewal of shellfish grant license #s 95-17/18 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.
- 11) Application received on 4/4/2023 for the transfer of shellfish grant license #s 95-17/18 consisting of approximately two acres on Egg Island from Michael Seiser (Wellfleet, MA) and Will Barrio (Wellfleet, MA) to Michael Seiser, Will Barrio and Krista Lee (Wellfleet, MA).
- 12) Application received on 3/23/2023 for the transfer of shellfish grant license #s 771 and 771 Ext, consisting of 1.99 and 0.51 acres respectively, on Old Wharf Point from Berta Bruinooge (Wellfleet, MA) and Evan Bruinooge (Wellfleet, MA) to Evan Bruinooge and Casey Semple (Wellfleet, MA).

13) Application received on 4/4/2023 for the transfer of shellfish grant license # 2008-02 consisting of 1.5 acres on Field Point from Clinton Austin (Wellfleet, MA) to Clinton Austin and Kaitlyn Sarazin (Wellfleet, MA).

In addition, the following continued public hearings will also be re-considered by the Selectboard:

CONTINUED FROM 3/21/2023 ~ Application received 1/18/2023 for the transfer of shellfish grant license #s 855, 855-B and 855-C totaling approximately 3.6 acres on Field Point from Michael DeVasto (Wellfleet, MA) and Michael Ramsdell (Wellfleet, MA) to Northern Collective, Inc. (Wellfleet, MA).

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

Recommendation of the Shellfish Constable will be available in the April 18, 2023, Selectboard's packet.

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

Join Zoom Meeting

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

Meeting ID: 856 8960 4806 ~ Passcode: 611877 ~Dial by your location; +1 929 205 6099 US (New York)

WELLFLEET SELECTBOARD



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023



PUBLIC HEARINGS

~ A ~

REQUESTED BY:	Shellfish Advisory Board
DESIRED ACTION:	To remove section 7.22 <u>Hydraulic Harvesting of Shellfish from Grant Areas</u> from the Town of Wellfleet Shellfishing Policy and Regulations.
PROPOSED MOTION: SUMMARY:	I move to remove section 7.22 <u>Hydraulic Harvesting of Shellfish from Grant Areas</u> from the Town of Wellfleet Shellfishing Policy and Regulations.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

MEMORANDUM

DATE: April 11, 2023
TO: Town of Wellfleet Selectboard Members
RE: deletion of 7.22 Hydraulic Harvesting of Shellfish from Grant Areas from the Town of Wellfleet Shellfishing Policy and Regulations

Dear Selectboard members:

As the Shellfish Advisory Board and the Shellfish Department worked to provide forms for shellfishermen to bring appeal requests for public hearings to the Selectboard, we discovered that Section 7.22 Hydraulic Harvesting of Shellfish from Grant Areas did not outline the requirement per Mass. General Law for a public hearing as with all grant-related items.

As we reviewed this with the Selectboard at a public hearing on December 6, 2022, a couple of shellfishermen voiced their concerns that this type of activity on grants should not be allowed since we do not allow any other type of hydraulic harvesting in Wellfleet Harbor.

The Selectboard asked the Shellfish Advisory Board to review this, which they did at two meetings on December 19 and February 13. The final vote was 5-0-2 to delete this section from the regulations. See attached minutes and email.

Thank you,

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

Nancy Civetta
Shellfish Constable



Shellfish Advisory Board Meeting Minutes
February 13, 2023 6:00 PM
Hybrid Meeting – Senior Center and Zoom

Attendees: Rebecca Taylor, Tom Siggia, John Duane, Ethan Estey, Karen Johnson,
Stephen Pickard, Nick Sirucek, Adrien Kmiec
Absent: Damian Parkington

Others: Alfred Pickard, Ben Pickard, Christopher Manulla, Deborah Burstein, Curt Felix,
Deborah Mattingly, Dwight Estey, Toby

Meeting came to order at 6:06 PM

Announcements, Open Session & Public Comments

T. Siggia discussed the Conservation meeting on Wednesday February 15. Beach re-nourishment is on agenda.

Review and approve meeting minutes – January 30, 2023

E. Estey made motion to approve minutes with one correction. J. Duane 2nd, all in favor 7-0.

Update on Dredging Shellfish and Mitigation (Herring River) – Curt Felix

C. Felix reviewed the latest update with the Army Core on mitigation. If decision is restoration, then we would decide the 14 acres, if enhancement, then we are looking at 28 acres to mitigate. If we allow commercial use of bottom, then Army Core could ask for my acres. The Northeast and Southwest areas of the Herring River were discussed. The actions that were discussed were conditionally approved.

Delete 7.22 Hydraulic Harvesting – Discuss regulations

The Selectboard asked the SAB to determine if the above regulations should change. After long discussion with board and Shellfish community, S. Pickard made motion to prohibit Hydraulic Harvesting in Wellfleet Harbor, E. Estey 2nd, vote was 5-0-2. Motion passed. Becca and Nick abstained. Note sent to BOS on 02/14/2023

Egg Island 7.4 regulation – Discuss Boundaries

Discussion was focused on Egg Island boundary points. A couple of maps were reviewed. The board recommends Egg Island be its own area (5) for the present grants and wild area. Simplify boundary wording. Area should be surveyed by town to ensure Grant renewals are not delayed. Next meeting will focus entirely on this topic.

Future topics: Egg Island – Rewrite regulations per Selectboard

Next meeting will be March 9th at 7PM at COA. T.Siggia will reach out to town to determine if basement meeting room at town hall is available for meeting. At 8:01PM, E. Estey made motion to close meeting, R.Taylor 2nd, all in favor 7-0.

Nancy Civetta

From: Thomas Siggia <tjsiggia@gmail.com>
Sent: Tuesday, February 14, 2023 7:36 AM
To: Board of Selectmen
Cc: Rebekah Eldridge; Nancy Civetta; Stephen Pickard; Rebecca Taylor; John Duane; Nick Sirucek; Karen Johnson; Ethan Estey; Damian Parkington; Adrien Kmiec
Subject: SAB February 13 meeting - Hydraulic Harvesting 7.22

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.

Ryan, the SAB recommends prohibiting Hydraulic Harvesting in the Wellfleet Harbor, After a long discussion from board and shellfish community.

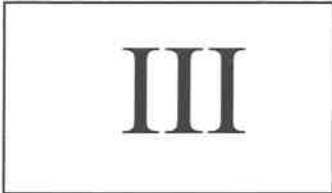
Thanks

Sent from my iPad



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023



PUBLIC HEARINGS

~ B ~

REQUESTED BY:	Shellfish Constable ~ Nancy Civetta
DESIRED ACTION:	To assign grant license #95-16 consisting of 0.92 acres on Egg Island to Ross Scherma
PROPOSED MOTION:	I move to approve the application from Ros Scherma for shellfish grant license #95-16 consisting of 0.92 acres on Egg Island, which he was selected for in a lottery for on December 20, 2022.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

MEMORANDUM

DATE: April 11, 2023
TO: Town of Wellfleet Selectboard Members
RE: Assignment of shellfish grant license #95-16 to Ross Scherma

Dear Selectboard members:

On December 20, 2022, Ross Scherma was selected in the lottery for shellfish grant license #95-16. When I spoke to the Aquaculture Specialist Chrissy Petitpas from the Mass. Division of Marine Fisheries, she informed me that the Town would need to advertise the assignment of this grant to the respective person it was awarded to in the lottery.

Then, we ran into the description of where grants could be located on Egg Island in our regulations, and since grant #95-16 is located within 300 feet of the no drag line, it was not compliant with the regulation as it was written. Ross agreed to withdraw his application until the regulation was re-written. You approved the revised description offered by Chair Ryan Curley at your public hearing on April 4, 2023.

So now, as part of the administrative procedure, I would ask you to please approve Ross Scherma's assignment to grant #95-16. As this is a grant that was previously certified and permitted as part of the development of Egg Island, he should be able to be up and running in time for this year's growing season.

Thank you,

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

Nancy Civetta
Shellfish Constable

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305

RWD 12 2-2022

APPLICATION FOR SHELLFISH GRANT LICENSE #95-16

DATE: 11/29/22

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 Ross Scherma

Address 120 Goss Ln. So. Wellfleet

Telephone 608 " " Cell Phone (508) 468 6969

Email rossscherma@gmail.com

GENERAL INFORMATION

Previous shellfishing experience: James O'Connell 2019-2021/^{full}2022^{part}
Andrew Cummings 2021-22 Full
Paine Hollow (Bud Paine) 2020-2022 Full
Pocomo Meadow Oyster Farm (Nantucket) Sept. 2022

How long have you had a commercial shellfish permit? (list years)

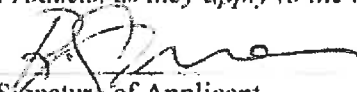
2021
2022

How long have you lived in Wellfleet?

4 years

Additional comments: I have worked in a variety of settings in the aquaculture space paired with my experience in the wild oyster & clam fishery.

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


Shellfish Constable

12.9.2022

GRANT EXPERIENCE

11/28/2022
Wellfleet Shellfish Office
Application for Egg Island Grant
(#95-15 & #95-16)

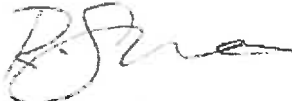
To Whom It May Concern,

I have been working in aquaculture since arriving in Wellfleet in 2019. I have invested a lot of time in resource's in learning the business. Having worked with two top growers in town I have a unique perspective on different methodologies, infrastructure and science behind the animals and environment. I am confident that I will be able to sustain a profitable and cohesive farm in town.

I felt the need to express my long-term desire to shellfish farm as a full-time trade and grow my business here in town. I would like to formally express my interest in BOTH acres up for lottery in an effort to procure a larger space that will enable me to grow. In the event that there are not enough potential candidates &/or said candidates are not yet qualified, I would like the opportunity to potentially be considered for both acres.

That being said, I appreciate your consideration.

Best,
Ross Scherma



Additional References:

Jim O'Connell – Indian Neck- (508)237-8026
Andrew Cummings—Mayo – (617)733-1729
Bud Paine—Paine Hollow—(508)843-8597
Tom Siggia—SAB—(518)935-3093
Emil Bender—ACK Farm—(508)333-2089

Nancy Civetta

From: James O'Connell <clamfam@comcast.net>
Sent: Tuesday, December 6, 2022 9:09 AM
To: Nancy Civetta
Subject: Re: Ross Scherma recommendation

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,

Ross Scherma has been a valued employee on my shellfish grant since 2019. I first met Ross when he was an intern with the Shellfish Advisory Board conducting a study on re-usable plastic in aquaculture. Ross is a steward of the environment and is committed to the shellfishing industry. Ross has performed all duties related to the planting of oysters and clams, grow out of shellfish and grant maintenance on my farm. His responsibilities also include harvesting of oysters following Vibrio Control protocols and harvesting clams. He runs clams on the culling machine and culls and tumbles oysters and helps to remove oysters and gear to overwinter oysters in our root cellars. Ross is a worthy candidate for the opportunity to obtain a shellfish grant. If I can elaborate upon his experience on my grant please contact me.

Sincerely,

Jim O'Connell

On 12/06/2022 8:52 AM Nancy Civetta <nancy.civetta@wellfleet-ma.gov> wrote:

Good morning, Jim.

As I reviewed Ross's grant lottery applications, I read your letter, which was eloquent and nicely done. However, the regulations specify that the letter should describe the type of work performed and any other information which might be relevant. Could you please elaborate by responding to this email? It is due by 8 a.m. tomorrow.

Thank you,

Nancy

Ross Scherma:
November 25, 2023
To: Wellfleet Shellfish Department

To whom it concerns,

Ross Scherma has been working with me for consistent periods of time throughout the entire 2023 season. He has participated with early season seed and infrastructure deployment, culling duties, annual seed deployment, seed density breakdowns, market practices, gear maintenance and winter preparation - including assistance with infrastructure relay and winter storage (pit) prep.

Given the addition of Ross' prior experience working with other established shellfish growers, I feel he is capable of managing an aquaculture site of his own. Ross is a worthy candidate for the up-coming lottery involving two available sites on Egg Island. Thank you for your time and consideration.

Sincerely,
R. Andrew Cummings
Owner/Operator
Wash-Ashore Oyster Ranch LLC Site # 752 - CCB11
Wellfleet, MA

AQUACULTURE DESCRIPTION FORM

Clear Fields

Name: Last Scherma First Ross M.I. D

Business Name (optional): _____

Mailing Address 1426 US-6, South Wellfleet, MA 02663 P.O. Box 538

City/Town S. Wellfleet State MA ZipCode 02667

Telephone — Cell Phone (508) 468-6969

E-Mail Address rossscherma@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, MA

Shellfish Growing Area (SGA): CCB-11

of Acres: .92

Site boundaries defined by latitude and longitude in decimal degrees (i.e. 42.36115°, -71.057083°):
N38: 41.92363702 N43: 41.92380096 N19: 41.92313849
- 70.04537921 - 70.0447617 - 70.04465983

Have you conducted a survey of the site (Y/N)? (N) Date? _____

Method of Survey: _____

Average Depth at Mean Low Tide (MLW): ≈ 3'

Mean High Tide (MHW): ≈ 12'

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

N20: 41.92298543
-70.04520308

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 site? (Y/N)? N

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)? N

If yes what species and approximate densities?

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)?

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

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.

N/A

Has the site been used for private shellfish propagation within the last two years (Y/N)?

Has the site been used for municipal shellfish propagation within the last two years (Y/N)? N

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)?

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.*

- 1) Racks & Bags → oyster
- 2) 10x net → eelbar / u-hooks - clams

*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: *N/A*

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

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

How will you access the license site?

skiff / on-foot

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

Vehicle: Make: ⁹⁷Toyota Model: Tacoma

Boat: Make: Johnboat^{8'} Model: custom craft


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 (all gear 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 1/25/2023

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

SUPPLEMENT TO DMF AQUACULTURE DESCRIPTION FORM

Only For Projects Located Within 1 Mile of Environmental Justice (EJ) Populations

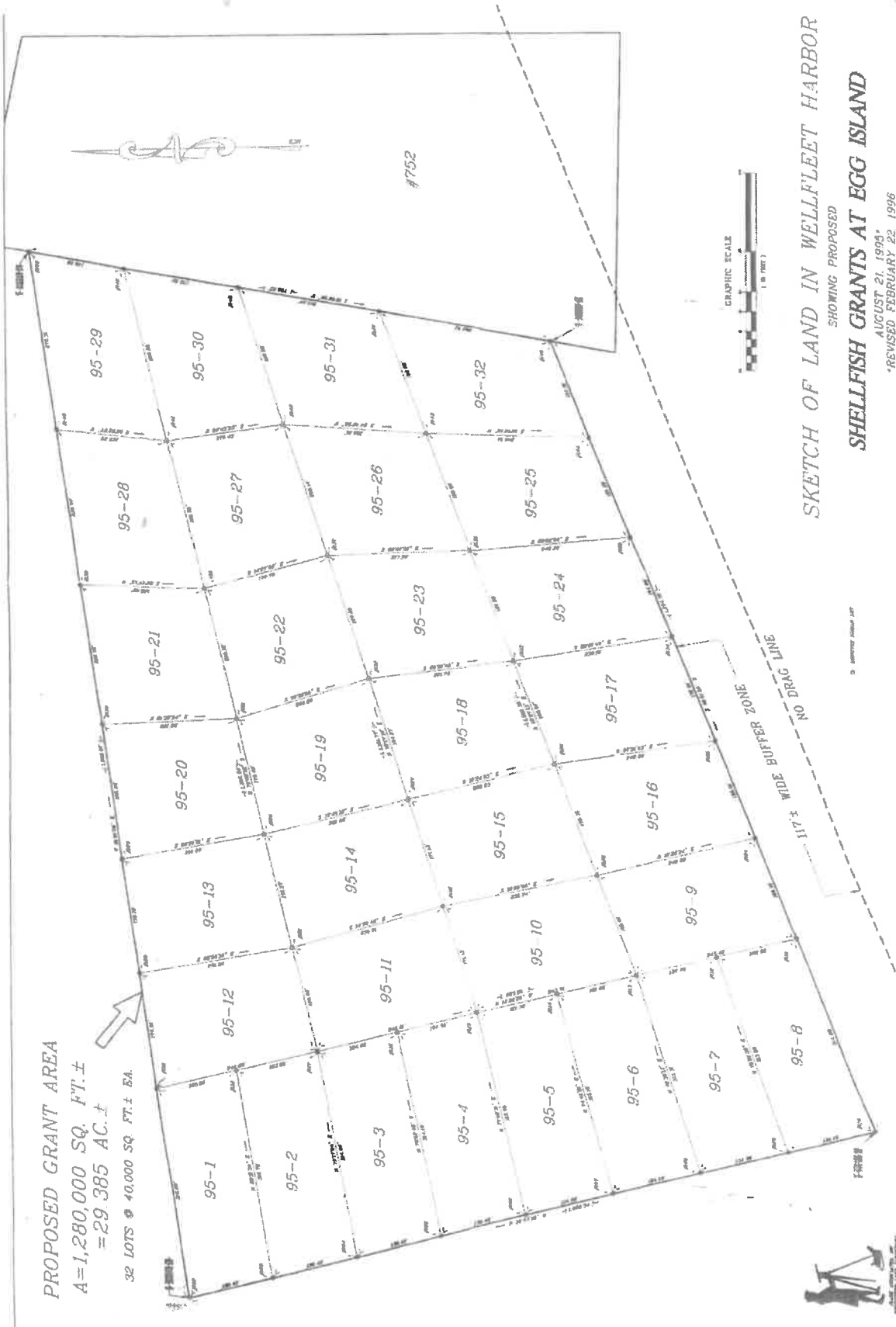
<p>Describe any public hearings or other public outreach conducted in relation to the project. Were there any concerns raised during the municipality’s public hearing or other process? If so, how were they resolved?</p>	
<p>Indicate whether the project is located within a municipality that exhibits “vulnerable health EJ criteria,” as indicated on the DPH EJ Tool, and specify the relevant public health criteria.</p> <p><i>Navigate to the DPH EJ Tool, click the “EJ Data and Reports” tab at the top of the webpage, find your municipality in the table, review the “Vulnerable Health EJ Criteria Met” column of the table.</i></p>	<p><i>E.g., Town of XX meets vulnerable health EJ criteria for heart attack, low birth weight, childhood lead, childhood asthma.</i></p>
<p>Identify potential environmental or public health benefits of the project that may extend to the identified EJ populations.</p>	<p><input type="checkbox"/> Water quality benefits <input type="checkbox"/> Recreational opportunity <input type="checkbox"/> Commercial opportunity <input type="checkbox"/> Other (please specify)</p>
<p>Identify any environmental or public health impacts of the project that may extend to the identified EJ populations.</p>	<p><input type="checkbox"/> Bird attraction/water quality degradation <input type="checkbox"/> Hindrance of recreational opportunity <input type="checkbox"/> Hindrance of subsistence activities <input type="checkbox"/> Other (please specify)</p>

PROPOSED GRANT AREA

A=1,280,000 SQ. FT. ±

=29.385 AC. ±

32 LOTS @ 40,000 SQ. FT. ± EA.



SKETCH OF LAND IN WELFLEET HARBOR

SHOWING PROPOSED

SHELLFISH GRANTS AT EGG ISLAND

AUGUST 21, 1994*

*REVISED FEBRUARY 22, 1996





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
NEW ENGLAND DIVISION, CORPS OF ENGINEERS
424 TRAPELO ROAD
WALTHAM, MASSACHUSETTS 02254-9149

file

January 23, 1996

Regulatory Division
CENED-OD-R
1996-00051

Karl Rask
The Resource, Inc.
P.O. Box 2837
10 Cummings Road
Orleans, MA 02653



RE: Wellfleet Shellfish Aquaculture Zone

Dear Mr. Rask:

This is to inform you that we have reviewed your application, on behalf of the Town of Wellfleet, to engage in activities and deploy structures associated with shellfish aquaculture facilities in a 30 acre site in Wellfleet Harbor at Wellfleet, Massachusetts, as shown on your plan entitled: " PROPOSED GRANT AREA", undated, portion attached.

Based on the information you have provided, we have determined that your project will have only minimal individual or cumulative environmental effects, and therefore qualifies for authorization under the Massachusetts Programmatic General Permit (PGP), provided that you comply with the following special conditions:

- 1. Deployment of gear and structures is limited to a height no greater than 18" off the bottom. Other than buoys demarcating the zone, there shall be no gear or lines in the water column.**
- 2. The permittee (Town of Wellfleet) shall ensure that leaseholders or grantees who may be assigned the use of all or part of the zone are in compliance with the terms and conditions of this authorization.**

The activity authorized herein must be performed in compliance with the special conditions provided above, and all the terms and conditions of the PGP. Enclosed is a copy of the PGP permit requirements. Please review it carefully to familiarize yourself with its contents. You may wish to discuss the conditions of this authorization with your contractor to ensure the work can be accomplished in a manner that conforms to all requirements. You are responsible for complying with all of the permits' requirements and conditions;

therefore, you should be certain that whoever does the work fully understands all of the conditions.

Please note that this determination does not constitute an authorization to proceed until all other applicable state and local permits are obtained.

Performing work not specifically authorized by this permit, starting work without obtaining other applicable state and local approvals, or failing to comply with the permit conditions may subject you to the enforcement provisions of our regulations.

Condition 31 of the PGP (page 7) provides one year for the completion of work commenced prior to the expiration of this PGP on March 1, 2000. You will need to apply for reauthorization for any work (deployment of gear) in Corps jurisdiction that is not completed by that date.

If you have any questions, please contact Grant Kelly, Regulatory Project Manager, at (617) 647-8491 or toll-free at 800-343-4789 or 800-362-4367 if calling within Massachusetts.

Sincerely,

Karen Kirk Adams
Chief, Permits Branch
Regulatory Division

Enclosures

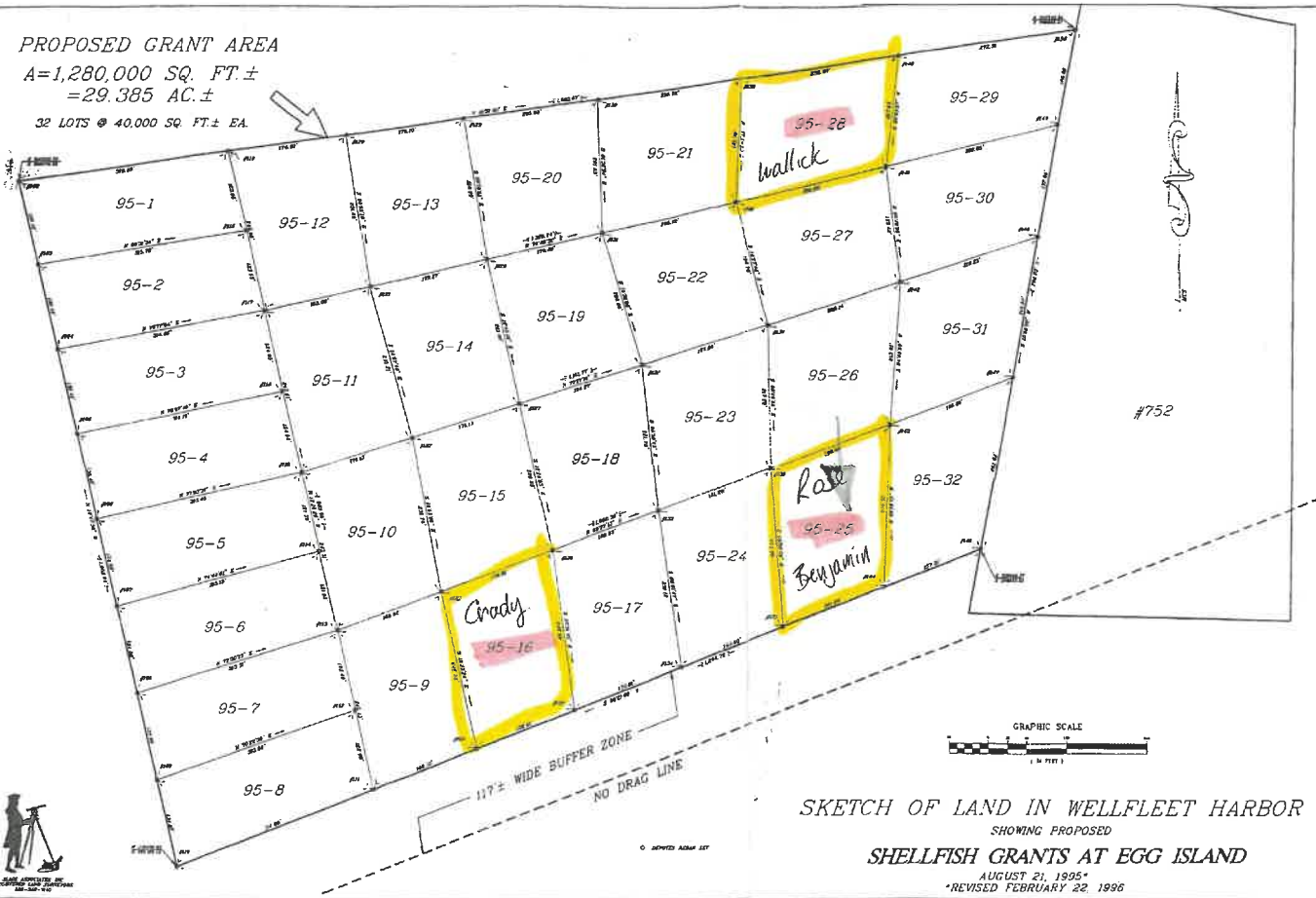
Copy Furnished:

Michael Hickey, MA DMF, Sandwich, MA

PROPOSED GRANT AREA

A=1,280,000 SQ. FT. ±
=29.385 AC. ±

32 LOTS @ 40,000 SQ. FT. ± EA.



SKETCH OF LAND IN WELLFLEET HARBOR
SHOWING PROPOSED
SHELLFISH GRANTS AT EGG ISLAND

AUGUST 21, 1995*
*REVISED FEBRUARY 22, 1996



RWD 12 2. 2022

APPLICATION FOR SHELLFISH GRANT LICENSE #95-16

DATE: 11/29/22

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 Ross Scherma

Address 120 Cross Ln. So. Wellfleet

Telephone 608 Cell Phone (508) 468 6969

Email rossscherma@gmail.com

GENERAL INFORMATION

Previous shellfishing experience: James O'Connell 2019-2021/^{full}2022^{part}
Andrew Cummings 2021-22 full
Paine Hollow (Bvd Paine) 2020-2022 full
Pocomo Meadow Oyster Farm (Nantucket) Sept. 2022

How long have you had a commercial shellfish permit? (list years)

2021
2022

How long have you lived in Wellfleet?

4 years

Additional comments: I have worked in a variety of settings in the aquaculture space paired with an experience in the wild oyster & clam fishery.

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 she 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]
Signature of Applicant

[Signature]
Shellfish Constable

11.29.2022
GRANT EXPIRES 12.31.2022



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023



PUBLIC HEARINGS

~ C ~

REQUESTED BY:	Shellfish Constable ~ Nancy Civetta
DESIRED ACTION:	To approve the renewal for Rus Apgar of shellfish grant license #’s 95-27/28
PROPOSED MOTION: SUMMARY:	I move to approve the renewal for Russ Apgar of shellfish grant license #’s 95-27/28 consisting of approximately two acres on Egg Island for ten years and 28 days beginning April 2, 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

April 11, 2023

To: Selectboard Members
Re: Grant renewal recommendation
From: Nancy Civetta, Shellfish Constable

I received an application from Russ Apgar on February 21, 2023, to renew shellfish grant license numbers #95-27 and #95-28, consisting of approximately two acres on Egg Island, for a period of ten years.

I reviewed his annual grant reports and compared them with the grant inspections we conducted to ensure these grants were meeting minimum production requirements. They are.

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

As per my memo regarding moving expiration dates for all grants from now on to April 30 of their expiration year, I recommend that Russ Apgar's licenses for shellfish grant #s 95-27/28 be renewed for ten years and 28 days beginning April 2, 2023, and expiring April 30, 2033.

Attached please find the renewal application.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nancy Civetta".

Nancy Civetta
Shellfish Constable





Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

MEMORANDUM

DATE: September 19, 2022
TO: Town of Wellfleet Selectboard Members
RE: Administrative change for grant license expiration dates moving forward

Dear Selectboard members:

As the Wellfleet Shellfish Department staff reviewed the list of 11 grants up for renewal in 2022, we realized that each group of grants had a different expiration date, which would have meant at least nine different public hearings. This seemed daunting for us and disrespectful regarding the Selectboard's time.

We spoke with other towns about when they renewed their grant licenses, and the Eastham Shellfish Constable explained how she, too, had encountered this problem and decided to change the expiration dates all to be the same date each year. We thought this was a good idea.

We looked for a time when it would be feasible for grant holders to do the paperwork (better in the winter/early spring), when the department would have time (early spring) and when it would best be accommodated by the Selectboard's schedule (once Annual Town Meeting preparation has ended) and came up with April 30.

I then reached out to the grant holders up for renewal this year and explained the change to them. All agreed that it made perfect sense and said that it was fine with them to make this change, even if it meant that their license terms would be slightly less than the 10 years requested.

Michael Parlante preferred an even shorter term so that the licenses up for renewal this year would expire with his other grant licenses. We have no problem with this, and when those all come up for renewal next, we can have them expire together on April 30.

I believe that it is in all our best interest to work efficiently and make the best use of everyone's time with this change. I am happy to answer any questions you may have at your meeting on September 27, 2022.

Thank you,

Nancy Civetta
Shellfish Constable

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 2-21-23

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

I/We hereby request renewal of Shellfish Grant License # 95-27 AND 95-28, located at

Egg Island, in Wellfleet MA and consisting of 2 acres, with

issued date 3/1/2013 and
and dated 3/1/2023, for a (five) (ten) year period.
expiration?

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.

Russell Apgar
Signature

Russell APGAR
Name

Po Box 992
Mailing Address

Wellfleet, 02667

508-237-6325
Telephone Number

Ad fee paid
3.31.2023



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023



PUBLIC HEARINGS

~ D ~

REQUESTED BY:	Shellfish Constable ~ Nancy Civetta
DESIRED ACTION:	To approve the renewal for Edwin C., Jr. and Lisbeth Berrio, and Jeffrey Pickard of shellfish grant license #'s 95-11/12
PROPOSED MOTION: SUMMARY:	I move to approve the renewal fro Edwin C.,Jr., (Wellfleet, MA), and Lisbeth Berrio (Wellfleet, MA) and Jeffrey Pickard (Wellfleet, MA) of shellfish grant license #'s 05-11/12 consisting of approximately two acres on Egg Island for nine years, seven months and three days beginning September 27, 2023, and expiring April 30, 2033
Project	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

April 11, 2023

To: Selectboard Members
Re: Grant renewal recommendation
From: Nancy Civetta, Shellfish Constable

I received an application from Edwin C., Jr., Lisbeth Berrio and Jeffrey Pickard on March 31, 2023, to renew shellfish grant license numbers #95-11 and #95-12, consisting of approximately two acres on Egg Island, for a period of ten years.

I reviewed their annual grant reports and compared them with the grant inspections we conducted to ensure these 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.

As per my memo regarding moving expiration dates for all grants from now on to April 30 of their expiration year, I recommend that Edwin C., Jr., Lisbeth Berrio and Jeffrey Pickard's licenses for shellfish grant #s 95-11/12 be renewed for nine years, seven months, and three days, beginning September 27, 2023, and expiring April 30, 2033.

Attached please find the renewal application.

Respectfully submitted,

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

Nancy Civetta
Shellfish Constable



APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 3/30/23



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

I/We hereby request renewal of Shellfish Grant License # 95-11, 95-12, located at

Egg Island, in Wellfleet, MA and consisting of total 2 acres,

and with an issue date of 3/1/13, and an expiration date of 3/1/23

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.

Edwin C Berrio Jr
Signature

Lisbeth Berrio
Signature

Jeffrey Pickard
Signature

EDWIN C BERRIO JR
Name

Lisbeth Berrio
Name

JEFFREY PICKARD
Name

35 SUMMIT AVE
Mailing Address

35 Summit Ave
Mailing Address

PO BOX 1407
Mailing Address

WELLFLEET

Wellfleet 02667

WELLFLEET 02667

508 349 2096
Telephone

349 2096
Telephone

(508) 349-6417
Telephone

E.berrio@comcast.net
Email

lberrio@comcast.net
Email

WMCMONK@AOL.COM
Email



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023



PUBLIC HEARINGS

~ E ~

REQUESTED BY:	Shellfish Constable ~ Nancy Civetta
DESIRED ACTION:	To approve the renewal for Jacob Dalby and Justin Dalby of shellfish grant license #'s 95-31/32
PROPOSED MOTION: Summary:	I move to approve the renewal for Jacob Dalby (Wellfleet, MA) and Justin Dalby (Wellfleet, MA) of shellfish grant license #'s 95-31/32 consisting of approximately two acres on Egg Island for 10 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

April 11, 2023

To: Selectboard Members
Re: Grant renewal recommendation
From: Nancy Civetta, Shellfish Constable

I received an application from Jacob Dalby and Justin Dalby on March 28, 2023, to renew shellfish grant license numbers #95-31 and #95-32, consisting of approximately two acres on Egg Island, for a period of ten years.

I reviewed their annual grant reports and compared them with the grant inspections we conducted to ensure these 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. Justin does not have a propagation permit, but Jacob does, and that is enough. I am waiting for Justin to bring in his state seller's card, but he does have his town commercial shellfishing permit. Jacob has both.

As per my memo regarding moving expiration dates for all grants from now on to April 30 of their expiration year, I recommend that Jacob Dalby and Justin Dalby's licenses for shellfish grant #s 95-31/32 be renewed for 10 years, one month, and 29 days beginning March 1, 2023, and expiring April 30, 2033.

Attached please find the renewal application.

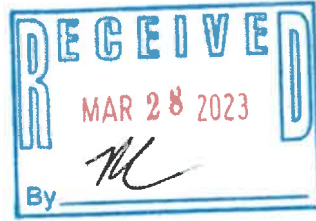
Respectfully submitted,

A handwritten signature in cursive script that reads "Nancy Civetta".

Nancy Civetta
Shellfish Constable



APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE



Date: 2-16-2023

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

I/We hereby request renewal of Shellfish Grant License # 95-31, 95-32, located at

Egg Island, in Wellfleet MA and consisting of 2 acres,

ISSUE DATE 3/1/2013 and
EXPIRATION DATE 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.

J Dalby
SIGNATURE

Justin Dalby
NAME

2085 Old Kings highway
MAILING ADDRESS

508-237-6929
Phone #

Jacob Dalby
Signature

Jacob Dalby
Name

45 Peace Valley rd.
Mailing Address
Wellfleet MA
02667

(512) 965-9096
Telephone Number



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023

III

PUBLIC HEARINGS

~ F ~

REQUESTED BY:	Shellfish Constable ~ Nancy Civetta
DESIRED ACTION:	To approve the renewal Andy Jacob of shellfish grant license #16-01
PROPOSED MOTION: Summary:	I move to approve the renewal for Andy Jacob (Wellfleet, MA) of shellfish grant license #16-01 consisting of 0.78 acres on Old Wharf Point for ten years, one months, and six days beginning March 24, 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

April 11, 2023

To: Selectboard Members
Re: Grant renewal recommendation
From: Nancy Civetta, Shellfish Constable

I received an application from Andrew Jacob on April 3, 2023, to renew shellfish grant license number #16-01, consisting of approximately one acre at Old Wharf Point, for a period of ten years.

I reviewed his annual grant reports and compared them with the grant inspections we conducted to ensure this grant was meeting minimum production requirements. It is.

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

As per my memo regarding moving expiration dates for all grants from now on to April 30 of their expiration year, I recommend that Andrew Jacob's licenses for shellfish grant # 16-01 be renewed for ten years, one month, and six days beginning March 24, 2023, and expiring April 30, 2033.

Attached please find the renewal application.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nancy Civetta".

Nancy Civetta
Shellfish Constable



APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 4/23



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

I/We hereby request renewal of Shellfish Grant License # 16-01, located at Old Wharf Point, in Wellfleet, MA and consisting of 1 acres, and with an issue date of 5.24 2016, and an expiration date of 5.24 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

Andrew Jacob
Name

250 Old Wharf
Mailing Address

Mailing Address

617-538-2170
Telephone

Wellfleetosterer@gmail
Email

Signature

Name

Mailing Address

Telephone

Email

IF TRANSFER APPROVED

[Signature]
Signature

James Kearns
Name

160 Fresh Brook Ln
Mailing Address

Mailing Address

774 722 4173
Telephone

Telephone

Email



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023

III

PUBLIC HEARINGS

~ G ~

REQUESTED BY:	Shellfish Constable ~ Nancy Civetta
DESIRED ACTION:	To approve the transfer of grant license #16-01 from Andy Jacob to Andy Jacob and James Kearing
PROPOSED MOTION: Summary:	I move to approve the transfer of grant license #16-01 consisting of 0.78 acres on Old Wharf Point from Andy Jacob (Wellfleet, MA) to Andy Jacob (Wellfleet, MA) and James Kearing (Wellfleet, MA).
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

April 11, 2023

To: Selectboard Members
Re: Grant transfer recommendation
From: Nancy Civetta, Shellfish Constable

Dear Selectboard members:

I received an application on 4/3/2023 for the transfer of shellfish grant license #16-01 consisting of one acre on Old Wharf Point from Andrew Jacob (Wellfleet, MA) to Andrew Jacob and James Kearing (Wellfleet, MA).

James Kearing has been working on Andrew's grant for more than the three years required by the Town of Wellfleet's regulations. He has a current 2023 commercial shellfishing permit. You will find here attached the required paperwork to document his eligibility.

I recommend that shellfish grant license #16-01 be transferred from Andrew Jacob to Andrew Jacob and James Kearing.

Attached please find the transfer application and other required documentation.

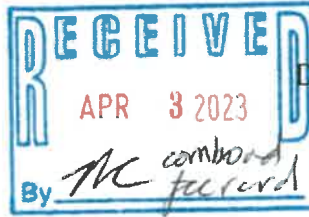
Respectfully submitted,

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

Nancy Civetta
Shellfish Constable



APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE



Date: 4.1.23

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

I/We hereby request transfer of Shellfish Grant License # 16-01

From Andrew Jacob

To Andrew Jacob & JAMES KEARING

Said grant license is located at old WHARF POINT, in Wellfleet, MA

and consisting of 1 acres, as shown on a plan prepared

by Outermost and dated 5.16.2021

Signature

Signature

Signature

Andrew Jacob

James Kearing

Name

Name

Name

250 old Wharf RD

160 Fresh Brook Ln

Mailing Address

Mailing Address

Mailing Address

774 722 4173

617-538-2170

Telephone

Telephone

Telephone

wellfleetoysterer@gmail.com

Email

Email

Email

JAMES KEARING

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.

N/A

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.

4.1.23

I Andrew Jacob, have been working with James Kearing the past five years on my farm. He has a firm grasp and understanding of propagation and harvesting oysters. I believe he will be a wonderful addition to the shellfish culture and industry of Wellfleet and beyond.

A handwritten signature in cursive script, appearing to read "Andrew Jacob", written over a horizontal line.

To: Wellfleet Selectboard

From: James Keating

Date: 4/3/23

I, James Keating, 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 "James Keating". The signature is fluid and cursive, with a long horizontal stroke at the beginning and a small dash at the end.



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023

III

PUBLIC HEARINGS ~ H ~

REQUESTED BY:	Shellfish Constable ~ Nancy Civetta
DESIRED ACTION:	To approve the renewal for Nate Johnson and Rodney Avery of shellfish grant license #05-01
PROPOSED MOTION: Summary:	I move to approve the renewal for Nate Johnson (Wellfleet, MA) and Rodney Avery (Wellfleet, MA) of shellfish grant license #05-01 consisting of 0.99 acres in Loagy Bay for nine years, seven months, and three days, beginning on September 27, 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

April 11, 2023

To: Selectboard Members
Re: Grant renewal recommendation
From: Nancy Civetta, Shellfish Constable

I received an application from Nate Johnson and Rodney Avery on March 29, 2023, to renew shellfish grant license #05-01 consisting of one acre on Lieutenant Island for a period of 10 years.

At their renewal last September, Nate Johnson inquired about subdividing this grant between him and Rodney. The Selectboard asked me to request an opinion from Town Counsel to this regard and renewed their license for one year in order to explore this. Town Counsel opinion is attached. This opinion was discussed at Shellfish Advisory Board on November 29, 2022, and they decided to take no action. Minutes attached. I emailed the Selectboard this opinion on January 27, 2023 (see attached), and at your meeting on January 31, you discussed subdividing grants coming up for lottery, but not crafting a regulation to accommodate subdividing grants already held by private parties.

Therefore, I let Nate and Rodney know that they could renew their license for the ten-year duration as they were going to do last fall. I reviewed their annual grant reports and compared them with the grant inspections we conducted to ensure this grant was meeting minimum production requirements. It is. I reviewed their state propagation and commercial shellfishing permits to make sure they were in good standing. They are.

As per my memo regarding moving expiration dates for all grants from now on to April 30 of their expiration year, I recommend that Nate Johnson and Rodney Avery's licenses for grant #05-01 be renewed for nine years, seven months, and three days, beginning September 27, 2023 and expiring April 30, 2033.

Attached please find the renewal application.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nancy Civetta".

Nancy Civetta
Shellfish Constable



Nancy Civetta

From: Gregg J. Corbo <GCorbo@k-plaw.com>
Sent: Wednesday, November 9, 2022 2:52 PM
To: Nancy Civetta
Cc: Richard Waldo; Carolyn M. Murray
Subject: RE: Questions about subdividing shellfish grants

Follow Up Flag: Follow up
Flag Status: Flagged

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.

Hi Nancy.

I am writing to follow-up on our telephone call and further explain my answers to your original questions.

As to the two grants that have been returned to the Town and are subject to the lottery, it is my opinion that these grants can be carved up by the Selectboard and offered to the public subject to the terms and conditions on all other grants as described in the regulations. In other words, they are just like any other grant, only smaller. If, however, the Board wishes to make these new grants subject to special conditions, I recommend that those conditions be spelled out in the regulations.

As to grants that are currently held by private parties, there is nothing in the regulations or General Laws that addresses the issue of subdivision. Although an argument can be made that subdivision can be allowed by a transfer of a portion of a grant, there are many variable situations that may arise as a result of an ad hoc subdivision process. Therefore, if the Board is willing to entertain requests to subdivide existing grants, I recommend that it establish a process by regulation.

Please feel free to contact me if you have any further questions in this regard.

-Gregg

Gregg J. Corbo, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 654-1764
F: (617) 654 1735
gcorbo@k-plaw.com
www.k-plaw.com

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

Nancy Civetta

From: Nancy Civetta
Sent: Friday, January 27, 2023 9:56 AM
To: Board of Selectmen
Subject: FW: Questions about subdividing shellfish grants

Dear Selectboard members,

Because our Town Counsel opinions are subject to attorney-client privilege, I am emailing you the below correspondence between me and Town Counsel regarding the possibility of subdividing grants instead of providing it in your 1/31/2023 packet.

Given the below opinion, I feel comfortable that subdividing the grants up for lottery will NOT set a precedent that other grant holders could now refer to in order to make a case for subdividing theirs. Should the Selectboard wish to entertain the subdivision of an existing grant between multiple grant holders, Town Counsel is advising that you create a regulation to provide for it. I do not believe that we need to go down this road as I don't think it is the Town's responsibility to referee and solve problems between grant holders.

Please see my memo in your 1-31-2023 packet for my recommendation to approve the subdivision of the two grants up for lottery.

Thank you for your consideration of this,
Nancy

Nancy Civetta
Shellfish Constable
Town of Wellfleet
C: 617-901-7193
O: 508-349-0325
E: nancy.civetta@wellfleet-ma.gov
300 Main St.
Wellfleet, MA 02667
Check for news and updates on [Facebook](#).

From: Gregg J. Corbo <GCorbo@k-plaw.com>
Sent: Wednesday, November 9, 2022 2:52 PM
To: Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>
Cc: Richard Waldo <Richard.Waldo@wellfleet-ma.gov>; Carolyn M. Murray <CMurray@k-plaw.com>
Subject: RE: Questions about subdividing shellfish grants

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.

Hi Nancy.

I am writing to follow-up on our telephone call and further explain my answers to your original questions.

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 2-27-23

TO: Selectboard
300 Main Street
Wellfleet, MA 02667

I/We hereby request renewal of Shellfish Grant License # 05-01, located at

Lieutenant Island, in Wellfleet MA and consisting of 1 acres,

ISSUE DATE: 9/27/2022
EXPIRATION DATE: 9/27/2023
and dated _____, for a (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]
61 WASS VILL

[Signature]
SIGNATURE

307 734 Wellfleet
MAILING ADDRESS

MA 02667

508 727 4929
Telephone Number

[Signature]
Signature

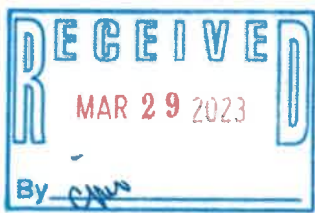
NATE Johnson
Name

39 Way #075
Mailing Address

Wellfleet Ma 02667

Telephone Number

[Handwritten scribble]





SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023

III

PUBLIC HEARINGS

~ I ~

REQUESTED BY:	Shellfish Constable ~ Nancy Civetta
DESIRED ACTION:	To approve the renewal for Robert Olson and Barbara Olson of shellfish grant license #'s 95-1/2/3/4
PROPOSED MOTION: Summary:	I move to approve the renewal for Robert Olson (Wellfleet, MA) and Barbara Olson (Wellfleet, MA) of shellfish grant license #'s 95-1/2/3/4 consisting of approximately four acres on Egg Island for ten years, one month, and twenty-nine 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

April 11, 2023

To: Selectboard Members
Re: Grant renewal recommendation
From: Nancy Civetta, Shellfish Constable

I received an application from Robert Olson and Barbara Olson on March 28, 2023, to renew shellfish grant license numbers 95-1, 95-2, 95-3 and 95-4, consisting of approximately four acres total on Egg Island, for a period of ten years.

I reviewed their annual grant reports and compared them with the grant inspections we conducted to ensure these 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. Barbara does not have a propagation permit, but Robert does, and that is enough. Both have Town and State commercial shellfishing permits.

As per my memo regarding moving expiration dates for all grants from now on to April 30 of their expiration year, I recommend that Robert Olson and Barbara Olson's licenses for shellfish grant #s 95-1, 95-2, 95-3 and 95-4 be renewed for ten years, one month, and 29 days beginning March 1, 2023, and expiring April 30, 2033.

Attached please find the renewal application.

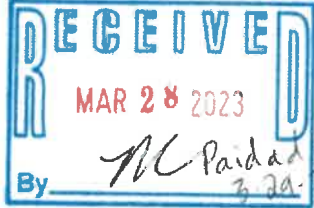
Respectfully submitted,

A handwritten signature in cursive script that reads "Nancy Civetta".

Nancy Civetta
Shellfish Constable



APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE



Date: 3/28/2023

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

I/We hereby request renewal of Shellfish Grant License # 95-1/2/3/4, located at

EGG ISLAND, in Wellfleet, MA and consisting of 4 acres,

and with an issue date of 3/1/2013, 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
<u>[Signature]</u>		<u>Barbara Olson</u>
Name	Name	Name

ROBERT OLSON

Mailing Address	Mailing Address	Mailing Address
<u>55 OLD LONG</u>		<u>SAME</u>

POND ROAD

Telephone	Telephone	Telephone
<u>(508) 237-5917</u>		<u>(774) 722-4447</u>

Email	Email	Email
<u>bolson 55@verizon.net</u>		<u>SAME</u>



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023

III

PUBLIC HEARINGS

~ J ~

REQUESTED BY:	Shellfish Constable ~ Nancy Civetta
DESIRED ACTION:	To approve the renewal for Michael Seiser and Will Barrio of shellfish grant license #'s 95-17/18
PROPOSED MOTION: Summary:	I move to approve the renewal for Michael Seiser (Wellfleet, MA) and Will Barrio (Wellfleet, MA) of shellfish grant license #'s 95-17/18 consisting of approximately two acres on Egg Island for ten years, one month, and twenty-nine days beginning March 1, 2023, and expiring on April 30, 2033.
ACTION TAKEN:	Moved By: _____ Secoded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

April 11, 2023

To: Selectboard Members
Re: Grant renewal recommendation
From: Nancy Civetta, Shellfish Constable

I received an application from Michael Seiser and Will Barrio on April 4, 2023, to renew shellfish grant license #95-17 and #95-18, consisting of approximately two acres on Egg Island, for a period of ten years.

I reviewed their annual grant reports and compared them with the grant inspections we conducted to ensure these 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.

As per my memo regarding moving expiration dates for all grants from now on to April 30 of their expiration year, I recommend that Michael Seiser and Will Barrio's licenses for shellfish grant #s 95-17/18 be renewed for ten years, one month, and 29 days beginning March 1, 2023, and expiring April 30, 2033.

Attached please find the renewal application.

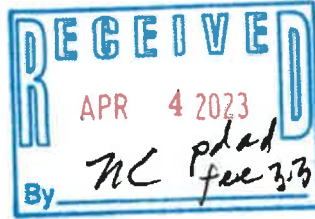
Respectfully submitted,

A handwritten signature in cursive script that reads "Nancy Civetta".

Nancy Civetta
Shellfish Constable



APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE



Date: 4/4/23

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

I/We hereby request renewal of Shellfish Grant License # 95-17 + 95-18, 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) approximate (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.

X [Signature]
Signature
WILLIAM BARBERO
Name

X
Signature
MICHAEL SENSER
Name

Signature
[Signature]
Name

110 Spring Brook Rd
Mailing Address
Wellfleet MA 02667

Mailing Address
Box 956
Telephone
508 349 2201

Mailing Address
501 WELLSOFT MA 02663
Telephone
774-722-1576

Telephone
508 685 6278

Email
Oyster and Shellfish @thetown.com

Email

Email



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023

III

PUBLIC HEARINGS

~ K ~

REQUESTED BY:	Shellfish Constable ~ Nancy Civetta
DESIRED ACTION:	To approve the transfer of grant license #'s 95-17/18 consisting of approximately two acres on Egg Island from Michael Seiser and Will Barrio to Michael Seiser, Will Barrio and Krista Lee.
PROPOSED MOTION: Summary:	I move to approve the transfer of grant license #'s 95-17/18 consisting of approximately two acres on Egg Island from Michael Seiser (Wellfleet, MA) and Will Barrio (Wellfleet, MA) to Michael Seiser (Wellfleet, MA), Will Barrio (Wellfleet, MA) and Krista Lee (Wellfleet, MA).
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

April 11, 2023

To: Selectboard Members
Re: Grant transfer recommendation
From: Nancy Civetta, Shellfish Constable

Dear Selectboard members:

I received an application on 4/4/2023 for the transfer of shellfish grant license #95-17 and #95-18 consisting of two acres on Egg Island from Michael Seiser (Wellfleet, MA) and William Barrio (Wellfleet, MA) to Michael Seiser, William Barrio and Krista Lee (Wellfleet, MA).

Krista Lee has been working on these grants for more than the three years required by the Town of Wellfleet's regulations. In addition, she has a current 2023 commercial shellfishing permit and has held and used a commercial shellfishing permit for many years. You will find here attached the required paperwork to document her eligibility.

I recommend that shellfish grant license #s 95-17/18 be transferred from Michael Seiser and William Barrio to Michael Seiser, William Barrio and Krista Lee.

Attached please find the transfer application and other required documentation.

Respectfully submitted,

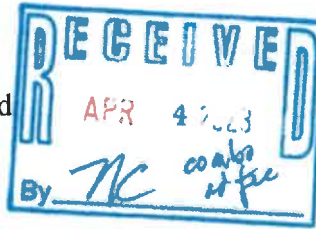
A handwritten signature in cursive script, appearing to read "Nancy Civetta".

Nancy Civetta
Shellfish Constable



APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

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



Date: 3/30/23

I/We hereby request transfer of Shellfish Grant License # 95-17 & 95-18

From Michael Seiser and William Barrio

To Michael Seiser, William Barrio, and Krista Lee

Said grant license is located at Egg Island, in Wellfleet, MA

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

by Slade Associates and dated 8.21.1995

[Handwritten Signature] [Handwritten Signature] [Handwritten Signature]

Signature	Signature	Signature
<u>Mike Seiser</u>	<u>William Barrio</u>	<u>Krista Lee</u>
Name	Name	Name
<u>PO Box 956</u>	<u>110 Spring Brook</u>	<u>PO Box 817</u>
Mailing Address	Mailing Address	Mailing Address
<u>South Wellfleet, MA</u>	<u>Wellfleet MA 02667</u>	<u>South Wellfleet, MA</u>
<u>02663</u>		<u>02663</u>
<u>(774) 722-1576</u>	<u>508 685 6278</u>	<u>(617) 459 7927</u>
Telephone	Telephone	Telephone
<u>mseiserjr@gmail.com</u>	<u>315krhresshellfish@Hot</u>	<u>Krista2424@yahoo.com</u>
Email	Email	Email

KRISTA LEE

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,

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.

N/A 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.

April 4, 2023

To Whom It May Concern,

Krista Lee has been a Wellfleet Resident since 1996.

She has owned a home in Wellfleet with me since 2001.

She has worked vigorously with me on the 2-acre grant since 2016 and assisted me periodically prior to that time.

The past 5-10 years we have worked to manage and expand this grant and I have included Krista in learning all aspects of that process.

Krista loves the natural environment, the Wellfleet shellfishing community, and is a motivated, organized, hard-working individual and shellfisherwoman.

We very much look forward to working and expanding the grant together as a team in the future.

Thank you for your consideration.

Sincerely, ,

A handwritten signature in black ink, appearing to read "Michael J. Seiser".

Michael J. Seiser

Grant : 95-17/18

To: Wellfleet Selectboard

From: Krista Lee

Date: 4/4/23

I, *Krista Lee*, 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,

Krista Lee



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023



PUBLIC HEARINGS

~ L ~

REQUESTED BY:	Shellfish Constable ~ Nancy Civetta
DESIRED ACTION:	To approve the transfer of grant license #771 and 771 ext. consisting of 1.99 and 0.51 acres respectively, on Old Wharf Point from Berta Bruinooge and Evan Bruinooge to Even Bruinooge and Casey Semple
PROPOSED MOTION: Summary:	I move to approve the transfer of grant license #'s 771 and 771 ext. consisting of 1.99 and 0.51 acres respectively, on Old Wharf Point from Berta Bruinooge (Wellfleet, MA) and Evan Bruinooge (Wellfleet, MA) to Evan Bruinooge and Casey Semple (Wellfleet, MA)
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

April 11, 2023

To: Selectboard Members
Re: Grant transfer recommendation
From: Nancy Civetta, Shellfish Constable

Dear Selectboard members:

I received an application on 3/23/2023 for the transfer of shellfish grant license #771 and #771 Ext consisting of 1.99 and 0.51 acres respectively on Old Wharf Point from Evan Bruinooge (Wellfleet, MA) and Berta Bruinooge (Wellfleet, MA) to Evan Bruinooge and Casey Semple (Wellfleet, MA).

Casey Semple has been working on Evan's grant for more than the three years required by the Town of Wellfleet's regulations. She has a current 2023 commercial shellfishing permit. You will find here attached the required paperwork to document her eligibility. Berta Bruinooge wants to come off of the grant license.

I recommend that shellfish grant license #771 and #771 Ext be transferred from Evan Bruinooge and Berta Bruinooge to Evan Bruinooge and Casey Semple (Wellfleet, MA).

Attached please find the transfer application and other required documentation.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nancy Civetta".

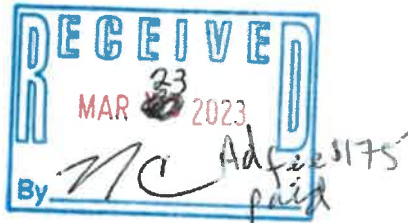
Nancy Civetta
Shellfish Constable



APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 3/15/23

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



I/We hereby request transfer of Shellfish Grant License # 771 + 771 EXT
 From Berta Bruinooge + Evan Bruinooge
 To Evan Bruinooge + Casey Semple
 Said grant license is located at Old Wharf Point, in Wellfleet, MA
 and consisting of 1.99 + .51 acres, ^{respectively by} as shown on a plan prepared
 by Slade Associates and dated 5/1/77 and 3/12/14
 respectively.

[Handwritten signature]

Signature	Signature	Signature
<i>[Handwritten signature]</i>	<i>[Handwritten signature]</i>	<i>[Handwritten signature]</i>
Name	Name	Name
<u>Casey Semple</u>	<u>Berta Bruinooge</u>	<u>Evan Bruinooge</u>
Mailing Address	Mailing Address	Mailing Address
<u>30 Pilgrim Spring Rd</u>	<u>PO Box 294</u>	<u>30 Pilgrim Spring Rd.</u>
<u>Wellfleet MA 02667</u>	<u>5 Wellfleet MA 02663</u>	<u>Wellfleet MA</u>
<u>774 216 0591</u>	<u>508-349-6080</u>	<u>508-221-1251</u>
Telephone	Telephone	Telephone
<u>casey143mae@gmail.com</u>	<u>jacobep.megan@net</u>	<u>Evan68@gmail.com</u>
Email	Email	Email

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. *EXISTING GRANT*

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.

N/A 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: CASEY SEMPLE

Date: 3/15/23

I, Casey Semple, 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,



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023

III

PUBLIC HEARINGS

~ M ~

REQUESTED BY:	Shellfish Constable ~ Nancy Civetta
DESIRED ACTION:	To approve the transfer of grant license #2008-02 consisting of 1.5 acres on Field Point from Clinton Austin to Clinton Austin and Kaitlyn Sarazin
PROPOSED MOTION: Summary:	I move to approve the transfer of grant license #2008-02 consisting of 1.5 acres on Field Point from Clinton Austin (Wellfleet, MA) to Clinton Austin and Kaitlyn Sarazin (Wellfleet, MA).
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea ____ Nay ____ Abstain ____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

April 11, 2023

To: Selectboard Members
Re: Grant transfer recommendation
From: Nancy Civetta, Shellfish Constable

Dear Selectboard members:

I received an application on 4/4/2023 for the transfer of shellfish grant license #2008-02 consisting of 1.5 acres on Field Point from Clinton Austin (Wellfleet, MA) to Clinton Austin and Kaitlyn Sarazin (Wellfleet, MA).

Kaitlyn Sarazin has been working on this grant for more than the three years required by the Town of Wellfleet's regulations. In addition, she has a current 2023 commercial shellfishing permit and has held and used a commercial shellfishing permit for many years. You will find here attached the required paperwork to document her eligibility.

I recommend that shellfish grant license #2008-02 be transferred from Clinton Austin to Clinton Austin and Kaitlyn Sarazin (Wellfleet, MA).

Attached please find the transfer application and other required documentation.

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: 4/4/23

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



I/We hereby request transfer of Shellfish Grant License # 2008-02

From Clinton Austin

To Clinton Austin, Kaitlyn Sarazin

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

and consisting of 1.5 acres, as shown on a plan prepared by OUTERMOST LAND SURVEY and dated 5.16.2021

[Handwritten Signature] [Handwritten Signature]

Signature Signature Signature

Clinton Austin KAITLYN SARAZIN

Name Name Name

Pobox 44 15 SPRINGLINE DR.

Mailing Address Mailing Address Mailing Address

Wellfleet, MA 02607 WELLFLEET, MA 02607

508.360.2183 (401)480-0620

Telephone Telephone Telephone

mrsurfer173@yahoo.com kaitlynssarazin@gmail.com

Email Email Email

KASTLYN SARAZIN

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.

MA 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: KAITLYN SARAZIN

Date: 4-4-2023

I, **KAITLYN SARAZIN**, 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 read "K. SARAZIN", with a long, sweeping flourish extending to the right.

4/4/23

I, Clinton Austin, would like to recommend the addition of Kaitlyn Sarazin to agriculture farm 2008-02. Kaitlyn has worked on the Agriculture farm since 2014 with myself and has acquired sufficient knowledge towards the growing process of oysters and clams. She has also learned the process of wild oystering and has carried a license for the past five years. She has also been active in the wholesale of farmed and wild ~~shellfish~~ shellfish. I support the addition of her to shellfish farm 2008-02.

Clinton Austin



po box 44

Wellsfleet, Mar. 02667



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023

III

PUBLIC HEARINGS

~ N ~

REQUESTED BY:	Shellfish Constable ~ Nancy Civetta
DESIRED ACTION:	To make a decision whether to approve a grant transfer for grant numbers #855 and #855-C from Michael Ramsdell and Michael DeVasto to Northern Collective, Inc.
PROPOSED MOTION: Summary:	This motion is pending town counsels review and recommendations.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

RCVD
1-18-2023

APPLICATION FOR TRANSFER OF SHELLFISH GRANT LICENSE

Date: 12/23/22

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

I/We hereby request transfer of Shellfish Grant License # 855 / 855B / 855C
From Michael DeVasto & Michael Ramsdell
To Northern Collective Inc ^{DBA} Field Point Oyster Farm
Said grant license is located at Field Point CCB-14, in Wellfleet, MA
and consisting of 2 + 1.5 acres, as shown on a plan prepared
by SLADE & ASSOCIATES and dated 1985

[Signature]

Michael Ramsdell

Signature

Signature

Signature

Michael DeVasto

Michael Ramsdell

Name

Name

Name

P.O. Box 151

100 Pole Dike Rd

Mailing Address

Mailing Address

Mailing Address

Wellfleet, MA 02667

Wellfleet, MA 02667

774-722-9158

(508)349-9279

Telephone

Telephone

Telephone

fieldpointoysterfarm@gmail.com

Email

Email

Email

[Signature]
Kathleen Murphy

President Northern Collective Inc
DBA Field point oyster farm
Treasurer / secretary

To: Wellfleet Selectboard

From:

Date:

I, *Michael DeVasto* + *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,

Michael DeVasto Michael DeVasto
President Northern Collective

Kathleen Murphy
Treasurer & Secretary Kathleen Murphy

**TOWN OF WELLFLEET SHELLFISH DEPARTMENT
CHECK LIST FOR AQUACULTURE LEASE APPLICANT**

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 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.

Corporations Division

Business Entity Summary

ID Number: 454752847

[Request certificate](#)

[New search](#)

Summary for: NORTHERN COLLECTIVE, INC.

The exact name of the Domestic Profit Corporation: NORTHERN COLLECTIVE, INC.		
Entity type: Domestic Profit Corporation		
Identification Number: 454752847		
Date of Organization in Massachusetts: 03-10-2012		
Last date certain:		
Current Fiscal Month/Day: 12/31		
The location of the Principal Office:		
Address: 162 CRANBERRY HOLLOW RD		
City or town, State, Zip code, Country: WELLFLEET, MA 02667 USA		
The name and address of the Registered Agent:		
Name: MICHAEL F. DEVASTO		
Address: 100 POLE DIKE ROAD		
City or town, State, Zip code, Country: WELLFLEET, MA 02667 USA		
The Officers and Directors of the Corporation:		
Title	Individual Name	Address
PRESIDENT	MICHAEL FRANCIS DEVASTO	162 CRANBERRY HOLLOW RD WELLFLEET, MA 02667 USA
TREASURER	KATHLEEN ANN MURPHY	162 CRANBERRY HOLLOW RD WELLFLEET, MA 02667 USA
SECRETARY	KATHLEEN ANN MURPHY	162 CRANBERRY HOLLOW RD WELLFLEET, MA 02667 USA
DIRECTOR	MICHAEL FRANCIS DEVASTO	162 CRANBERRY HOLLOW RD WELLFLEET, MA 02667 USA



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

March 14, 2023

To: Selectboard
Re: Recommendations
From: Nancy Civetta, Shellfish Constable

I received an application on 1/18/2023 from Michael DeVasto (Wellfleet, MA) and Michael Ramsdell (Wellfleet, MA) to transfer shellfish grant licenses #855, #855B and #855C consisting of a total of approximately 3.5 acres on Field Point from Michael DeVasto and Michael Ramsdell to Northern Collective, Inc. dba Field Point Oyster Farm (Wellfleet, MA; Michael DeVasto, President).

Here are the applicable sections from the Town of Wellfleet Policy and Regulations, which authorize granting an aquaculture license to a corporation:

Definitions: License Holder - A person or persons, or a firm or corporation holding a license issued by the Selectboard under the provisions of [MGL Chapter 130](#).

Definitions: 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 Selectboard. 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.

See attached Corporate Certificate demonstrating domicile.

Purpose of Regulations

... "Because much of the area that is used for shellfishing and shellfish aquaculture is a precious natural resource that is owned by the Town, and because best use of such intertidal land is made by those who are geographically present and personally accountable to the community, the granting of commercial permits and licenses for aquaculture is restricted to domiciled residents of Wellfleet."

7.2. Previously Established Grants that Become Available

... "No shareholder, officer, director or other individual holding a similar position having a different title but exercising a similar role, of a corporation that currently holds an aquaculture license in Wellfleet may apply for such grants."

7.9. Rights of Use and Transfer

... "Licensees may transfer the rights or responsibilities assigned to their license to any other individuals, companies or corporations by vote of the Selectboard, and with the express permission of all other individuals who hold license for the same area. (See MGL



Chapter 130; [Section 58](#) and Section 7.8.3 Limit on Individuals Licensed to Use a Grant.)”

This change will not result in the Wellfleet-domiciled corporation having over the maximum seven acres allowed by our regulations. All necessary paperwork has been submitted including a five-year business plan, which I reviewed.

I reviewed the annual grant reports for #855 and #855-B and compared them with the grant inspections we conducted to ensure these grants were meeting minimum production requirements. They are. All the permitting and certifications for grant #855-C was completed in 2022, and this grant extension is ready to be farmed in 2023.

I reviewed Michael DeVasto’s state propagation permits with the Mass. Division of Marine Fisheries and confirmed that they are in good standing. In addition, annual grant reports and fees for these grants are up-to-date.

I recommend that shellfish grant licenses #855, #855B and #855C be transferred from Michael DeVasto and Michael Ramsdell to Northern Collective, Inc. dba Field Point Oyster Farm (Wellfleet, MA; Michael DeVasto, President).

Attached please find the transfer application and other required documentation.

Respectfully submitted,

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

Nancy Civetta
Shellfish Constable

Corporations Division

Business Entity Summary

ID Number: 454752847

[Request certificate](#)

[New search](#)

Summary for: **NORTHERN COLLECTIVE, INC.**

The exact name of the Domestic Profit Corporation: NORTHERN COLLECTIVE, INC.		
Entity type: Domestic Profit Corporation		
Identification Number: 454752847		
Date of Organization in Massachusetts: 03-10-2012		
Last date certain:		
Current Fiscal Month/Day: 12/31		
The location of the Principal Office:		
Address: 162 CRANBERRY HOLLOW RD		
City or town, State, Zip code, Country: WELLFLEET, MA 02667 USA		
The name and address of the Registered Agent:		
Name: MICHAEL F. DEVASTO		
Address: 100 POLE DIKE ROAD		
City or town, State, Zip code, Country: WELLFLEET, MA 02667 USA		
The Officers and Directors of the Corporation:		
Title	Individual Name	Address
PRESIDENT	MICHAEL FRANCIS DEVASTO	162 CRANBERRY HOLLOW RD WELLFLEET, MA 02667 USA
TREASURER	KATHLEEN ANN MURPHY	162 CRANBERRY HOLLOW RD WELLFLEET, MA 02667 USA
SECRETARY	KATHLEEN ANN MURPHY	162 CRANBERRY HOLLOW RD WELLFLEET, MA 02667 USA
DIRECTOR	MICHAEL FRANCIS DEVASTO	162 CRANBERRY HOLLOW RD WELLFLEET, MA 02667 USA

To Whom It May Concern,

Memo: Eligibility for Northern Collective, inc DBA Field Point Oyster Farm

This Memo was reviewed by Attny. Bruce Bierhans and incorporates his legal opinions.

Northern Collective inc, DBA Field Point Oyster Farm meets the eligibility requirements for an aquaculture license for the the following reasons.

- The company has been operating on the licenses continuously for 11 years and was engaged in all aspects of propagation, grow out, harvesting and sales.
- The State Commercial Shellfish Permit, Propagation Permit, and shellfish transaction cards from the The Mass Division of Marine Fisheries are issued to the business.
- Catch reports and income from the sale of shellfish on the licensed sites have been done through Northern Collective inc, DBA Field Point Oyster Farm since 2012 with tax filings to back it up.
- Nearly all seed purchases for the site have been made and paid for by Northern Collective inc. since 2012.
- Michael DeVasto is the farm manager, holds a Wellfleet commercial permit purchased by Northern Collective, inc. and is the President of the Corporation. He materially participates in all aspects of the business.
- The business is headquartered in Wellfleet and has been since its inception in 2012.
- The sole shareholders are Kathleen Murphy and Michael DeVasto who are both domiciled residents in the town of Wellfleet. Both Katie and Michael have been materially participating in the the production of shellfish since 2011.
- Both the shareholders meet the age requirements. This is similar to a liquor license in that the license holder must be 21 yrs of age but it is not supported by law to require a business to wait 21 years in order to satisfy the condition. Entity's have rights at formation and the signing authority for N.C. lies with the company's president or treasurer who must be over 18 to enter into a contract. It was clearly not the intent of the regulations to require that entities must have been formed 18 years prior to transfer.
- The requirement to purchase a commercial permit does not preclude a person from becoming a license holder, It only requires the license holders to obtain a permit once they are license holder. The actual motion made at the video recorded public hearing was: ***"I move to require grant holders to obtain yearly, a commercial shellfishing permit with such requirement to take effect feb 28th 2023."*** There are currently other license holders who are able to purchase commercial permits at this time and are currently doing so

It is clear that both the intent and the language of the regulations allow license holders to limit their liability through transfers to corporations or entities. It expressly written into the regulation cited below.

7.9 Rights of Use and Transfer

Licensees shall have the exclusive use of the area described in their license for the purpose of aquaculture, for the duration of their terms. No other individual may use the license without the express permission of the licensee(s)... **Licensees may transfer the rights or responsibilities assigned to their license to any other individuals, companies or corporations** by vote of the Selectboard, and with the express permission of all other individuals who hold license for the same area.

License Holder - A person or persons, or a firm or corporation holding a license issued by the Board of Selectmen under the provisions of MGL Chapter 130.

We believe that denying this transfer would be arbitrary as it is expressly allowed for in the regs, it has been done in the past, and the corporation meets the eligibility requirements to hold a license. Please also review the recommendation from the Shellfish Constable that clearly states eligibility and the applicable regulations.

Sincerely,

Kathleen Murphy
Secretary / Treasurer
Northern Collective, inc.
Field Point Oyster Farm

3/18/2023

Dear Wellfleet Selectboard,

Thank you for considering our application to transfer our shellfish licenses to our business. We are doing so in consultation with attorney Bruce Bierhans so as to limit our personal liability. Attorney Bierhans also advises that "this is no more than basic estate planning and asset protection that should be engaged in by every small business owner." This is very much inline with how a restaurant or bar gets issued a business license or liquor license by the town of Wellfleet in order to limit liability. We have worked hard and would like to limit our liability so that our personal home, and other jointly owned assets are protected from litigation should something go wrong.

As you may or may not be aware, oyster farming is fraught with liability. We are growing a food product that is consumed raw in an open water way that is accessible to the public. There is the risk of food borne illness, injury, or accidental death. Vibrio alone causes an estimated 80,000 illnesses and 100 deaths in the United States every year. We do our very best to mitigate the risks but there is always risk of human error or accidents in any business. We are also planning to offer farm direct oysters and will be liable for the distribution as well as the production. We have been advised by our attorney that as the individuals holding the underlying licensed sites, our family home as well as our other personal assets are at risk. This would be akin to a restaurant who runs all its transactions through its business but the liquor license is held by the owner as an individual. We live in a litigious society and as owners of a small business are particularly vulnerable to the expenses of being named as a litigant.

For over 35 years this has been expressly allowed in the regulations and there has never been a problem. Northern Collective inc, is already operating on the site and has been for 11 years with Michael and I as the sole owners. We employ two additional domiciled Wellfleet residents on a full time year round basis and donate to the local food pantry, 246 Kitchen and other local non profits. We request that our business be given the same rights and treatment to limit liability as are afforded to other businesses for which the town issues a license or a lease. This would include leases for the Cahoon Hollow parking lot, the picnic tables at the pier, and numerous liquor licenses and business licenses that are issued to entities in Wellfleet.

Please refer to the Shellfish Constables recommendation and our memo to see that our business meets the eligibility requirements as set forth in the regulations.

We hope that board members will want to help small farmers take advantage of the same protection that the law affords to every other tradesperson or business owner. If there is a concern with large corporations becoming grant holders, we would like to suggest that the board require that the controlling shareholders or members of a corporation be required to satisfy the domicile requirement. We believe this would resolve that issue while still affording the rights of transfer and allow small farmers to limit liability. We respectfully ask that the Selectboard apply the regulations and approve this transfer.

Sincerely,

Katie Murphy
Northern Collective inc.
DBA Field Point Oyster Farm

Nancy Civetta

From: Field Point Oyster Farm <fieldpointoysterfarm@gmail.com>
Sent: Wednesday, March 29, 2023 9:06 AM
To: Nancy Civetta; bruce@bierlaw.com
Subject: Northern Collective - Commercial Permit Requirement

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,

During our public hearing on March 21st, a Selectboard Member asserted that Northern Collective, inc. is not eligible to become a license holder because it does not hold a commercial permit. We disagree with that assertion.

After conferring with our legal counsel Bruce Bierhans, we maintain Northern Collective, inc. has already purchased a commercial permit in accordance with regulations. We have a receipt of payment from the corporate account. The permit was purchased on time with the intent to be in compliance with this pending license transfer application. As evidenced below the permit was applied for by Northern Collective, inc. with Michael DeVasto as its authorized user.

The Town of Wellfleet requires a Shellfish Transaction Card from the State in order to purchase a permit. The transaction card and permit ID number used to make the purchase is issued to the business, with Michael DeVasto only named as the authorized user.

The application to purchase the commercial permit also requires the purchaser to list the vehicle used to harvest under the permit. The vehicle listed in the application is registered to Northern Collective. Kathleen Murphy is an officer of the corporation and submitted the online application.

The permit was clearly purchased by the corporation, all the transactions made through the use of the permit have to go through the Northern Collective's Shellfish Transaction Card. The vehicle listed on the application to purchase the permit is registered to Northern Collective. Michael DeVasto is the president, and director of Northern Collective and is the authorized user of the permit. As far as we know the Shellfish Department only issues Permits to individuals so that there are not multiple people authorized to use it.

We also maintain that there is actually nothing in the eligibility requirements or the regulations that require an applicant to hold a commercial permit as a prerequisite to obtaining a license. The new regulations only require the license holder to purchase a commercial permit on a yearly basis. If a license is not available to purchase at the time of licensing, one would expect to have to either purchase it when allowed or obtain one through a hardship exemption. The verbatim words in the motion from the 12/20/22 hearing are as follows:

"I move to require grant holders to obtain yearly, a commercial shellfishing permit with such requirement to take effect feb 28th 2023. 4 YES - 0 NO - 1 RECUSED"

We further assert that this license transfer is clearly and explicitly allowed in the regulations. This has been allowed in the regulations for over 35 years. It has been utilized without issue several times. The shellfish regulations have been amended many times over the 35+ years including a comprehensive review in 2018. In all of these instances the shellfish advisory board as well as the Selectboard (licensing authority) has codified the regulations. The Shellfish advisory board and the Selectboard has historically recognised the benefit of limiting liability for small farmers. Denying this license would be an outlier as to our knowledge there has never been an instance when an eligible applicant has been denied a license transfer.

7.9 Rights of Use and Transfer

Licensees shall have the exclusive use of the area described in their license for the purpose of aquaculture, for the duration of their terms. No other individual may use the license without the express permission of the licensee(s).... **Licensees may transfer the rights or responsibilities assigned to their license to any other individuals, companies or corporations** by vote of the Selectboard, and with the express permission of all other individuals who hold license for the same area.

License Holder - A person or persons, or a firm or **corporation** holding a license issued by the Board of Selectmen under the provisions of MGL Chapter 130.

--

Field Point Oyster Farm

PO Box 151

Wellfleet, MA 02667

774.722.9158

www.wellfleetoysterfarm.com



Ryan Curley <ryan.d.curley@gmail.com>

Fwd: 162 Cranberry Hollow Road

Jude Ahern <jude@judeahern.com>

Thu, Mar 23, 2023 at 12:18 PM

To: Suzanne Thomas <suzanne.thomas@wellfleet-ma.gov>, Board of Selectmen <bos@wellfleet-ma.gov>, Richard Waldo <richard.waldo@wellfleet-ma.gov>, Nancy Civetta <nancy.civetta@wellfleet-ma.gov>, Nancy Vail <Nancy.vail@wellfleet-ma.gov>

Dear Suzanne,

This is the address DeVasto is attempting to use for his corporation, Northern Collective.

How is it that 162 Cranberry Hollow appears on the beach sticker database but not on the assessor's database (or map)?

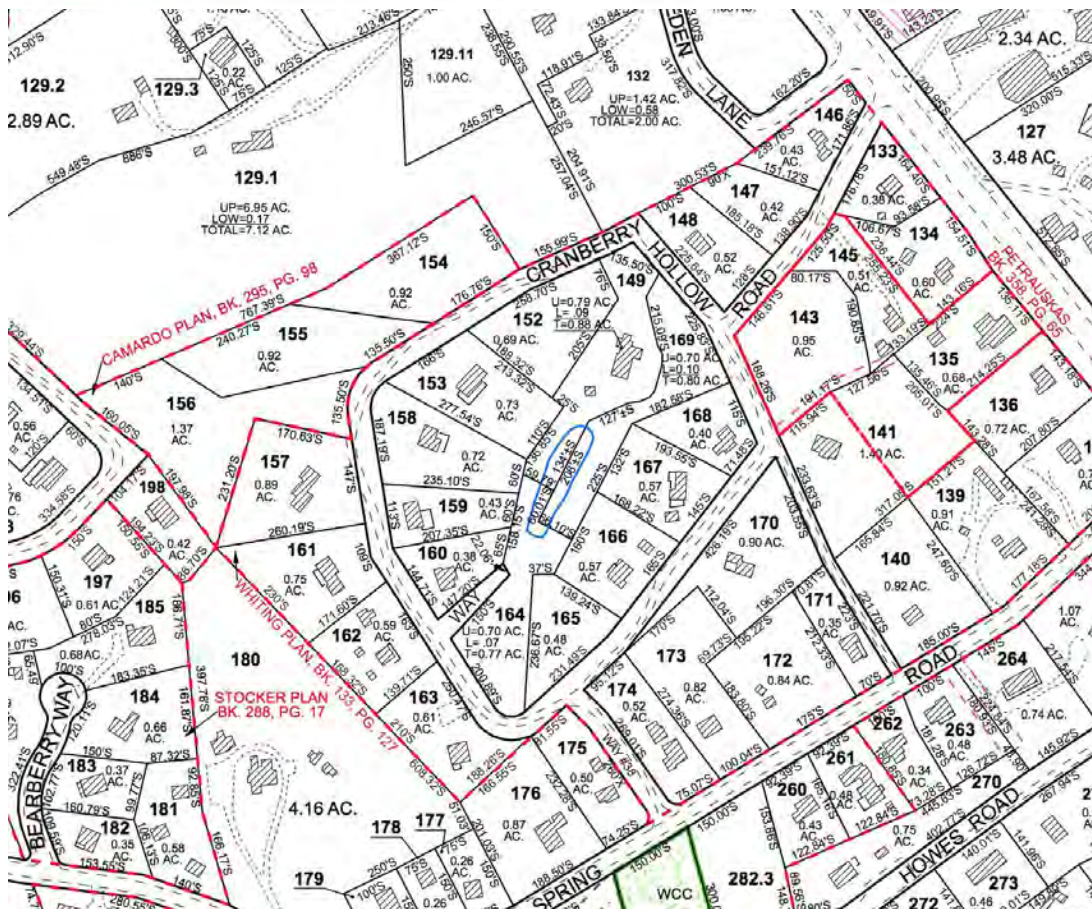
Nancy Civetta, I haven't heard back as to what steps you took to confirm that this is a valid address.

Again, please tell me what steps you took before this was put on the Selectboard's agenda and wasted everyone's precious time.

I expect somebody to respond today. Thank you very much.

Jude

	Name	Address	Type
This is Me	LAFRANCE DEBBIE	165 CRANBERRY HOLLOW RD	Owner
This is Me	Nina Lanctot	162 Cranberry Hollow	Tenant
This is Me	MICHAEL DEVASTO	162 CRANBERRY HOLLOW	Tenant
This is Me	CONGEL EDWARD G & JENNIFER M	15 CRANBERRY HOLLOW RD	Owner
This is Me	VAN HOOK CYNTHIA L TRUSTEE	90 CRANBERRY HOLLOW RD	Owner
This is Me	NORTHROP THEODORE G TRUSTEE	70 CRANBERRY HOLLOW RD	Owner
This is Me	KAUFMAN ELIN TRUSTEE KAUFMAN NATHAN TRUSTEE	50 CRANBERRY HOLLOW RD	Owner
This is Me	WORTMAN JEAN ALICE	85 CRANBERRY HOLLOW RD	Owner
This is Me	Maria Beiter-Tucker	85 Cranberry Hollow Rd	Non-Resident
This is Me	ZIMMERMAN SELMA & RACHEL ZIMMERMAN PAUL	30 CRANBERRY HOLLOW RD	Owner



Keyno	Map	Parcel	Ext	Ty	Owner	StNo	StNo2	Street	Class	Book	Page	AssdVal	Card_PDF
2994	29	146	0	R	MANULLA CHRISTOPHER J	10		CRANBERRY HOLLOW RD	1010	32683	210	\$419,600	
2981	29	133	0	R	CONGEL EDWARD G & JENNIFER M	15		CRANBERRY HOLLOW RD	1010	22453	161	\$509,600	
2993	29	145	0	R	FEIRSTEIN SHANE K	25		CRANBERRY HOLLOW RD	1010	34705	188	\$466,800	
2995	29	147	0	R	ZIMMERMAN SELMA & RACHEL	30		CRANBERRY HOLLOW RD	1300	7497	185	\$243,100	
2991	29	143	0	R	DINGMAN CATHERINE W	35		CRANBERRY HOLLOW RD	1010	30940	138	\$1,040,800	
2989	29	141	0	R	YEAW REBECCA	45		CRANBERRY HOLLOW RD	1010	25884	152	\$210,100	
3016	29	169	0	R	KAUFMAN ELIN TRUSTEE	50		CRANBERRY HOLLOW RD	1300	33468	66	\$256,600	
3015	29	168	0	R	NORTHROP THEODORE G TRUSTEE	70		CRANBERRY HOLLOW RD	1010	16695	169	\$521,600	
3017	29	170	0	R	WORTMAN JEAN ALICE	85		CRANBERRY HOLLOW RD	1010	1105	422	\$461,500	
3014	29	167	0	R	VAN HOOK CYNTHIA L TRUSTEE	90		CRANBERRY HOLLOW RD	1010	34414	331	\$589,200	
3013	29	166	0	R	BONN SUSAN LEIGH	100		CRANBERRY HOLLOW RD	1010	29566	264	\$555,300	
3012	29	165	0	R	COSTANTINO MARC SHAW TRUSTEE	120		CRANBERRY HOLLOW RD	1010	18476	39	\$912,000	
3010	29	163	0	R	MOTT SUSAN C	145		CRANBERRY HOLLOW RD	1010	6178	237	\$763,200	
3011	29	164	0	R	150 CRANBERRY HOLLOW ROAD LLC	150		CRANBERRY HOLLOW RD	1300	25564	155	\$256,200	
3009	29	162	0	R	LAFRANCE DEBBIE	165		CRANBERRY HOLLOW RD	1090	9369	323	\$438,300	
3007	29	160	0	R	COHEN HYMAN TRUSTEE	166		CRANBERRY HOLLOW RD	1010	30318	306	\$427,200	
3008	29	161	0	R	BROMBERG FREDERICKC & LAUREN M	175		CRANBERRY HOLLOW RD	1010	20113	240	\$611,300	
3006	29	159	0	R	WALSH MATTHEW C	180		CRANBERRY HOLLOW RD	1010	9404	91	\$572,100	
3004	29	157	0	R	KORNBLUH HYMAN TRUSTEE	185		CRANBERRY HOLLOW RD	1010	7597	286	\$579,900	
3005	29	158	0	R	BLEWITT KAREN TRUSTEE	190		CRANBERRY HOLLOW RD	1010	13258	294	\$943,500	
3003	29	156	0	R	IAMONACO MARK & MARY	195		CRANBERRY HOLLOW RD	1010	22904	171	\$1,409,900	
3002	29	155	0	R	KELLY KEL TRUSTEE	205		CRANBERRY HOLLOW RD	1010	29206	233	\$1,020,100	
3000	29	153	0	R	LUTZ JOANN C TRUSTEE	210		CRANBERRY HOLLOW RD	1010	32205	113	\$479,200	
3001	29	154	0	R	BENTON JOHN T & DANIELLE	215		CRANBERRY HOLLOW RD	1300	34644	46	\$260,700	
2999	29	152	0	R	WELCH SUZANNE WETLAUFER	230		CRANBERRY HOLLOW RD	1300	7344	250	\$255,800	
2997	29	149	0	R	SPRING BERNARD P TRUSTEE	250		CRANBERRY HOLLOW RD	1090	23297	191	\$1,475,000	
2996	29	148	0	R	ZIMMERMAN SELMA & RACHEL	265		CRANBERRY HOLLOW RD	1010	7497	185	\$435,400	

Begin forwarded message:

From: Nancy Vail <Nancy.Vail@wellfleet-ma.gov>
Subject: RE: 162 Cranberry Hollow Road
Date: March 23, 2023 at 9:24:52 AM EDT
To: Jude Ahern <jude@judeahern.com>

Not in my database, even going back years, so I don't know where that came from.

-----Original Message-----

From: Jude Ahern <jude@judeahern.com>
Sent: Wednesday, March 22, 2023 4:48 PM
To: Nancy Vail <Nancy.Vail@wellfleet-ma.gov>
Subject: 162 Cranberry Hollow Road

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.

Dear Nancy:

Can you please tell me what property is at [162 Cranberry Hollow Road](#)? It doesn't appear to be in the assessor's database. Not parcel 162, street number 162. It's in the beach sticker database but no owner information.

Thank you,

Jude



Ryan Curley <ryan.d.curley@gmail.com>

please include this in next Tuesday's Selectboard packet

Jude Ahern <jude@judeahern.com>

Wed, Apr 12, 2023 at 1:55 PM

To: Board of Selectmen <bos@wellfleet-ma.gov>, Richard Waldo <richard.waldo@wellfleet-ma.gov>, Rebekah Eldridge <rebekah.eldridge@wellfleet-ma.gov>, Michael Hurley <michael.hurley@wellfleet-ma.gov>


Dear Selectboard and Administration:

Please include the attached (already) redacted police report summarizing their findings. It is relevant to the discussion about vetting corporations who claim to own or rent property in the town of Wellfleet with an address that does not legally exist. It is not clear how some things get included in a packet and some things get omitted but I am requesting well in advance of the OML deadline to included this.

As you know, a town employee let an anonymous citizen share my police "incident report" via the town's cell phone list on June 19, 2022 at approximately 11:30am when I was running for Selectboard. The Wellfleet Police didn't redact any of that and nobody has answered my questions about redacting jurisdiction.

Thank you.

Jude

 **SKM_C360i23040710540.pdf**
87K

On March 23, 2023 I, Detective Daley was assigned to the 1445-2300 shift in marked cruiser number 5. At approximately 1645 I was dispatched to the Wellfleet Police Department Lobby to assist a citizen. On arrival I spoke with Jude Ahern.

Ahern reported to me that she had a complaint about one of the Wellfleet Selectmen. She attended Tuesday's select board meeting and learned that Mike Devasto has a business registered to 162 Cranberry Hollow Road. She informed me that she looked up the address and didn't believe 162 Cranberry Hollow Road existed. Ahern filled out a statement and handed me forms that documented her concerns about the address not existing. I have attached both.

After speaking with Ahern I responded to Cranberry Hollow road and found that Devasto does live there.

**** Portions of this report have been redacted ****



Ryan Curley <ryan.d.curley@gmail.com>

For Wed., 4/26/23 SAB meeting.

1 message

Helen Miranda Wilson <helmirwil@c4.net>

Tue, Apr 18, 2023 at 12:45 PM

To: ": Shellfish Advisory Board" <SAB@wellfleet-ma.gov>

Cc: Civetta Nancy <nancy.civetta@wellfleet-ma.gov>, Austin Barbara <baustinfleet@yahoo.com>, Puffer Jake <puffer.jacob@gmail.com>, Bruinooge Berta <jacobe@meganet.net>, Selectboard Wellfleet <bos@wellfleet-ma.gov>

Re. CORPORATIONS NAMED ON GRANTS SAB agenda item.
For Wednesday, 4/26/23 SAB meeting.

4/18/23 Possible DRAFT amendment.

SAB and Sb members: If you wish to reply to me, do not “reply all” so as not to violate the Open Meeting Law.

Any loop holes? If I have missed anything, please let me know. 508) 241-0208, if you wish to call.

Hi Everyone.

I drafted these amendments the day after the Selectboard meeting when there was concern expressed

about having corporations be licensed to aquaculture grants.

I researched the various ways more than one person can be named to a grant as part of a single entity.

In one of these sections, have specified some of those entities with an “including” phrase.

My concern is that if an entity has some shareholders or other members who are not fully qualified

as either Wellfleet grant licensees or Commercial Permit holders, they would be making management decisions within the fishery.

The rationale for not allowing this is clearly stated in the Shellfing Policy:

"Because much of the area that is used for shellfishing and shellfish aquaculture is a precious natural resource that is owned by the Town, and because best use of such intertidal land is made by those who are geographically present and personally accountable to the community, the granting of commercial permits and licenses for aquaculture is restricted to domiciled residents of Wellfleet."

We would need to check with Town Counsel about our right to condition membership of an entity like a corporation. I think we can. For example, the Town is a corporation and we can have conditions for being documented as a domiciled taxpayer, a voter, etc..

Amendments are in **bold**. My notes are in red.

Helen.



DRAFTS re. entities.docx
23K



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023

III

PUBLIC HEARINGS

~ O ~

REQUESTED BY:	Shellfish Constable ~ Nancy Civetta
DESIRED ACTION:	To continue grant extension request for grant #99-1 on Mayo Beach for Angela Osowski and Robert and Mary Mallory due to compromise in the works.
PROPOSED MOTION:	I move to continue Angela Osowski's and Robert and Mary Mallory's request for grant extension #99-1ext. on May Beach until May 23, 2023.
Summary:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

DATE: April 11, 2023
TO: Selectboard Members
FROM: Nancy Civetta, Shellfish Constable
RE: Angela Osowski, Robert and Mary Mallory grant #99-1 extension request

Dear Selectboard members:

I received an application from Angela Osowski, Robert Mallory and Mary Mallory on January 10, 2023, requesting a shellfish grant license extension on Mayo Beach (#99-1 ext) totaling approximately 0.43 acres. A public hearing was held on January 31, 2023, and Angela Osowski asked for the hearing to be continued. At the public hearing on March 21, 2023, the Selectboard decided to grant much of the area proposed in this application to Rebecca and Myron Taylor. The Selectboard then continued this public hearing again.

In the past few weeks, Rebecca Taylor and Angela Osowski have sat down together and agreed on a compromise that will accommodate both and give them each the areas for expansion they need. This compromise will require the following:

- A new map for both extension proposals will be created with boundary points identified (The Shellfish Department is helping with this.);
- I will check again with the Beach Administrator Suzanne Grout-Thomas to make sure that the new maps also won't present beach user conflicts on Mayo Beach;
- The Taylors will need to submit an application for a new proposed grant extension;
- The Osowski-Mallory's will need to submit a revised map for its extension proposal.

Therefore, I respectfully request, with the grant holders approval, that this public hearing be continued to May 23, 2023, when we can come back to you with the compromise fully described and mapped out. Thank you.

Sincerely,

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

Nancy Civetta
Shellfish Constable

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305

RCVD 1.10.2023

APPLICATION FOR SHELLFISH GRANT LICENSE

DATE: January 9th 2023

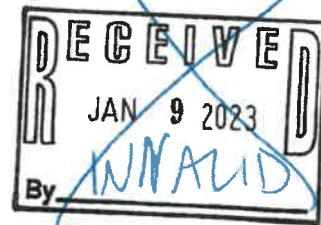
This request is being made under Chapter 130, Sections 57 & 59.

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

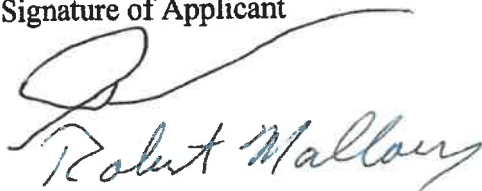
Mary Mallory
Grant holder for 24 years

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



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.

N/A

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

ROBERT MAZLODY

TOWN OF WELLFLEET 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. MAYOR BEACH 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 WELFLEET 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.

MARY MALLOREY

TOWN OF WELLFLEET 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.
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- 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. *MAYO BEACH IS TOWN-OWNED.*
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FROM WELLFLEET SHELLFISH POLICY AND REGULATIONS

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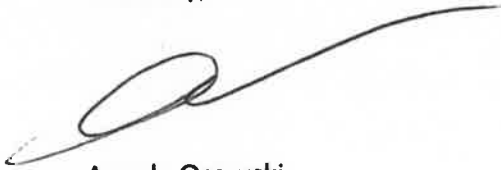
To: Wellfleet Selectboard

From: Angela Osowski, Robert Mallory, and Mary Mallory

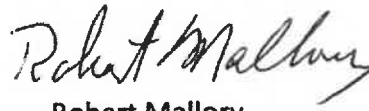
Date: January 9th, 2023

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.

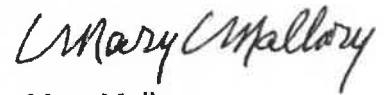
Sincerely,



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 2147

City/Town Wellfleet State MA ZipCode 02667

Telephone 5083496417 Cell Phone 508-364-1034

E-Mail Address capelobstergirl@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: 0.43

Site boundaries defined by latitude and longitude in decimal degrees (i.e. 42.36115°, -71.057083°):
(#110) 41.92932 -70.03316 (#109) 41.92902 -70.03337 (#113) 41.92833 -70.03322
(#114) 41.92852 -70.0334 (channel) 41.92833 -70.0334 (beach) 41.92932-70.03337

Have you conducted a survey of the site (Y/N)? Yes Date? 1/8/2023

Method of Survey:

Walked site to examine substrate. Same substrate as current grant

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 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.

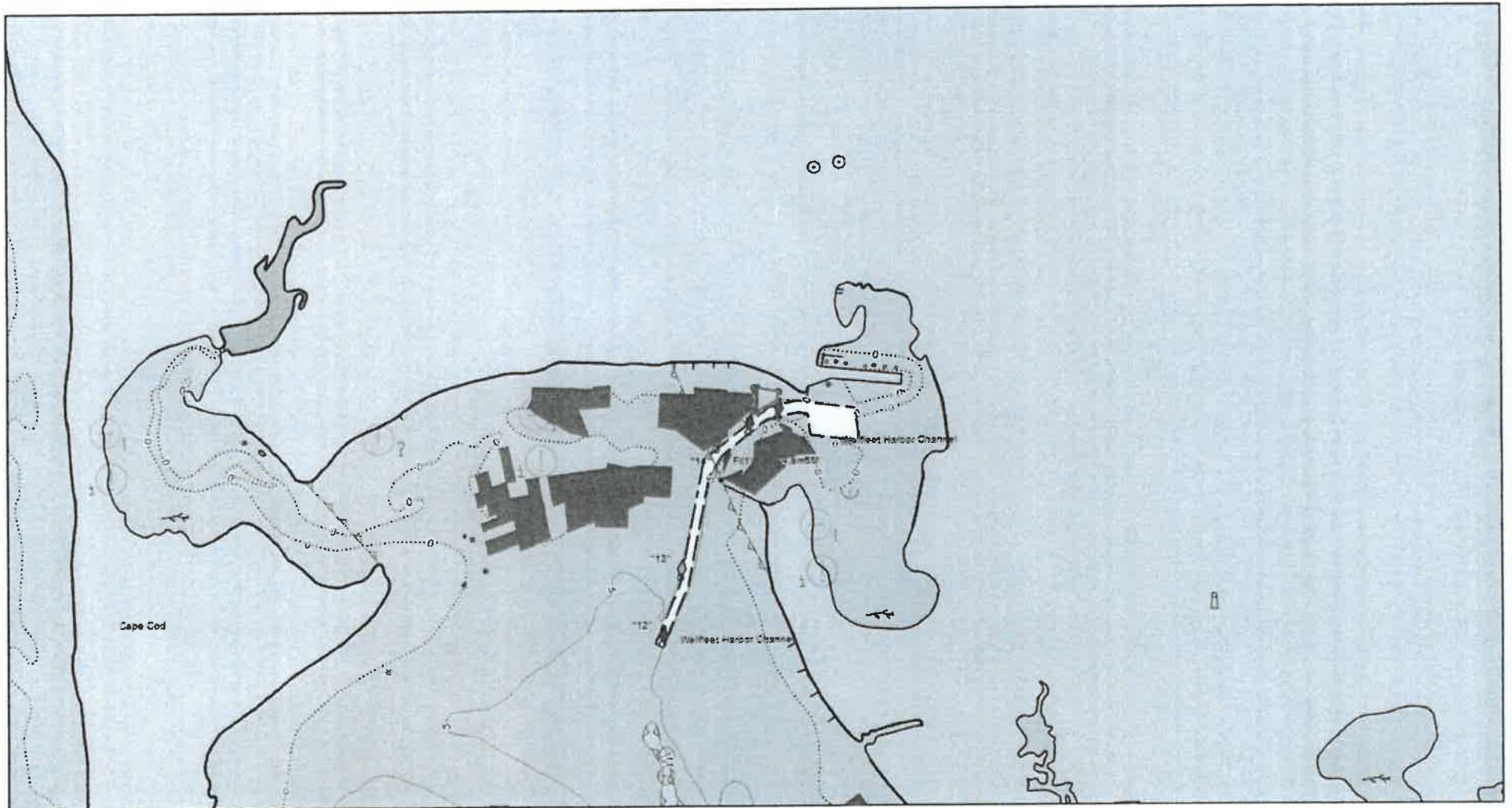
This table will be used to assess cumulative impacts if the project is subject to environmental review by the Massachusetts Environmental Policy Act (MEPA) Office and should be submitted as an attachment with your MEPA filing. If the project is subject to the MEPA Special Review Procedure (SRP), the 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	<u>Rohat Malhotra</u>	Date	<u>1-9-23</u>
	<u>Mary Mallory</u>		<u>1/9/23</u>
	<u>[Signature]</u>		<u>1/9/2023</u>

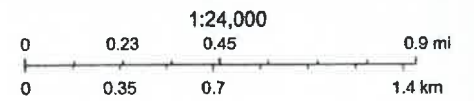
Division of Marine Fisheries
ATTN: Aquaculture Coordinator
706 South Rodney French Boulevard
New Bedford, MA 02744
Phone: (508) 742-9766

Osowski/Mallory



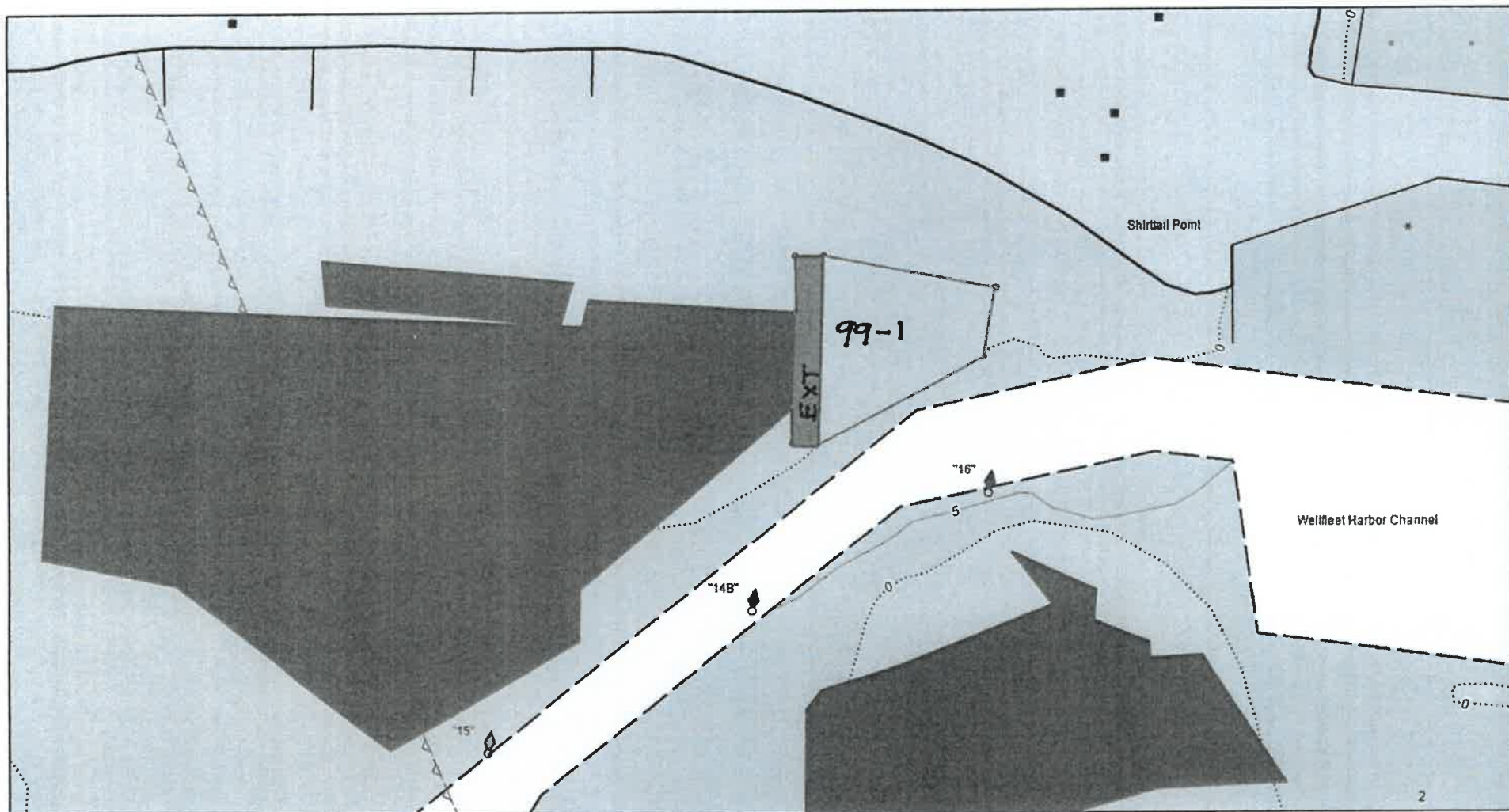
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Areas
Override 2 Aquaculture
Override 1 • MAYO-ALL Shellfish



Maxar

Osowski/Mallory

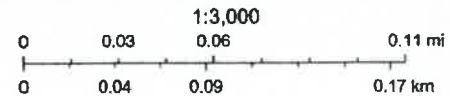


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EXT

Areas
 Override 2 Aquaculture
 Override 1 MAYO-ALL Shellfish

99-1



Maxar, Microsoft



SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: April 18, 2023

III

PUBLIC HEARINGS

~ P ~

REQUESTED BY:	Selectboard Chair ~ Ryan Curley
DESIRED ACTION:	To approve a moratorium on aquaculture licenses ~ Section 7.7
PROPOSED MOTION:	I move to approve a moratorium on aquaculture licenses as stated in Section 7.7 of the shellfish rules and regulations. (12-20-2022), until _____.
Summary:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Transfer Moratorium Public Hearing 04/18/23

Memo From: Ryan Curley

Subject Transfer Moratorium

I have requested a Public Hearing to be advertised for April 18th for the Selectboard to consider placing a moratorium on license transfers. I have requested this because of the issues raised in the public hearing for the Application received 1/18/2023 for the transfer of shellfish grant license #s 855, 855-B, and 855-C totaling approximately 3.6 acres on Field Point from Michael DeVasto (Wellfleet, MA) and Michael Ramsdell (Wellfleet, MA) to Northern Collective, Inc. (Wellfleet, MA). There is a need to resolve these issues before hearing other transfer requests that may raise the same prospective issues. The DeVasto, Ramsdell, and Northern Collective hearing would continue to be heard to resolve these issues, and then to consider any regulatory changes the board deems necessary or beneficial.

To be clear, the advertised public hearing only is for transfers.

Three courses of action:

1. To have a moratorium on the transfers of shellfish lease areas to individuals without a current commercial shellfish license
2. A moratorium on the transfer of licensed areas to non-natural persons
3. To take no-action

Town of Wellfleet
Selectboard
Public Hearing
April 18th, 2023

In accordance with MGL Chapter 130 Sections 52, 57, 58, 59, 60, 62, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Selectboard will hold a hybrid public hearing in person and on Zoom on April 18th, 2023, at 7:00 p.m. to consider the following:

Under Section 7.7. Moratorium on Aquaculture Licenses The Selectboard may declare a moratorium (a time-specific closure) on license transfers at any time this action is deemed appropriate and in the best interests of the fishery and the environment.

of Productivity: Use It or Lose It, 7.13 Annual Report, 7.14 Annual Inspection of Each Grant, 7.15.1 Required State Seed Propagation Permit and 7.19 Aquaculture Gear and Equipment. If applicant meets all criteria outlined above, then the following is required:

1. Fill out an aquaculture license application and get Shellfish Constable signature. Applications available at Shellfish Department offices.
2. Go over the Checklist for Aquaculture Lease Applicants with the Shellfish Constable, who shall provide any additional documentation required, such as a form for a Five-Year Business Plan and a template for a letter to the Selectboard.
3. For new grants and extensions:
 - a. Determine whether owner permission is needed, and if so, obtain written permission.
 - b. Schedule a site visit with Shellfish Constable to assess the area, ensure the shellfish growing area has an appropriate classification for aquaculture, review approximate coordinates for the new grant boundaries and discuss any potential conflicts. The applicant should include the proposed coordinates and map in the documentation provided to the Shellfish Constable for the Selectboard.
 - c. Have Harbormaster review proposal with regards to reasonable navigational and recreational interests in the areas concerned. (See 7.4 Location of Areas Licensed for Aquaculture (Grants).)
 - d. Set up a site visit with the Harbormaster and Shellfish Constable.
4. The Shellfish Constable shall request that the public hearing be placed on an upcoming Selectboard meeting agenda and contact the Principal Clerk for advertisement and posting.
5. The Shellfish Constable shall write a letter of recommendation or concern and shall provide all relevant grant application documents for the Selectboard hearing by the meeting packet deadline.
6. By or before the date of posting, the Shellfish Department shall make contact with and provide notification of the date of the hearing to the Harbormaster and to intertidal abutters who share boundaries with the proposed site, or who are otherwise adjacent or substantially affected by the change in area, as determined by the Shellfish Department.
7. A public hearing shall be held within 60 days of when the Shellfish Constable receives the complete written application with all required documents, and the Selectboard shall determine the outcome of the application.
8. Upon approval by the Selectboard and after the Massachusetts Division of Marine Fisheries biological survey, the applicant must simultaneously
 - a. have the new site professionally surveyed and supply the Shellfish Department with all boundary coordinates in decimal-degrees, and
 - b. start the state and federal permitting process, including, but not limited to, applications for MEPA (MA Environmental Policy Act) if area is a half acre or larger, Notice of Intent (Wetlands Protection Act filing), Chapter 91 authorization, eligibility under the Army Corps General Permit, etc. For more details, visit: <https://www.massaquaculturepermitting.org/>
9. Before the applicant can begin to use the site, they shall be required to clean up and remove all old and/or derelict aquaculture gear that may have accumulated on the site as per Section 7.19.4 Removal of Damaged Gear or Equipment and shall have a grant inspection by the Shellfish Department to confirm its readiness.

7.7. Moratorium on Aquaculture Licenses

The Selectboard may at a duly advertised public hearing declare a moratorium (a time-specific closure) on license approvals at any time this action is deemed appropriate and in the best interests of the fishery and the environment.

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



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023

IV

BUSINESS

~ A ~

REQUESTED BY:	Wellfleet Selectboard
DESIRED ACTION:	To review and discuss the Town Administrators one-year performance review
PROPOSED MOTION:	If a motion is needed one will be made at the time of the meeting.
SUMMARY:	
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____

Performance Evaluation Policy

The Performance Evaluation Policy for the Town Administrator includes the following:

1. Establishment of measurable objectives which the Town Administrator can achieve for the next review period goals which reflect the areas which the town and the Board expect him or her to exercise leadership.
2. Opportunity for regular as well as annual written feedback from the Board to the Town Administrator on goals, priorities, and performance, as well as regular informal feedback. Each year, with the performance evaluation process.
3. A formal evaluation of performance of the Town Administrator meeting the objectives for these goals, to be done by each Board member, using the attached Performance Evaluation Form.
4. Regular performance reviews are critical in establishing a cohesive working arrangement between the Selectboard and the Town Administrator.
5. An annual salary review which includes both (a) any change in base salary determined by contract or by negotiation, and (b) any merit increase based upon the performance evaluation, *as set forth below*.

Performance Evaluation Schedule

The following schedule describes the formal process to be followed each year to establish objectives for and to review the performance of the Town Administrator.

1 Year Evaluation Period

June 2022

The Town Administrator shall submit their professional development plan.

July 2022

The Board will establish first year goals for the Town Administrator.

September 2022

The Selectboard and Human Resource Director (ATA) will initiate the Evaluation Process. The Selectboard will complete their individual reviews and submit them to the Assistant Town Administrator the for the Chair to compile.

November 2022

The Selectboard will meet with the Town Administrator to review their six-months evaluations.

November 30th, 2022

Six-month anniversary.

March 2023

The Selectboard and Human Resource Director (ATA) will initiate the Evaluation Process. The Selectboard will complete their individual reviews and submit them to the Assistant Town Administrator the for the Chair to compile.

April 2023

The Selectboard will meet with the Town Administrator to review their evaluations and determine. The Selectboard will consider annual performance merit increases to become effective on May 31st of each year. The merit increase will be based on the annual performance review, which will be performed by the Selectboard in timely fashion. Merit increases will consider cost of living adjustments provided to other Wellfleet municipal employees and movement through the salary range and will be based on performance.

First Monday in May

Annual Town Election.

Annual Review

February and March.

A formal evaluation is done by each Board member, including written feedback and recommendations for improvement for the next review period.

An informal review of the annual performance evaluation - including any measures to improve performance, and professional development objectives for the next year - should be conducted by two members of the Board with the Town Administrator before the ratings are presented at and voted on at a formal Board meeting. The overall performance rating should be presented to the public using the definitions which the Board selected (“meets expectations”, etc.), rather than the numerical score.

The annual salary review should be discussed at a later formal Board meeting. Depending upon the terms of the contract with the Town Administrator, any increase in base salary may consist of either or both (a) any change in base salary determined by contract or by negotiation, and (b) any merit increase based upon the overall performance rating.

April of each year.

Any departing member of the Board should prepare a letter to the Town Administrator which summarizes the priorities they see for the next year. The Town Administrator should prepare a draft of his or her objectives for the next evaluation period, including any areas for improvement which were identified.

May and June.

The incoming Board should set its policy goals for the next year, taking into account recommendations from the outgoing Board for goals which carry over, and goals provided by Departments and the Town Administrator. The incoming Board should work with the Town Administrator to finalize the objectives for the next year, based upon the goals set by the Board and the draft objectives prepared by the Town Administrator.

October and November.

An informal review of progress towards meeting the objectives should be made at mid-year for improvement or major project goals.

March

The Selectboard and Human Resource Director (ATA) will initiate the Evaluation Process. The Selectboard will complete their individual reviews and submit them to the Assistant Town Administrator for the Chair to compile.

Annual Performance Evaluation Form¹

Town Administrator : Richard Waldo

Evaluation period: Annual

2022-2023

Each Board member will meet with the Human Resources Director to complete this evaluation form and it in the space below. The deadline for completing this performance evaluation is 5pm on Thursday, April 13, 2023. Evaluations will be summarized by the Human Resources Director and distributed to all members.

Board Member's Signature _____ Date Submitted _____

Review Period Covered: Annual X Mid-year _____ Other _____

A. PERFORMANCE CATEGORY SCORING

This evaluation form presents ten categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement in categories 1 - 10, use this scale to indicate your rating of the Town Administrator.

5 = Excellent (almost always exceeds the performance standard)

4 = Above average (generally exceeds the performance standard)

3 = Average (generally meets the performance standard)

2 = Below average (usually does not meet the performance standard)

1 = Poor (rarely meets the performance standard)

Any item left blank will be interpreted as a score of "3 = Average"

¹ Adapted from City Manager Performance Evaluation, University of Tennessee Institute for Public Service.

Criteria Performance Category Scoring (scored on a 1-5 scale)

5 = Excellent (almost always exceeds the performance standard)

4 = Above average (generally exceeds the performance standard)

3 = Average (generally meets the performance standard)

2 = Below average (usually does not meet the performance standard)

1 = Poor (rarely meets the performance standard)

Any item left blank will be interpreted as a score of "3 = Average"

1. Individual Characteristics
 - a. Composite Score: 4.54
 - b. Comments: None.
2. Professional Skills and Status
 - a. Composite Score: 4.52
 - b. Comments: None.
3. Relations with Member of the Elected Body
 - a. Composite Score: 4.26
 - b. Comments: Rich gives input more often guided directions but not in legal jeopardy.
4. Policy Execution
 - a. Composite Score: 4.57
 - b. Comments: Rich is very cost conscious when it comes to funding.
5. Reporting
 - a. Composite Score: 4.64
 - b. Comments: None.
6. Citizen Relations
 - a. Composite Score: 4.78
 - b. Comments: None.
7. Staffing
 - a. Composite Score: 4.05
 - b. Comments: None.
8. Supervision
 - a. Composite Score: 4.20
 - b. Comments: None.
9. Fiscal Management
 - a. Composite Score: 4.48
 - b. Comments: None.
10. Community
 - a. Composite Score: 4.48
 - b. Comments: None.

Total Weighted Composite Score: 4.45

1. What performance area(s) would you identify as most critical for improvement?
 - There are significant areas where the town is struggling, particularly around staffing; these struggles are endemic to the field and very pronounced in the local area. The long-term success of the town is predicated on addressing staffing issues. Staffing positions have primarily come from the board creatively necessary to restructure town functions to increase resiliency in the face of vacancies and turnover.
 - Prior practices that were allowed to build up over a period of years present a challenge, but there has been resistance to documenting employee performance issues.
 - The ongoing financial matters have been challenging and time-consuming. I have concerns in those regards and the long-term strategic means of addressing them.
 - While Rich has worked with Eastham to nail down the cost for a main water extension, there is room for growth in coordinating with the neighboring towns.
 - Regular ongoing communication with staff, including staff team meetings.
 - Develop was to support employee recruitment and retention.
 - Continue ongoing monitoring and managing fiscal cash management.
 - Supporting recruiting and retention of staff.
 - Potentially delegate review and evaluation of physical plant to DPW Director.

2. What constructive suggestions or assistance can you offer the Town Administrator to enhance performance? Particularly areas that were scored a 1 or 2.
 - Remains reliant on the chair to organize agendas and schedules and does not review the SB packets before distribution.
 - I have some reservations about how different issues have been handled, even though we have imperfect tools. However, I believe that the TA now understands why and to mitigate them going forward.
 - E-code implementation needs further refinement.
 - Recordings of meetings are complex for citizens to find. These concerns have been raised several times with no response. Regularly must assist citizens in finding the meeting recordings. People need to be directed through an intuitive process to find recordings. Video cannot be captured even though it is public domain as a government has produced.
 - Building an atmosphere where staff feels included in decision-making to identify team-oriented solutions.
 - Conduct monthly staff meetings to hear where support is needed and gain an understanding of the issues in each department.
 - Thinking outside of the box for advertising positions outside of the normal process.
 - More engagement and ongoing communications with staff and departments
 - More outreach with the Cape Cod community, county commissioners, and other Town Administrators in Eastham and Truro to see what other Towns are doing.
 - Focus on critical priorities: 1) monitoring and managing fiscal cash, 2) supporting recruitment and retention of staff, and 3) conducting an evaluation of the existing Town buildings.
 - Attending town events and activities when possible so more people can get to know him.

B. GOALS / OBJECTIVES -- ACHIEVEMENT

GOALS scored on a 1-3 basis.

3 = Achieved

2 = Partially achieved

1 = Not achieved

1. Support and Promote Housing Development
 - a. Composite Score: 2.80
 - b. Comments: 95 Lawrence Road is the responsibility of the developer. The acquisition of Maurice's Campground has required significant efforts from the TA, staff, and volunteers. Getting an RFP out of an operator on time was critically important.
2. Continue Improvement of Town Finances
 - a. Composite Score: 2.40
 - b. Comments: reached a compromise with the TA over staffing financial offices but remain concerned. There are issues that will require significant time and effort. Renaming a position does not mean less work is involved, particularly when the rescoped position becomes responsible for addressing deficiencies in other offices. I look at free cash certification as just getting the town back to the starting line. There is a long road ahead.
3. Address Cahoon Hollow Beach Issues
 - a. Composite Score: 2.60
 - b. Comments: This will be an area that will take a period to reduce the burden placed on the town. We have a really good plan in place.
4. Invest in Public Facilities & Town Properties
 - a. Composite Score: 2.00
 - b. Comments: Deferred maintenance remains an issue. Many of our buildings are coming due for significant periodic maintenance, as the last time they had substantial maintenance events dated to the same period. Believes we will need to complete a survey to work on this goal.
5. Modernization
 - a. Composite Score: 2.40
 - b. Comments: None.
6. Improve Communications & Community Engagement
 - a. Composite Score: 2.20
 - b. Comments: Video of meetings need to be easier to find. The TA has met with a number of citizens and citizen groups to address their concerns which is highly advantageous to the town and speaks well. A marketing position may be needed to help with communications.
7. Strengthen Human Resources and Staff Support
 - a. Composite Score: 2.20
 - b. Comments: I haven't seen an analysis of staffing needs, and I remain concerned about accountability, but Rich has promoted educational opportunities.
8. Professional Development Plan
 - a. Composite Score: 2.60
 - b. Comments: Achieved.

Goals Total Composite Score: 2.4

OVERALL SCORE

PERFORMANCE CATEGORY SUBTOTAL: 4.45

GOALS/OBJECTIVES CATEGORY SUBTOTAL: 2.4

Overall Score: 6.85

EVALUATION CRITERIA -

Evaluation an Overall Score of:

Score 7 – 8 : Exceeds Expectations

Score 5 – 6 : Meets Expectations

Score 3 – 4 : Needs Improvement

Score 0 – 2 : Not Meeting Expectations

(Create an action plan)

SUGGESTED ANNUAL MERIT INCREASE (ANNUALLY IN APRIL)

At the Annual Evaluation an Overall Score of:

Score 7 – 8 : 4%

Score 5 – 6 : 2.5%

Score 3 – 4 : 1%

Score 0 – 2 : No Merit increase

BOARD MEMBERS FINAL COMMENTS

What other comments do you have for the Town Administrator (e.g., priorities, expectations, goals, or objectives for the new fiscal year)?

- Overall Rich has performed well in a challenging and high-pressured environment. Hopefully, these conditions will improve going forward, reflecting the hard work of the staff and the TA.
- I can't emphasize enough the need for robust communication and retention of staff.
- Creation of a comprehensive marina improvement plan.
- Doing what we need to do to ensure bylaws are taken seriously.
- Rich has, by and large, exceeded expectations given, and he has only been in his position 8 months.
- We are fortunate to have Rich working for the Town.
- I have been impressed with Rich's first-year efforts as Town Administrator for Wellfleet. He is only going to get stronger and increasingly more effective over time.
- I appreciate his humility and openness.
- I am uniformly impressed with Rich's focus on priorities. Keep up the good work!
- The expenses of underinvesting in how the town is run came due three years ago, and everyone must do their part to ensure that there is no repeat. I am not sure the general public is aware of how fragile Wellfleet's recovery is without investing in the resources it needs to function correctly.
- Certain functions must be regionalized to increase the resiliency of those services and contain costs. Wellfleet has significant investments to make, and there are costly projects on the horizon, particularly Wastewater. How we pay for these expenses is an important question

EMPLOYMENT AGREEMENT

THIS AGREEMENT, made and entered into this W day of April, 2022, by and between the TOWN OF WELLFLEET, COMMONWEALTH OF MASSACHUSETTS, a municipal corporation acting by and through its Selectboard (herein referred to as the "Town" or the "Employer"), and Richard Waldo (hereinafter referred to as the "Town Administrator" or the "Employee"), is executed pursuant to Massachusetts General Laws, Chapter 41, § 108N.

WITNESSETH

WHEREAS, the Town is desirous of securing the services of Richard Waldo as Town Administrator pursuant to M.G.L. Chapter 41, Sec. 108N;

WHEREAS, Richard Waldo is willing to perform the duties of the position of Town Administrator according to the terms and conditions of this Agreement;

NOW THEREFOR, the Town and the Employee hereby agree that the following terms and conditions shall govern the salary, fringe benefits, and other conditions of employment pertaining to the service of said Richard Waldo, Town Administrator of the Town of Wellfleet.

1. DUTIES

The Town hereby agrees to employ Richard Waldo as Town Administrator to perform the functions and duties specified in the Town Administrator's job description and the Wellfleet Home Rule Charter and to perform such other legally permissible functions as the Wellfleet Selectboard, the Town Administrator's direct supervisor, shall authorize.

2. TERM

The Employee agrees to remain in the employ of the Employer from May 31, 2022 through May 30, 2025.

Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Employee to resign at any time from his employment, subject to Section 5-8-5 of the Wellfleet Home Rule Charter. The Employee shall provide the Selectboard with at least 90 days' notice of an intended resignation, although the Selectboard may shorten or waive such requirement at its discretion.

Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Town to terminate the services of the Town Administrator at any time, subject to the provisions of Section 8. A decision of the Employer not to renew this Agreement or the services of the Employee at the natural expiration of this Agreement on May 29, 2025, shall not be construed as a termination and is not subject to the provisions of Section 8 of this Agreement.

As required by Chapter 41, Section 108N of the General Laws of Massachusetts, nothing in this Agreement shall affect the appointment or removal power of the Board, nor shall it grant tenure to the Employee, nor shall it abridge the provisions of Chapter 44, Section 67 of the General Laws of Massachusetts.

3. COMPENSATION

Subject to appropriation on an annual basis, the Town Administrator shall be paid for services rendered pursuant to this Agreement of an annualized base salary of one hundred eighty-five thousand (\$185,000.00) dollars, subject to applicable withholdings and deductions, effective May 31, 2022 and continuing through May 30, 2023. Salary will be paid to the Employee in regular installments at the same time as other employees of the Employer are paid.

The Selectboard will consider annual performance merit increases to become effective on May 31 of each year. The merit increase will be based on the annual performance review, which will be performed by the Selectboard in a timely fashion. Merit increases will consider cost of living adjustments provided to other Wellfleet municipal employees and movement through the salary range and will be based on performance.

In addition, the Town Administrator shall be enrolled in the Barnstable County Retirement System, or any successor organization. Further, there will be no reduction in benefits during the term of this agreement. The Town shall reimburse the Town Administrator for the expense of mileage and vehicle maintenance of four thousand eight-hundred (\$4,800.00) dollars per year. The reimbursement shall be paid in monthly installments.

The Town shall establish a deferred compensation plan for the Town Administrator and contribute the sum of \$5,000.00 per year in Fiscal Year 2023 and continuing throughout the term of this agreement. Additionally, the Town Administrator may, at his sole option, convert up to one week of unused vacation each year into said plan.

All provisions of the laws of the Commonwealth of Massachusetts relating to retirement, health insurance and other fringe benefits shall apply to the Town Administrator as they generally apply to other employees of the Town, in addition to the benefits enumerated herein specially for the benefit of the Town Administrator, except as otherwise provided in this Agreement.

All other general provisions of the Town's By-Laws related to fringe benefits shall also apply to the Town Administrator as they generally apply to other employees of the Town, in addition to the benefits enumerated herein specifically for the benefit of the Town

Administrator, except as otherwise provided in this Agreement. These benefits shall include, but not be limited to, reimbursement of documented employment related expenses,

This Agreement shall prevail over any conflicting personnel provisions of the Town's bylaws, or rules and regulations, or the Wellfleet Home Rule Charter in the event that one is adopted by the Town and enacted by the legislature.

4. WORK SCHEDULE AND TIME-OFF

The Town Administrator agrees to devote the adequate amount of time and energy which is reasonably necessary to faithfully perform the duties of the position under this Contract. The Town Administrator shall normally follow a 40 hour a week work schedule Sunday through Saturday. For purposes of the Fair Labor Standards Act ("FLSA"), the Town Administrator is considered an exempt employee.

The Town Administrator is eligible for 200 hours (5-weeks) compensated vacation time per year. Vacation leave shall be scheduled by the Town Administrator so as not to conflict with the needs of the Town. Vacations must be taken in the anniversary year earned. Vacation leave must be planned to ensure that both the Town Administrator and the Assistant Town Administrator are not on leave during the same period. The Town Administrator may in lieu of time off choose to be paid for up to 40 hours (one week) of vacation time per year. Notice of the intent to sell back vacation time in this manner must be submitted to the Selectboard prior to March 1.

The Town Administrator is entitled to sick leave, holidays, and bereavement leave pursuant to the Town of Wellfleet Employee Personnel Manual, as amended. Sick leave credits may be allowed to accumulate to a maximum of 150 days. The Town Administrator will be credited with an initial balance of 50 sick days upon beginning employment.

The Town Administrator shall receive two (2) personal days per fiscal year, which may not be carried over into a subsequent fiscal year.

The Town Administrator will have the ability to work from home when it is expedient or practical to do so (work requiring uninterrupted focus, severe weather, etc.) with approval from the Selectboard. While such an occurrence shall be rare, it is an available option if the situation warrants it.

The Town Administrator shall not engage in any other business activity or serve in any industry, trade, professional, governmental or educational position during the term of this Agreement without receiving prior, written authorization from the Selectboard. The Town Administrator

5. PROFESSIONAL DEVELOPMENT

The Town recognizes the importance of continuous professional development of its employees, especially the Town Administrator. Therefore, the costs for periodicals, software, classes, travel, toll, meals and lodging (if necessary) for professional development purposes of \$5,000.00 each year will be made available for short courses, programs, conferences, and seminars that are necessary and appropriate to his professional development and for the good of the Town, provided the expenses are approved by the Selectboard in advance of the expense being encumbered.

The Town Administrator shall submit a professional development plan to the Selectboard by July 1st of each contract year and submit a written progress report to the Selectboard during the annual performance review process. Initial goals should include completion of the Masters in Public Administration and the certification as a Massachusetts Municipal Procurement Official; long term certification as a International City/County Management Association (ICMA) Credential Manager is desired.

6. DISCIPLINE OR DISCHARGE

The Town, by a majority vote of the Selectboard, following adequate prior notice and a hearing, may discipline the Town Administrator, up to but not including termination, for cause.

Nothing in this Agreement shall prevent, limit or otherwise interfere with the rights of the Town to terminate the services of the Employee at any time. Termination of the Town Administrator's employment with the Town shall follow the removal procedure set forth in Section 5-8 of the Wellfleet Home Rule Charter. Consistent with the provisions of said Section 5-8, the Selectboard may adopt a resolution to initiate the removal of the Town Administrator, stating the reasons therefor, subject to the time limitations set forth in Section 5-8-1. Upon adoption of said resolution the Town Administrator shall be placed on paid administrative leave, alternatively referred to as paid suspension, for up to 45 days. Within the first 10 days of said leave, the Town Administrator may file a written request for a hearing with the Selectboard, which the Selectboard shall schedule within three weeks following the filing. If no hearing is requested in writing, the Selectboard may effectuate the termination of the Town Administrator's employment upon the affirmative vote of at least three members of the Selectboard. If a hearing is requested and scheduled, it shall be publicly noticed and conducted in accordance with the provisions of Sections 5-8-3, 5-8-3-1, and 5-8-3-2 of the Charter. Within seven days following this hearing, the Selectboard shall vote at an open public meeting on whether to effectuate the removal of the Town Administrator, and such removal shall become effective upon an affirmative vote of at least three Selectboard members.

In the event that the Employee is terminated "for cause", as defined herein, the Employee will not be entitled to any severance compensation but shall receive pay for accrued but unused vacation time. In the event the Employee is terminated by the Town without cause before the expiration of this Agreement and provided the Employee has been employed as Town Administrator with the Town for at least six (6) months and remains willing and able to perform the duties of Town Administrator at the time of the termination, the Town agrees to pay the Employee a lump sum cash payment equal to six months' aggregate salary and benefit contribution costs.

Cause shall include the Employee's failure to substantially perform his duties as defined in the Wellfleet Home Rule Charter, failure to meet goals or objectives established pursuant to the evaluation process defined in section 7 of this Agreement, commission of an act of fraud or dishonesty, misconduct of any law, regulation or or Town policy, or lack of complete confidence in the Employees' competency of efficiency

7. PERFORMANCE EVALUATION

Annually the Board, in consultation with the Town Administrator, may define the goals and objectives which they determine necessary for the proper operation of the Town and the attainment of the Board's policy objectives, and shall further establish a general priority among those various goals and objectives, said goals and objectives to be submitted to the Town Administrator by May 1 and reduced to writing and agreed upon by the Selectboard by June 30. Mutually agreed upon goals and objectives shall generally be attainable within the time limits specified and within the annual operating and capital budgets and appropriations provided by the Town and the events that have occurred during the year. The Administrator's performance evaluation will be based in part upon the progress made on working to achieve the set goals and objectives.

8. INDEMNIFICATION and INSURANCE

To the extent allowed by law, the Town Administrator is indemnified by the Town against any tort, professional liability claims or demand, or other civil or criminal legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of the Employee's duties as Town Administrator. Employer will compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon. Willful torts and criminal acts are excluded.

9. DEATH DURING TERM OF EMPLOYMENT

If the Town Administrator dies during the term of his employment, the Town shall pay to the Town Administrator's estate all the compensation which would otherwise be payable to the Town Administrator up to the date of death, including but not limited to unused vacation, sick, holidays and personal leave in accordance with the terms of the Town's Personnel Policy Manual. In no event shall the Town be liable to the Town Administrator's estate for payment of compensation or other benefits under this Agreement for time not actually worked.

10. GENERAL PROVISIONS

This contract shall be construed and governed by the Laws of the Commonwealth of Massachusetts. The text contained herein shall constitute the entire Agreement between the parties. No change or modification of this Contract shall be valid unless it shall be in writing and signed by both of the parties. This Agreement may not be assigned, in whole or in part, by any party without the prior written consent of the other party. This Agreement is made in accordance with MOL c.41, s. 108N and shall be subject to the interpretation and adjudication of any and all terms of this Agreement under the laws of the Commonwealth of Massachusetts and the United States of America.

In the event any provision or portion of this Agreement is held to be unconstitutional, invalid or otherwise unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

All compensation and benefits provided under this Agreement are subject to appropriation year to year by the voters at Town Meeting.

11. NOTIFICATION

Written notification as required herein shall be given by both parties. Such required notices shall be considered sufficient if furnished in writing and given by delivery in hand or by registered mail, return receipt requested, to the following addresses:

If to the Town: Selectboard
 Town of Wellfleet Town Hall
 300 Main St.
 Wellfleet, MA 02667

If to the Employee: Attorney Bruce A. Bierhans
 Law Office of Bruce A. Bierhans, LLC
 540 Main Street, Suite 17
 Hyannis, MA 02601
 bruce@bierlaw.com

12. WAIVER

No waiver of any provision hereof shall be effective unless made in writing and signed by the waiving party. The failure of either part to require the performance of any term or obligation of this Agreement, or the waiver by either party of any breach of this Agreement, shall not prevent any subsequent enforcement of such term or obligation or be deemed a waiver of any subsequent breach.

IN WITNESS WHEREOF, the Town of Wellfleet has caused this Agreement to be signed and executed in its behalf by its Selectboard and the Employee has signed and executed this Agreement on the execution date below.

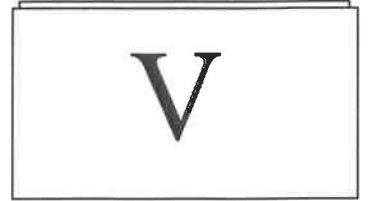
TOWN OF WELLFLEET

By its Selectboard



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023



SELECTBOARD REPORTS:

Reported by:	Topic:



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023

VI

TOWN ADMINISTRATOR REPORTS

- **Please see Selectboard packet for full report**



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023

VII

TOPICS FOR FUTURE DISCUSSION

- **The Selectboard will discuss a list of current items that are outstanding**



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023

VIII

VACANCY REPORTS

*****Please see the packet for full report*****

Date: April 18, 2023
To: Board of Selectmen
From: Rebekah Eldridge
Re: Vacancies on Town Boards

Bike and Walkways Committee (5 members) ~ This group no longer meets ~
Vacant Positions Appointing Authority Length of Term
2 Positions Selectboard 1 year (complete term)
Requesting Appointment: No applications on file

Board of Assessors (3 members, 1 alternate)
Vacant Positions 0 Appointing Authority Length of Term
1 Alt Position Selectboard 3 years
Requesting Appointment: No applications on file

Board of Health (5 members, 2 alternates)
Vacant Positions 0 Appointing Authority Length of Term
0 Alt Positions Selectboard 3 years
Requesting Appointment: No applications on file

Board of Water Commissioners (5 Members, 2 Alternates)
Vacant Positions 0 Appointing Authority Length of Term
2 Alt Positions Selectboard 3 years
Requesting Appointment: No applications on file

Cable, Internet and Cellular Service Advisory Committee (5 Members)
Vacant Positions 0 Appointing Authority Length of Term
0 Voting Positions Selectboard 1 year

Commission on Disabilities (up to 5 Members)
Vacant Positions 1 Appointing Authority Length of Ter
Selectboard 3 years
Requesting Appointment: No applications on file

Conservation Commission (7 Members + 2 alternates)
Vacant Positions 1 Appointing Authority Length of Term
Selectboard
2 Alt Positions 3 years
Requesting Appointment:

Council on Aging (11 Members)
Vacant Positions Appointing Authority Length of Term
3 Voting Positions Selectboard 3 years
Requesting Appointment: No application on file

Cultural Council (no more than 15 Members)
Vacant Positions Appointing Authority Length of Term
5 voting Positions Selectboard 3 years
Requesting Appointment: no applications on file

Dredging Task Force (5 Members)		
Vacant Positions	Appointing Authority	Length of Term
0 Positions	Selectboard	3 years
Requesting Appointment: No applications on file		
Energy and Climate Action Committee		
Vacant Position	Appointing Authority	Length of Term
2 Voting Positions	Selectboard	
2 Alternate Positions		
Finance Committee (9 members, 2 alternate)		
Vacant Positions	Appointing Authority	Length of Term
1 Alternate Position	Town Moderator	3 years
Requesting Appointment: one application on file ~ Timothy Sayer		
Historical Commission (7 members)		
Vacant Positions	Appointing Authority	Length of Term
0 Vacancies	Selectboard	3 years
Requesting Appointment: no application on file		
Local Housing Partnership (at least 10 members)		
Vacant Positions	Appointing Authority	Length of Term
0 Vacancy	Selectboard	1 year
Requesting Appointment: No application on file		
Marina Advisory Committee (7 Members, 2 Alternates)		
Vacant Positions	Appointing Authority	Length of Term
0 Alternate Position	Selectboard	2 years
Requesting Appointment: No applications on file		
Natural Resources Advisory Committee (7 Members)		
Vacant Positions	Appointing Authority	Length of Term
3 voting Positions	Selectboard	3 years
Requesting Appointment: No application on file		
Open Space Committee (7 Members)		
Vacant Positions	Appointing Authority	Length of Term
0 Positions	Selectboard	1 year
Requesting Appointment: No application on file		
Planning Board (7 members + 2 alternates)		
Vacant Positions	Appointing Authority	Length of Term
1 voting position	Selectboard	5 years
2 Alternate Position		
Requesting Appointment: No applications on file		
Recreation Committee (7 Members)		
Vacant Positions	Appointing Authority	Length of Term
2 Positions	Selectboard	3 years
Requesting Appointment: No applications on file		
Recycling Committee (7 Members + 2 Alternates)		
1 Voting Positions	Appointing Authority	Length of Term
2 Alternate Positions	Selectboard	3 years
Requesting Appointment: One application for ALTERNATE member on file		

Rights of Public Access (5 Members)

Vacant Positions

Appointing Authority

Length of Term

2 Positions

Selectboard

1-2 years

Requesting Appointment: No application on file

Shellfish Advisory Board (7 members + 2 Alternates)

1 Vacant Positions

Appointing Authority

Length of Term

1 Alternate Position

Selectboard

3 years

Requesting Appointment: No application on file

Zoning Board of Appeals (5 Members, 4 Alternates)

Vacant Positions

Appointing Authority

Length of Term

0 Position

Selectboard

3 years

Requesting Appointment: No applications on file



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023

IX

MINUTES

REQUESTED BY:	Executive Assistant
DESIRED ACTION:	Approval of the Meeting Minutes of April 4, 2023
PROPOSED MOTION:	I move to approve the minutes of April 4, 2023 as printed in draft.
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea ____ Nay ____ Abstain ____

Wellfleet Selectboard
Hybrid Meeting ~ Zoom/715 Old King's Highway
Tuesday April 4, 2023; 7pm
Meeting Minutes

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

Others Present: Richard Waldo, Town Administrator; Rebekah Eldridge, Executive Assistant; Michael Hurley, Police Chief; Rich Pauley, Fire Chief; Dan Silverman, Town Moderator; Jay Norton, DPW Director; Michael Parlante, Curt Felix, Stephen Pickard, Raphael Richter, Funk Bus Owner; Jessica Noby; Jeff Vecchio, Nancy Civetta, Shellfish Constable; Bob Wallace, Shellfisherman; Will Sullivan, Harbormaster; Sharon Kennedy, owner of property Egg Island; Deb Mattingly, Owner of property, Chris Murrell, Shellfisherman; Nathaniel Tesson, Shellfisherman, Alfred Pickard, Grant owner; Stephen Pickard; Jonathan Phillips, Katie Savoy, use of town property applicants; Chris Allgeier, Dredging Task Force Co-Chair; Alyssa Richard, GEI Engineering; Dan Robbin, GEI Engineering; Tim Sayre, Damion Parkington, Diane Brunt, Josh Yeston, cable advisory chair, Heather Doyle, Cable Advisory Member; Brad Morris, Steve Kopits, Cable Advisory Committee.

Chair Curley called the meeting to order 7:04pm

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.*

- Richter spoke to the board concerning the no alcohol at Cahoon Hollow Beach policy that was just enforced. He spoke against this ban and stated why.
- Silverman spoke to the board and public, informing them that the town meeting will be on Saturday April 29th at 10am and the meeting will be inside the elementary school in the gymnasium. He stated there will be no power points for the meeting and if there is anything they would like to be inserted into the motions booklet to submit it to the administration office no later Thursday April 13, 2023.
- Bacon spoke to the board, and thanked town staff that attended the start of the Herring River Restoration project.
- Noby spoke to the board asking to revisit the decision to ban alcohol at Cahoon Hollow Beach, she then stated her reasons as to why banning alcohol is not a good decision.

II. Consent Agenda

- A. Amnesty Day Approval ~ May 13, 2023, ~ DPW Director Jay Norton
- B. Cahoon Hollow Beach Parking Lot Lease
- C. Wellfleet Spat ~ use of 9 utility poles with brackets for banners on Main Street for Wellfleet Oysterfest
- D. Common Victualler License ~
 - Maurice's Campground
 - Endless Coast

Chair Curley Moved; Board Member DeVasto Seconded; and it was voted to adopt the consent agenda removing item C as DeVasto has abstained from shellfish items.

Roll Call Vote: 5-0

Chair Curley Moved; Board Member Bacon Seconded and it was voted to approve the SPAT application for the use of the utility poles down Main Street for the Wellfleet Oysterfest in October.

Roll Call Vote: 4-0-1

III. Community Updates

- A. Authorize the Town Moderator to draw 5 winners at the 2023 Annual Town Meeting for five beach/dump stickers ~ Dan Silverman

Silverman spoke to the board about allowing the drawing of 5 stickers.

Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve the drawing of five beach/transfer station stickers at the end of town meeting.

Roll Call Vote: 5-0

- B. Discuss improvements to the lower end of Old Wharf Road. ~ Jeff Vecchio
Vecchio spoke to the board that Old Wharf Road is failing and informed the board and public that the road is also a public access road. He explained the issues with the road, eroding and many potholes. He explained the rising tides and large high tides and the road floods. He stated the dirt section of the road is deteriorating causing the road to be difficult to access. He stated that he has done the beach nourishment as he has been instructed, explaining that the DPW has been very helpful. Norton spoke to the board stating that this area and the road is a constant nuisance. He stated his support to Mr. Vecchio, trying to find options to help this road. He stated he found at the registry of deeds in land court that the road is privately and publicly shared. O'Connell spoke to the board stating that the other owner is the Conservation Trustees and stated he would like to talk to try and figure out a plan. Wallace spoke to the board stating that this could be fixed as it has been in previous years with dirt and lasted over 3 years.

NO ACTION TAKEN

IV. Public Hearings ~ Chair Curley Opened the first public hearing.

Board Member DeVasto recused himself from all shellfish hearings.

- A. Change section 7.4 Location of Areas for Aquaculture (Grants) in the Town of Wellfleet Shellfishing policy and Regulations to redefine the Egg Island area where grants may be located. Also, to add a map outlining the Egg Island area as Appendix E to the regulations. ~ Shellfish Constable, Nancy Civetta & Shellfish Advisory Board.

Civetta spoke to the board explaining they had got to this hearing due to grant transfers that were unable to understand and no maps being available. She stated that the DOR wanted her to use the Mean Low Water line as directed by town counsel.

Sullivan spoke to the board stating that the Marina Advisory committee should be asked to weigh in on the changing of these regulations. Bacon spoke in agreement with Sullivan. Aberdale spoke to the board stating he would like to be a part of the discussion. Mattingly spoke to the board, against the changes to these regulations. She didn't think the opinion of the Town Counsel was relevant. Murrell stated that this wasn't something that needed to be blown out of proportion, this was just something to extend two grants. Pickard stated that he wasn't in favor of Sirucek getting a grant transfer. He stated there was a conflict when Sirucek made a motion. Sirucek disagreed with this statement. There was much discussion on these regulations changes and many who agreed and many who disagreed, with a lot of back and forth. S. Pickard spoke to the board about his grant.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted that area 5 known as Egg Island shall comprise of license #'s 2000-6, 95-1 through 95-32, 752, 2002-1, 2002-1ext., 781A, 781, 781AC, and license's 04-03, 2000-1, 2000-2, 2000-3, 2000-4, 2000-5, 2000-3ext., 2000-1ext., shall be comprised as the shellfish aquaculture area known as Egg Island Area 5. Roll Call Vote: 4-0-1

Chair Curley Moved; Board Member Carboni Seconded, and it was voted to strike 7.4 area 1 starting from where it reads at Powers Landing to strike the following, and at least 300-feet Northward of a line from the seaward end of the breakwater to the Eastern most tip of Great Island, except in the area above mean low water on Egg Island.

Roll Call Vote: 4-0-1

Chair Curley Moved Board Member Carboni Seconded and it was voted to continue the hearing to further amend Section 7.4, location of various licenses for aquaculture grants in the Wellfleet Shellfish Policy and Regulations to redefine the Egg Island area where grants may be located to May 23, 2023, at 7pm.

Roll Call Vote: 4-0-1.

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

Iris Pickard (Wellfleet, MA) and Benjamin Pickard (Wellfleet, MA). (Continued from February 7, 2023)

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to continue this public hearing from Stephen Pickard, Iris Pickard, and Benjamin Pickard for the extension of grant #2000-2ext., consisting of approximately 1.08 acres on Egg Island until the revised regulations 7.4 regulations are revised and incorporated into the regulations, to May 23, 2023, at 7:30pm.

Roll Call Vote 4-0-1

V. ***Licenses***

A. Approval of 2023 Seasonal Alcohol License ~ See packet for details.

Board Member Bacon Moved, Board Member DeVasto Seconded; and it was voted to approve the seasonal Alcohol Licenses listed in the packet.

Roll Call Vote: 5-0

B. Wellfleet Beachcomber to be approved for auxiliary Tent for food and alcohol service for the season of 2023.

Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve the auxiliary tent for the Wellfleet Beach Comber.

Roll Call Vote: 5-0

VI. ***Use of Town Property***

A. Baker's Field Pavilion ~ June 24, 2023; 10am – 10pm ~ Jonathan Phillips & Katie Savoy ~ See packet for full details.

Phillips spoke to the board about using the pavilion for their wedding celebration. He gave a rundown of what he wanted to do for the wedding.

LaRocco spoke to the board, supporting the event as long as the applicant works with the police department. Bacon spoke against this application, stating they are using town property that is a recreation area for approximately three days. She stated there are liabilities to the town and would like to see that rectified. The board discussed this at great length. Phillips and Savoy spoke to the board explaining their intentions.

Board Member DeVasto Moved; Board Member Wolf Seconded; and it was voted to approve the use of Baker's Field Pavilion on June 24, 2023 from 10am to 10pm, for a fee of \$900. The applicant is responsible for trash clean up and rental of portable toilets. The area is to be left in the same condition as it was found.

Roll Call Vote: 4-0-1

B. Second Summer Cycle, LLC ~ Road Race ~ September 17, 2023, ~ NEW ROUTE INCLUDED IN PACKET.

LaRocco spoke to the board stating he has worked with the applicant to secure details police officers.

Chair Curley moved; Board Member Bacon Seconded; and it was voted to approve Second Summer Cycle, LLC Road Race on September 12, 2023,

from 10:30am - 2:30pm; following the amended route and having the 6 detail officers as discussed with the police department.

Roll Call Vote: 5-0

VII. Board/Committee Appointments and Updates

A. Dredge Area II Mitigation Update – Dredging Task Force Chair

DeVasto Recused himself from this agenda item.

Allgeier spoke to the board updating them and the public on the dredging project and what will take place as far as dredging is concerned. The board discussed the permitting needed and the engineer needed. There was question if there was anything concerning conservation, Wolf asked Felix to explain what Chapter 91 permit meant. Felix gave a brief description of what it was. Stating that it is a comprehensive permit. Robins and Richard spoke to the board giving more details on the dredging and the process. O'Connell spoke to Allgeier and Felix questioning Blackfish Creek and how they came up with this site. Felix explained that this site was chosen with much collaboration with the shellfish community. Civetta spoke to O'Connell regarding the area and explained that she would forward the information to him. Sayre questioned monitoring the area. Parkington spoke stating concerns about this area being used. Brunt spoke against the dredging and submitted a letter for the record. She read questions that she had for the Army Corp of Engineers. Brunt gave a loud description of her opinion stating the town doesn't know what's going on. Water quality and fish protection were discussed. Morris came before the board asking questions about the Army Core and stating his concerns.

B. Cable, Internet, Cellular Advisory Committee ~ Presentation of broadband path plan.

Yeston spoke to the board regarding the grant application they are looking to file to update the broadband for the town. Chair Curley stated how pleased he was with the committee's initiative. Yeston explained that this will help the beaches become less of a "dark" spot.

Board Member Carboni Moved; Board Member DeVasto Seconded; and it was voted to approve and proceed with the municipal fiber grant program application as presented in the Selectboard Packet.

Roll Call Vote: 5-0

VIII. Business

A. Commercial shellfishing permit hardship exemption ~ Shannon Bertrand ~ Shellfish Constable

**** Chair Curley Took this item out of order ****

DeVasto Recused himself of this agenda item.

Civetta gave an update on this exemption. Bacon supported this letter.

Board Member Bacon Moved; Board Member Wolf seconded; and it was a vote to approve the hardship exemption be granted to Shannon Bertrand.

Roll Call Vote: 4-0-1

- B. Determination and consent to multiple representation with KP Law in regard to an IMA relive to water line extension to Maurice's Campground/80 State Hwy
Chair Curley explained this letter was to help connect the water at Maurice's to the Eastham water system. The board discussed it and had no objections.
Board Member Carboni Moved; Board Member Seconded; and it was voted to approve the letter from KP Law getting determination and consent with respect of representation of Wellfleet & Eastham with respect to Maurice's Campground 80 State Highway and for the board to sign and send back.
Roll Call Vote: 5-0

IX. ***Selectboard Reports***

- Chair Curley asked the board about the Seasonal Residents meeting for State of the town he stated those members asked for August 3rd or August 10th. Eldridge spoke to the board asking to give her both dates, so she is able to work with the community center.

X. ***Town Administrator's Report***

Waldo gave a brief update on his 9-page report. He highlighted that he has 4 out of the 5 collective bargaining units ready and just one more to work out. He reported that the building commissioner has handed in his 2-week resignation, and his last day will be April 17, 2023.

XI. ***Topics for Future Discussion***

XII. ***Vacancy Reports***

XIII. ***Minutes***

- A. March 16, 2023, ~ **Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the minutes as amended.**
Roll Call Vote: 5-0
- B. March 21, 2023, ~ **Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the minutes as amended.**
Roll Call Vote: 4-1-0 (DeVasto recused)
- C. March 23, 2023, ~ **Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the minutes as amended.**
Roll Call Vote: 5-0
- D. March 29, 2023, ~ **Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the minutes as amended.**
Roll Call Vote: 5-0

XIV. ***Adjournment***

Chair Curley Moved; Board Member Seconded; and it was voted to adjourn the meeting.

Roll Call Vote: 5-0

Meeting Adjourned 11:07pm

******Public Documents******

Amnesty Day Flyer

Cahoon Hollow Beach Parking Lot lease

SPAT application for use of poles down Main Street for banners.

Shellfish Hearing documents.

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

Seasonal Alcohol License applications

Letter from Wellfleet Beachcomber for auxiliary tent to be allowed on the property.

Use of town property applications, Baker's Field Pavilion

Use of Town Property, Town Roads for Summer Cycle Event.

Dredging update paperwork

Commercial Hardship Letter and recommendation letter from the Constable.

Cable, Internet, Cellular Advisory Committee draft grant documents

Determination Letter from KP Law

Town Administrator's Report

Meeting Minutes

- *March 16, 2023*
- *March 21, 2023*
- *March 23, 2023*
- *March 29, 2023*



SELECTBOARD

AGENDA ACTION REQUEST
Meeting Date: April 18, 2023

X

ADJOURNMENT

REQUESTED BY:	Selectboard Chair Ryan Curley
DESIRED ACTION:	To Adjourn
PROPOSED MOTION:	I move to Adjourn the Meeting
ACTION TAKEN:	Moved By: _____ Seconded By: _____ Condition(s):
VOTED:	Yea _____ Nay _____ Abstain _____