

7.8.2. Domicile Requirement and Exceptions

7.8.2.(a) At such time as a licensee ceases to be a domiciled resident of the Town, that individual shall be removed from the license, except in the event of loss of housing for reasons clearly beyond their control (such as a fire or a lease not being renewed) as verified by the Shellfish Constable. Status of residency, as defined in Section 2 of these Regulations, must be resumed, and verified by the Shellfish Constable within eighteen (18) months from the time of the license holder's removal to another town, or the licensee will be removed from the license.

Within 30 days of the nine-month anniversary of losing his/her domicile status, the leaseholder shall demonstrate sufficient evidence of effort to secure housing in Wellfleet to the satisfaction of the Shellfish Constable. If the lease holder fails to qualify for such an exception, they may appeal the Shellfish Constable's decision to the Selectboard within 30 days.

No aquaculture license or commercial permit from another municipality for the harvest of shellfish may be held by the individual for the duration of the allowed term. A licensee making use of an exemption shall not be eligible to be granted a new license or an extension of a currently licensed area for the duration of the allowed term but may be granted a renewal of their existing license, as per Section 7.8.2.

The status of all other licensees named to the licensed area will not change. If a licensee ceases to be a domiciled resident and is the sole licensee, then the license shall be revoked.

7.8.2 (b) Special Combination Aquaculture, Research and Development License.

7.8.2(b)(1) A special, combination license for aquaculture, and aquaculture research and development (“Combination License”) may be issued by the Town to a person or persons, or a firm or corporation, not domiciled in Wellfleet, including those whose headquarters are not located in Wellfleet. These licenses are subject to the condition that the licensed area will be used for purposes, in addition to the growing, harvesting and sending to market of shellfish, that provide a benefit to

the Town's shellfish industry. These purposes, including but not limited to activities such as environmental assessments, experimentation, education and training, or ongoing research for the purpose of developing strains of shellfish that will thrive in the Harbor, shall be specified on the Combination License and may be amended from time to time.

7.8.2(b)(2) No Combination License shall be issued pursuant to this section without the Selectboard first having received a recommendation from the Shellfish Advisory Board and the Shellfish Department. Combination Licenses issued or renewed pursuant to this Section are subject to all other State and local requirements for aquaculture licenses, including the Town's Shellfishing Policy and Regulations. Combination Licenses are non-transferrable to any other entity or person and are subject to such conditions as are specified in the Combination License, including any considerations that might benefit the Town's shellfish industry, as the Selectboard deems necessary.

7.8.2 (b)(3) In addition to the Annual Report required from any aquaculture licensee, a report on the results and analyses of the additional activities required as part of the Combination License and a list of all the areas and grants in the fishery that a Combination License holder uses as a site for such activities, shall be submitted by the License holder on or before February 28th annually, to the Selectboard, the Shellfish Constable, and the Division of Marine Fisheries. (See also the Town's Shellfishing Regulation 7.13.)

7.8.2(b)(4) The combined acreage of areas licensed or listed for use by each Combination License holder as described in 7.8.2((b)(3) shall not exceed seven (7) acres, as per §7.8.6 of the Town's Shellfishing Policy and Regulations.

7.8.2 (b)(5) After receiving a recommendation from the Shellfish Advisory Board and the Shellfish Department, the Selectboard shall have the right to limit the number or scope of such Combination Licenses for the purpose of managing the use of the resource by persons or entities not domiciled in Wellfleet, so as to benefit the fishery in the best possible way.

7.8.2(b)(6) These Combination Licenses shall be issued and may be renewed for the terms set forth in Section 7.8.3. The Selectboard shall have the right, after first receiving recommendations from the Shellfish Advisory Board and the Shellfish Department, to hold a Hearing to revoke the Combination License, or to amend its conditions if the Selectboard determines that the original conditions specified on the License are no longer suitable, or are no longer useful to the Town's shellfish industry, or if there are violations of such conditions or any other provisions of the Wellfleet Shellfishing Policy and Regulations, or any other applicable law.

7.8.2(b)(7) In addition to the annual fee required by MGL Chapter 130, §64 for all aquaculture license holders, an annual fee for a Special Combination Aquaculture, Research and Development License shall be \$200.00, to be paid to the Town annually, by or before February 28th.