

Sundman, Nancy

From: Southwood Christopher
Sent: Wednesday, September 30, 2020 10:06 AM
To: Sundman, Nancy
Cc: Schiavi, Anthony; Cannon, Glenn
Subject: MMA Aquaculture License (Upwellers)
Attachments: BOS Memo MMA.doc; MMA Application.pdf; MMA-legal ad.docx; CCT-9-24-20 Legal Ads.pdf; MGL Ch 130.pdf

Hi Nancy,
Attached is the MMA information for the Selectmen packet.
Let me know if you need additional info.
Thanks,
Chris

Part I ADMINISTRATION OF THE GOVERNMENT

Title XIX AGRICULTURE AND CONSERVATION

Chapter 130 MARINE FISH AND FISHERIES

Section 57 SHELLFISH AQUACULTURE LICENSES

Section 57. The city council or mayor of any city, or the selectmen of any town, may upon written application, accompanied by plans sufficient to show the intended project and project area to be licensed, and after public notice and hearing pursuant to section sixty, grant to any person a shellfish aquaculture license.

Said license shall authorize said licensee in such city or town at all times of the year, in, upon, or from a specific portion of coastal waters of the commonwealth, of tidal flats or land under coastal waters: (1) to plant and grow shellfish, bottom/off bottom culture; (2) to place shellfish in or under protective devices affixed directly to the tidal flats or land under coastal waters, such as boxes, trays, pens, 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.

After receipt of a written application by the city council or selectmen, and after the notice and public hearing requirements of this section are satisfied and the licensing authority approves the application, the director shall, after inspection of the intended project area, certify that issuance of a shellfish aquaculture license and operation thereunder will cause no substantial adverse effect on the shellfish or other natural resources of the city or town.

Upon such certification by the director, the city council or selectmen may issue the license, provided, however, that no license shall be issued for any areas then or within two years prior thereto, closed for municipal cultivation under the provisions of section fifty-four. Failure of the director to so certify shall be deemed a denial of the shellfish aquaculture license. The director's certification or refusal to certify shall be reviewable in accordance with section fourteen of chapter thirty A.

Licenses under this section shall be granted or denied in writing within sixty days after receipt of the written application and shall be issued upon forms supplied by such cities and towns and upon such terms and conditions and subject to such terms, conditions or regulations as the city council or selectmen issuing the same shall deem proper, but not so as to impair the private rights of any person or to materially obstruct navigable waters, and said license shall describe by metes and bounds the waters, flats or creeks covered thereby. Shellfish aquaculture licenses pursuant to this section shall be subject to any rules and regulations promulgated by the director, including those concerning the use and scope of

predator controls in the intertidal zone, and said licenses may be further conditioned by the director as he deems necessary and appropriate, including species to be propagated and the source and movement of seed shellfish.

Said license shall be for a period of not more than ten years and may be renewed for similar periods. Said license may be revoked by the city council, selectmen or the director for failure to comply with any terms, conditions or regulations set forth by these entities, or for lack of substantial use of the licensed area. Said licensee shall have the right to the exclusive use of the lands and waters for the purposes of growing shellfish thereon, and the licensee shall plainly mark the boundaries of said area. The selectmen or city council shall permit, as a condition of the license, such public uses of said waters and lands as are compatible with the aquacultural enterprise.

Whoever without the consent of the licensee, unless otherwise permitted by the terms and conditions of said license: (1) takes shellfish from the licensed lands or waters or from said racks, rafts or floats; (2) disturbs the licensed area or the growth of the shellfish thereon in any way; (3) discharges any substance which may directly or indirectly injure the shellfish; (4) willfully injures, defaces, destroys, removes or trespasses upon said racks, rafts, or floats; or (5) willfully injures, defaces, destroys, removes or trespasses upon said protective devices affixed directly to the tidal flats, such as boxes, trays, pens, bags, or nets shall be liable in tort for treble damages and costs to the licensee injured by such act.

Nothing in this section shall be deemed to affect the validity, conditions, or terms of any license granted under the corresponding provisions of earlier laws and in full force upon the effective date of this section. Nothing in this section shall excuse the licensee from complying with other laws of the commonwealth, including environmental laws and laws concerning interference with navigation.

Said shellfish aquaculture license may be transferred pursuant to section fifty-eight and all rights and privileges enjoyed by the licensee shall be assumed by the transferee.

Any license issued under the provisions of this section shall, upon the death of the licensee, continue in full force and effect, subject to the same terms, conditions, and regulations imposed upon the original license, for the balance of the unexpired term, or one year whichever is longer, for the use of the members of the immediate family of the deceased licensee. For the purposes of this section, immediate family shall mean the spouse, son, daughter, mother, father, brother and sister of said deceased licensee.

Nothing in this section shall be deemed to affect the validity, conditions, or term of any license granted under corresponding provisions of earlier laws and in full force upon the effective date of this section.

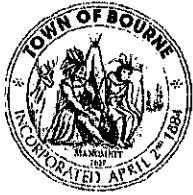
Part I ADMINISTRATION OF THE GOVERNMENT

Title XIX AGRICULTURE AND CONSERVATION

Chapter 130 MARINE FISH AND FISHERIES

Section 60 HEARING ON ISSUANCE OF LICENSE; NOTICE;
PUBLICATION

Section 60. No license referred to in section fifty-seven shall be granted, transferred or renewed until after a public hearing, due notice of which has been posted in three or more public places, and published in a newspaper, if any, published in the city or town where the territory described in the application is situated at least ten days before the time fixed for the hearing, stating the name and residence of the applicant or transferee, as the case may be, the date of the filing of the application for such license, transfer or renewal, and the location, area and description of said territory.

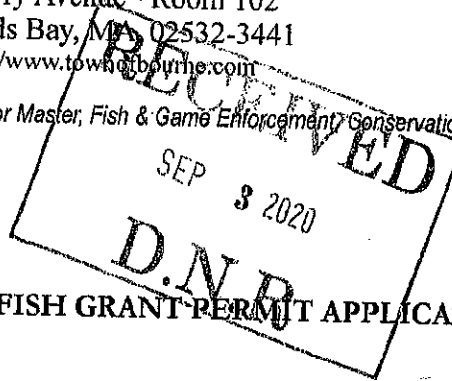


TOWN OF BOURNE
Department of Natural Resources

24 Perry Avenue - Room 102
Buzzards Bay, MA 02532-3441
<http://www.townofbourne.com>



Shellfish Constable, Mannas, Herring Agent, Harbor Master, Fish & Game Enforcement, Conservation Enforcement & More



OFFICE: (508) 759-0621
POLICE: (508) 759-4451
MARINAS: (508) 759-3105
FAX: (508) 759-8026

AQUACULTURE/SHELLFISH GRANT PERMIT APPLICATION

Requirements are specified in the accompanying Aquaculture/Grant Regulations; If all requirements are met, complete this Application and submit with the appropriate payment (Payable to "Town of Bourne") to the Department, along with a copy of your Drivers License or State ID Card, and any supporting documentation specified in the Regulations, requested by the Department or indicated below, or that you feel may assist us in making a determination to approve your Application. The burden of any proof regarding eligibility and requirements rests solely with the Applicant. * **Complete all information and print clearly ***

NEW: XX RENEWAL: _____

PROPOSED LOCATION OF GRANT: Describe below the specific measurements in feet of the desired area using land boundaries when possible. Attach a sketch or locus map indicating the boundaries and total square feet.

PRIMARY SITE REQUESTED: _____ Location is along the existing Massachusetts Maritime floating piers as indicated in the attached diagrams. Each float will be constructed with an 8 x 20-foot frame and connected to existing floats. Three upwellers (8 x 20 x 3) will have a footprint totaling 480 square feet.

ALTERNATE SITE REQUESTED: N/A

NAME (FULL): Prof. William A. Hubbard

DATE OF BIRTH: 11/09/1956 **PLACE OF BIRTH:** New Haven, CT

LEGAL ADDRESS: Representing as Agent Massachusetts Maritime Academy - 101 Academy Drive,
Buzzards Bay, MA 02532

HOME PHONE: 508 292-0251 **CELL PHONE:** 508 292-0251

EMAIL ADDRESS: whubbard@maritime.edu

TIME AT ABOVE ADDRESS: MMA was established in 1891

IF LESS THAN 1 YEAR, PREVIOUS ADDRESS: N/A

***ATTACH EVIDENCE OF RESIDENCY**

MAILING ADDRESS (If Different): N/A

CURRENT/PREVIOUS TOWN PERMITS & DATES: N/A

OTHER/PREVIOUS TOWNS & DATES PERMITTED IN: N/A

LIST ANY DENIALS/VIOLATIONS IN ANY TOWN: _____ N/A _____

*ATTACH MA COMMERCIAL PERMIT – PERMIT #: _____ 172317 _____ YEARS HELD: _____ 15 _____

PRIMARY OCCUPATION: _____ Scientific Permit for Aquaculture & Marine Sciences Laboratory

EMPLOYER/ADDRESS/PHONE: _____ 508 292-0251 _____

*ATTACH PRIMARILY USED VEHICLE REGISTRATION – REG #: _____ 32NC84 _____

VEHICLE MAKE: _____ Toyota _____ VEHICLE MODEL: _____ Tundra _____ VEHICLE COLOR: _____ White _____

* ATTACH BOAT REGISTRATION – MS/DOC #: _____ N/A Floating Pier _____

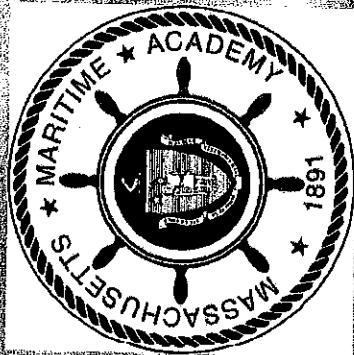
BOAT LENGTH: _____ BOAT COLOR: _____ BOAT TYPE: _____

- **ANY CHANGES IN THIS INFORMATION MUST BE REPORTED TO THE D.N.R. IMMEDIATELY!**

I, the undersigned and as named on Page 1, affirm that the information on Pages 1 & 2 of this Application is true, complete and correct and affix my signature hereto under the pains and penalties of perjury. By signing below, I agree to abide by the Shellfish Regulations and any other applicable rules and regulations of the Town of Bourne, as well as all applicable laws, rules and regulations of the Commonwealth of Massachusetts. I understand that perjury, misleading statements, or failure to abide by any laws, rules and regulations may result in permit denial, suspension, or revocation; without compensation or reimbursement, if suspended or revoked.

SIGNED: _____

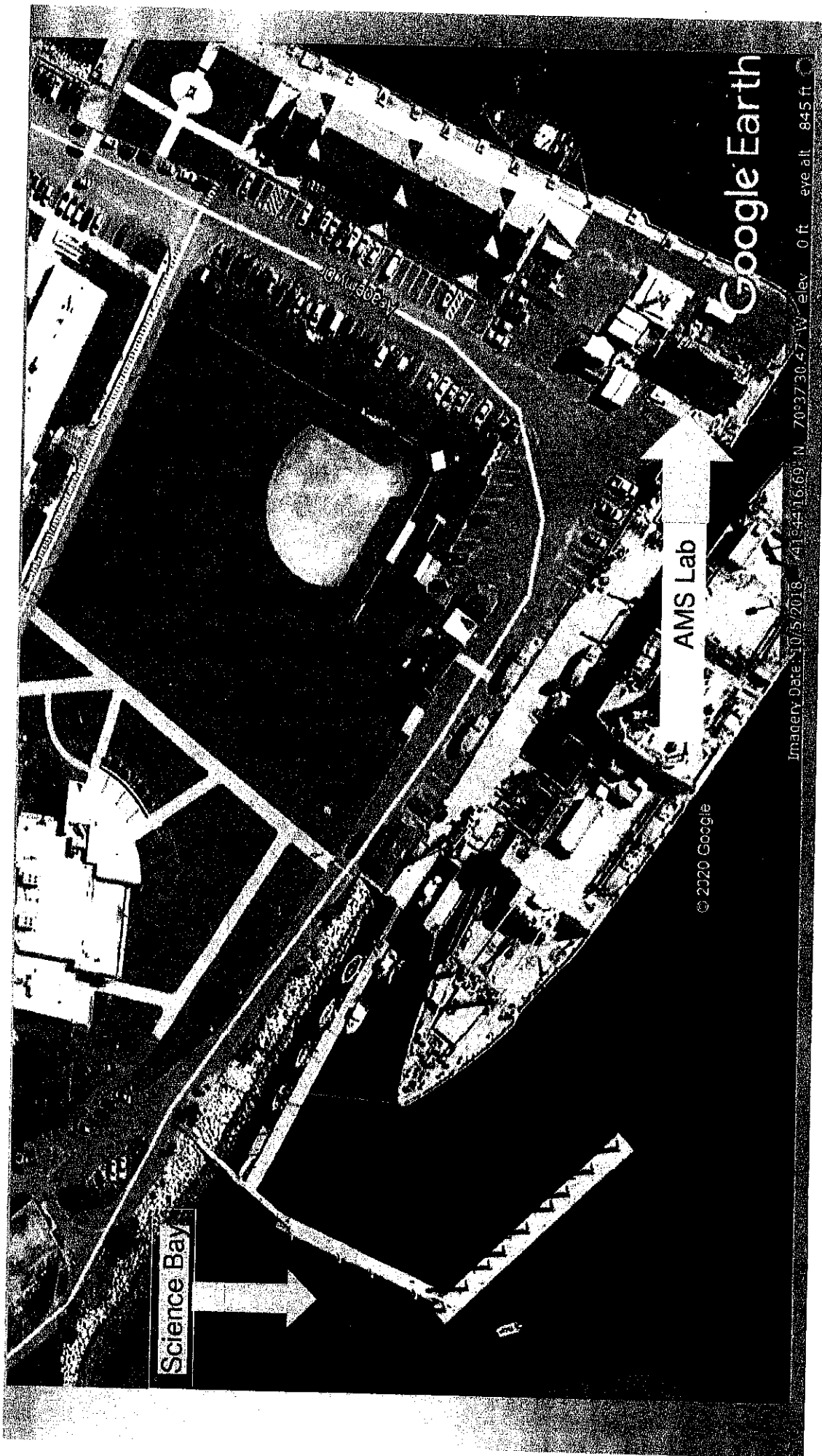
EMPLOYEE: _____ MMA _____



MMA UPWELLER PERMIT

Aquaculture and Marine Sciences Laboratory

Science Bay Shellfish Growers



Google Earth

© 2020 Google

Imagery Date: 10/5/2018 41°44'16.69" N 70°37'30.47" W elev. 0 ft. eye alt. 845 ft.

MMA Proposed locations for 3 Shellfish Upwellers

- 3 Floating Upwellers
- 8 x 20 foot
- Center panels open for shellfish cages
- Passive flow through system



Point of Contact:

Prof. William A. Hubbard
Aquaculture & Marine Sciences Laboratory
Marine Science Safety and Environmental Protection Department
Massachusetts Maritime Academy
101 Academy Drive
Buzzards Bay MA 02532

Phone: 508-292-0251

Fax: 508-292-0252

Town of Bourne
24 Perry Ave.
Buzzards Bay, Massachusetts 02532
(508) 759 – 0600, ext. 1307

PUBLIC HEARING NOTICE

Notice is hereby given in accordance with provisions of Chapter 130, Section 60 of MGL as amended and Rules and Regulations and Application Requirements promulgated by the Board of Selectmen, that Massachusetts Maritime Academy, 101 Academy Drive, Buzzards Bay, MA 02532, filed an application on September 2nd, 2020 to establish an aquaculture site within the municipal waters of the Town of Bourne within Buzzards Bay. The applicant is proposing 3 Floating Shellfish Upwellers that will be located along the existing Massachusetts Maritime floating piers at 101 Academy Drive, Buzzards Bay, MA 02532. The application, including a plan showing the specific location of the proposed upwellers, can be viewed by emailing csouthwood@townofbourne.com.

A public hearing will be held Via Remote Access on Tuesday, October 6th, 2020 at 7:00 pm. Link to the hearing will be online once the Selectmen Agenda is posted.

BOARD OF SELECTMEN
Judith MacLeod-Froman, Chair
James L. Potter, Vice Chair
George G. Slade, Jr., Clerk
Peter J. Meier
Jared P. MacDonald

For publication in the September 24th, 2020 edition of the Cape Cod Times.

Legals

Town of Bourne
Selectmen/Town Administrator's Office
24 Perry Ave.
Buzzards Bay, Massachusetts 02532
(508) 759-0600, ext. 1307

PUBLIC HEARING NOTICE

As per MGL Chapter 130 Sec 52, for this Public Hearing any regulations made hereunder shall take effect as thereon stated, shall be published by posting a copy of the same in the office of the selectmen, city council or selectmen making the same, and in the office of the city or town clerk, and in three or more public places in said city or town. These postings include, Town Hall and three Post Offices (Buzards Bay, Pocasset, Monument Beach) as well as the Town of Sandwich Clerk's Office.

The recommendations for the 2021 Recreational and Commercial Shellfish Regulations as submitted by the Town of Bourne Department of Natural Resources can be viewed by emailing csouthwood@townofbourne.com.

A public hearing will be held Via Remote Access on Tuesday, October 6th, 2020 at 7:00 pm. Link to the hearing will be online once the Selectmen Agenda is posted.

BOARD OF SELECTMEN
Judith MacLeod-Froman, Chair
James L. Potter, Vice Chair
George G. Slade, Jr., Clerk
Peter J. Meier
Jared P. MacDonald

9/24/2020

CAPE COD COMMISSION

The Cape Cod Commission will hold a public hearing on Thursday, October 1, 2020 at 3:00 p.m. to review the Notice of Intent (NOI) submitted by New England Development and Cape Cod Healthcare, which proposes amendments to the Wilkens Carneus Development Agreement entered into by and between the Cape Cod Commission and Cape Cod Healthcare for property off Wilkens Lane in Barnstable (Map 296 Parcel 39; Map 295 Parcel 004-001). At the hearing, the Commission may vote to determine whether the proposed, amended development described in the NOI is appropriate and eligible for treatment as a Modification to the Development Agreement. Pursuant to Governor Baker's Executive Order Suspending Certain Provisions of the Open Meeting law dated March 12, 2020, the Cape Cod Commission will hold this hearing by virtual means, using the "Zoom" meeting platform, with all members participating remotely. The virtual hearing may be accessed in one of two ways:

Members of the public can join the meeting using one of the following methods:

- By clicking on the following zoom meeting link: <https://capecodcommission.org/ccc/join>
- Going online to capecodcommission.org/ccc and clicking on "Join Virtual Meeting."
- Call in to 1-929-205-5099; meeting ID 968 0382 0087.

Anyone wishing to testify orally will be welcome to do so. Written comments may also be submitted prior to the hearing by electronic mail to regulatory@capecodcommission.org. The NOI and other relevant documents can be accessed at <http://www.capecodcommission.org/meetingnotices>.

Reasonable accommodations for people with disabilities are available upon request. Please contact the Cape Cod Commission at (508) 382-3828 at least 24 hours in advance of the meeting; for Telecommunications Relay Services (TRS) dial 711. Caso estas informações sejam necessárias em outro idioma, por favor, contate o Coordenador de Título VI pelo telefone (508) 744-1299 or Para serviços de retransmissão de telecomunicações, disque 711.

09/17, 09/24/2020

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court
Barnstable Division
3195 Main Street
P.O. Box 346
Barnstable, MA 02630
(508) 375-6600
INFORMAL PROBATE
PUBLICATION NOTICE
Docket No. 8A20P1049EA
Estate of:
Robert deau Calley DuBois

Also known as:
Robin DuBois
Date of Death:
December 27, 2019
To all persons interested in the above captioned estate, by Petition of Petitioner Anne R. DuBois of Washington DC a Will has

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court
Barnstable Division
3195 Main Street
P.O. Box 346
Barnstable, MA 02630
(508) 375-6600
INFORMAL PROBATE
PUBLICATION NOTICE
Docket No. 8A20P1049EA
Estate of:
Angela Sannazzaro

Date of Death: June 1, 2020
To all persons interested in the above captioned estate, by Petition of Petitioner Anthony J. Sannazzaro of Succasunna NJ a Will has been admitted to informal probate.

Legals

Town of Bourne
24 Perry Ave.
Buzards Bay, Massachusetts 02532
(508) 759-0600, ext. 1307

PUBLIC HEARING NOTICE

Notice is hereby given in accordance with provisions of Chapter 130, Section 60 of MGL as amended and Rules and Regulations and Application Requirements promulgated by the Board of Selectmen, that Massachusetts Maritime Academy, 101 Academy Drive, Buzzards Bay, MA 02532, filed an application on September 2nd, 2020 to establish an aquaculture site within the municipal waters of the Town of Bourne within Buzzards Bay. The applicant is proposing 3 Floating Shellfish Upwellers that will be located along the existing Massachusetts Maritime floating piers at 101 Academy Drive, Buzzards Bay, MA 02532. The application, including a plan showing the specific location of the proposed upwellers, can be viewed by emailing csouthwood@townofbourne.com.

A public hearing will be held Via Remote Access on Tuesday, October 6th, 2020 at 7:00 pm. Link to the hearing will be online once the Selectmen Agenda is posted.

BOARD OF SELECTMEN
Judith MacLeod-Froman, Chair
James L. Potter, Vice Chair
George G. Slade, Jr., Clerk
Peter J. Meier
Jared P. MacDonald

9/24/2020

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court
Barnstable Probate and Family Court
3195 Main Street
PO Box 346
Barnstable, MA 02630
(508) 375-6710
CITATION ON PETITION FOR FORMAL ADJUDICATION
Docket No. 8A20P1282EA
Estate of:

Thomas J. Murphy
Date of Death: 06/25/2020

To all interested persons:
A Petition for Formal Probate of Will with Appointment of Personal Representative has been filed by Michael Cashman of South Yarmouth, MA requesting that the Court enter a formal Decree and Order and for such other relief as requested in the Petition.

The Petitioner requests that: Michael Cashman of South Yarmouth, MA be appointed as Personal Representative(s) of said estate to serve Without Surety on the bond in an unsupervised administration.

IMPORTANT NOTICE

You have the right to obtain a copy of the Petition from the Petitioner or at the Court. You have a right to object to this proceeding. To do so, you or your attorney must file a written appearance and objection at this Court before: 10:00 a.m. on the return day of 10/09/2020.

This is NOT a hearing date, but a deadline by which you must file a written appearance and objection if you object to this proceeding. If you fail to file a timely written appearance and objection followed by an affidavit of objections within thirty (30) days of the return day, action may be taken without further notice to you.

UNSUPERVISED
ADMINISTRATION
UNDER THE
MASSACHUSETTS UNIFORM
PROBATE CODE (MUPC)

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court
Barnstable Probate and Family Court
3195 Main Street
PO Box 346
Barnstable, MA 02630
(508) 375-6710
CITATION ON PETITION FOR FORMAL ADJUDICATION
Docket No. 8A20P1295EA
Estate of:

John C. Healy
Date of Death: 08/24/2020

To all interested persons:
A Petition for Formal Probate of Will with Appointment of Personal Representative has been filed by Michael J. Healy of Gilmanton NH requesting that the Court enter a formal Decree and Order and for such other relief as requested in the Petition.

The Petitioner requests that: Michael J. Healy of Gilmanton NH be appointed as Personal Representative(s) of said estate to serve Without Surety on the bond in an unsupervised administration.

IMPORTANT NOTICE

You have the right to obtain a copy of the Petition from the Petitioner or at the Court. You have a right to object to this proceeding. To do so, you or your attorney must file a written appearance and objection at this Court before: 10:00 a.m. on the return day of 10/09/2020.

This is NOT a hearing date, but a deadline by which you must file a written appearance and objection if you object to this proceeding. If you fail to file a timely written appearance and objection followed by an affidavit of objections within thirty (30) days of the return day, action may be taken without further notice to you.

UNSUPERVISED
ADMINISTRATION UNDER
THE MASSACHUSETTS
UNIFORM PROBATE CODE
(MUPC)
A Personal Representative

LEGAL NOTICE**SALE OF TOWN OWNED PROPERTY**

The Town of Sandwich, Massachusetts will offer for sale at public auction the real estate, with the building(s) thereon, located at 85 Route 130, Sandwich, MA, shown as Lot 68 on the Town of Sandwich Assessors' Map 11, containing approximately 41,818 square feet. The Public Auction will take place on-site at 85 Route 130, Sandwich, MA 02644, on Wednesday, October 21, 2020 at 1:00 P.M. Registration will begin prior to the start of the auction. The Town of Sandwich will be retaining an easement for parking for the benefit of the property known as the Greenville Schoolhouse located at 87 Route 130, Sandwich, MA and shown as Lot 69 on the Town of Sandwich Assessors' Map 11. The location of said easement is to be determined. The Town reserves the right to reject any and all bids if fees are not adequate. The successful bidders will be required to pay a non-refundable deposit in the form of a bank check at the auction in the amount of \$20,000.00. The successful bidder will also be required to pay the pro forma real estate tax for the remainder of Fiscal Year 2021, a buyer's premium in the amount of 5% of the sale price, and a deed recording fee in the amount of \$155.00 at the time of closing. The balance of the purchase price and all fees must be paid on or before December 4, 2020. The property is being sold "As-Is". Any person intending to bid at the auction should conduct their own investigation. Additional terms and conditions will be announced at the auction. Contact the Zekos Group at www.zekosgroup.com, telephone (508) 842-9000 with any questions.

9/24/2020, 10/1/2020

Town of Bourne
24 Perry Ave.
Buzards Bay, Massachusetts 02532
(508) 759-0600, ext. 1307

PUBLIC HEARING NOTICE

Notice is hereby given in accordance with provisions of Chapter 130, Section 60 of MGL as amended and Rules and Regulations and Application Requirements promulgated by the Board of Selectmen, that Edward Laspina, 895 Shore Road, Pocasset Pocasset, MA 02559, filed an application on September 3rd, 2020 to establish an aquaculture site within the municipal waters of the Town of Bourne within Buzzards Bay. The applicant is proposing Floating Shellfish Upwellers that will be located within or under the permitted boat slips at the Scallop Bay Marina located at 18 Wings Neck Road, Pocasset, MA 02559. The application, including a plan showing the specific location of the proposed upwellers, can be viewed by emailing csouthwood@townofbourne.com.

A public hearing will be held Via Remote Access on Tuesday, October 6th, 2020 at 7:00 pm. Link to the hearing will be online once the Selectmen Agenda is posted.

BOARD OF SELECTMEN
Judith MacLeod-Froman, Chair
James L. Potter, Vice Chair
George G. Slade, Jr., Clerk
Peter J. Meier
Jared P. MacDonald

9/24/2020