

Town of Bourne

Selectmen/Town Administrator's Office
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 John Ross, 20A Dry Cedar Swamp Road, Bourne, MA 02532 filed an application on October 11, 2019 to expand an existing Aquaculture/Shellfish Grant operation within the municipal waters of the Town of Bourne. The proposed expansion will be for 1.97 acres and will be located north of the Mashnee Dike and east of Hog Island. The application, including a plan showing the specific location of the proposed grant, can be viewed at Town Hall.

A public hearing will be held on December 3, 2019 at 7:45 pm in the Bourne Veterans' Memorial Community Center, 239 Main Street Buzzards Bay, MA 02532

BOARD OF SELECTMEN

Judith-MacLeod-Froman, Chm
James L. Potter, V. Chm
George G. Slade, Jr., Clerk
Peter J. Meier
Jared P. MacDonald

For publication in the November 21, 2019 edition of the Cape Cod Times.

9A

Check Your Knowledge

1. Which two countries share the longest (or largest) international border?
2. What or who is the Ford Mustang named after?
3. What was the name of the actor who played Jack Dawson in Titanic?
4. Which 80s movie was the highest grossing film of the decade?
5. Which 1980s theme song inspired its own separate film?

Answers appear further into this Classified Section

Legals

Legals

Invitation for Bid for Transportation Services

The Cape Cod Regional Technical High School District will receive invitations for bid for Transportation Services for FY21-25 per specifications until Monday, December 16th, 2019 at 10:00 a.m.

Proposals will be opened Monday, December 16th, 2019 at 10:00 a.m.

Specifications can be obtained electronically at <https://www.capecodtech.us/Page/779>

The Cape Cod Regional Technical High School District reserves the right to accept any or any part of, or reject any or all quotations received, as deemed by them to be in the best interest of the District, and their decision shall be final.

Erin E. Orcutt
Business Administrator
11/20, 11/21, 11/22/19

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Selectmen/Town Administrator's Office
24 Perry Ave.
Buzzards Bay, Massachusetts 02532
(508) 759-0600, ext. 1307
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A public hearing will be held on December 3, 2019 at 7:45 pm in the Bourne Veterans' Memorial Community Center, 239 Main Street Buzzards Bay, MA 02532

BOARD OF SELECTMEN

Judith-MacLeod-Froman, Chm.
James L. Potter, V. Chm
George G. Stade, Jr., Clerk
Peter Meier
Jared P. MacDonald
11/21/19

Town of Bourne
Selectmen/Town Administrator's Office
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 Patrick Ross, 6 Benedict Rd., Bourne, MA 02532; Bruce Silverbrand, 18 Bayberry Rd., Bourne, MA 02532; Dan Maurice, 2 Evergreen Hill Rd., Monument Beach, MA 02553; James Rossignol, 26 Pocahontas Rd., Pocasset, MA 02559; Tom Wostenholme, 343 Shore Rd., Monument Beach, MA 02553 have filed applications to renew existing Aquaculture/Shellfish Grant operation licenses within the municipal waters of the Town of Bourne. The applications, including a plan showing the specific locations of the existing sites, can be viewed at Town Hall.

A public hearing will be held on December 3, 2019 at 7:45 pm in the Bourne Veterans' Memorial Community Center, 239 Main Street Buzzards Bay, MA 02532

BOARD OF SELECTMEN

Judith-MacLeod-Froman, Chm

Legals

AC93 COMMONWEALTH OF MASSACHUSETTS

BARNSTABLE, SS.

BA19E0039PP
PROBATE COURT

To Dean Burdon, Trustee of the D.E.L. Trust u/d/t 1/9/08 of Warwick, RI, Robert E. Thompson of Saunderton, RI, Kimberly Andreassi of Falmouth, MA and to all other persons interested.

A petition has been presented to said Court by Edmond R. Nickerson of East Greenwich, RI representing that he holds as tenants in common undivided part or share of certain land lying in Dennis in said County, and briefly described as follows:

Undeveloped land located at 441 Main Street South Dennis, MA, consisting of 2.38 acres, more or less, of upland, and 32,600 square feet more or less, of lowland and pond, being shown on a plan of land entitled "Plan of Land in South Dennis, Mass. as surveyed for the Heirs of Horace L. Nickerson, by Crowell & Taylor, Corp. Dennis Mass., Scale 1" = 50', June 1970", which plan is recorded in the Barnstable County Registry of Deeds in Plan Book 239 at page 115.

to which plan reference is made for a more particular description.

setting forth that they desire that all of said land may be sold at public auction for not less than One Hundred Thousand Dollars (\$100,000.00), and to that end that a commissioner be appointed to make such partition and be ordered to make sale and conveyance of or all, or any part of said land which the Court finds cannot be advantageously divided.

If you desire to object thereto you or your attorney should file a written appearance in said Court at Barnstable before ten o'clock in the forenoon on December 27, 2019, the return day of this citation.

Witness, Arthur C. Ryley, Esquire, First Judge of said Court this 12th day November, 2019.

ANASTASIA WELSH PERRINO Register.

It is ordered that notice of said proceeding be given by delivering or mailing by registered or certified mail a copy of the foregoing citation to all persons interested whose addresses are known (14) fourteen days at least before said return day, and if any person is not so served, by mailing a copy thereof to the last known address of such person (14) fourteen days at least before said return day; and by publishing a copy thereof once in each week for three successive weeks in the Cape Cod Times, a newspaper published in Barnstable (Hyannis), the last publication to be (1) one day at least before said return day.

Witness, Arthur C. Ryley, Esquire, First Judge of said Court this 12th day of November 2019
11/21, 11/28, 12/05/19

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court
Barnstable Division
INFORMAL PROBATE PUBLICATION NOTICE
Docket No. BA19P1708EA
Estate of: Susan M. Kennedy
David L. Vince
Date of Death:
September 28, 2019

To all persons interested in the above captioned estate, by Petition of Petitioner Joan K. Rayno of Salem NH

Joan K. Rayno of Salem NH has been informally appointed as the Personal Representative of the estate to serve without surety on the bond.

The estate is being administered under informal procedure by the Personal Representative under the Massachusetts Uniform Probate Code without supervision by the Court. Inventory and accounts are not required to be filed with the Court, but interested parties are entitled to notice regarding the administration from the Personal Representative and can petition the Court in any matter relating to the estate, including distribution of assets and expenses of administration. Interested parties are entitled to petition the Court to institute formal proceedings and to obtain orders terminating or restricting the powers of Personal Representatives appointed under informal procedure. A copy of the Petition and Will, if any, can be obtained from the Petitioner.
11/21/19

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court
Barnstable Division
3195 Main Street
P.O. Box 346
Barnstable, MA 02630
(508) 375-8600

Legals

COMMONWEALTH OF MASSACHUSETTS

PROBATE COURT

To Dean Burdon, Trustee of the D.E.L. Trust u/d/t 1/9/08 of Warwick, RI, Robert E. Thompson of Saunderton, RI, Kimberly Andreassi of Falmouth, MA and to all other persons interested.

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setting forth that they desire that all of said land may be sold at public auction for not less than One Hundred Thousand Dollars (\$100,000.00), and to that end that a commissioner be appointed to make such partition and be ordered to make sale and conveyance of or all, or any part of said land which the Court finds cannot be advantageously divided.

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Witness, Arthur C. Ryley, Esquire, First Judge of said Court this 12th day November, 2019.

ANASTASIA WELSH PERRINO Register.

It is ordered that notice of said proceeding be given by delivering or mailing by registered or certified mail a copy of the foregoing citation to all persons interested whose addresses are known (14) fourteen days at least before said return day, and if any person is not so served, by mailing a copy thereof to the last known address of such person (14) fourteen days at least before said return day; and by publishing a copy thereof once in each week for three successive weeks in the Cape Cod Times, a newspaper published in Barnstable (Hyannis), the last publication to be (1) one day at least before said return day.

Witness, Arthur C. Ryley, Esquire, First Judge of said Court this 12th day of November 2019
11/21, 11/28, 12/05/19

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court
Barnstable Division
INFORMAL PROBATE PUBLICATION NOTICE
Docket No. BA19P1708EA
Estate of: Susan M. Kennedy
David L. Vince
Date of Death:
September 28, 2019

To all persons interested in the above captioned estate, by Petition of Petitioner Joan K. Rayno of Salem NH

Joan K. Rayno of Salem NH has been informally appointed as the Personal Representative of the estate to serve without surety on the bond.

The estate is being administered under informal procedure by the Personal Representative under the Massachusetts Uniform Probate Code without supervision by the Court. Inventory and accounts are not required to be filed with the Court, but interested parties are entitled to notice regarding the administration from the Personal Representative and can petition the Court in any matter relating to the estate, including distribution of assets and expenses of administration. Interested parties are entitled to petition the Court to institute formal proceedings and to obtain orders terminating or restricting the powers of Personal Representatives appointed under informal procedure. A copy of the Petition and Will, if any, can be obtained from the Petitioner.
11/21/19

Joan K. Rayno of Salem NH has been informally appointed as the Personal Representative of the estate to serve without surety on the bond.

The estate is being administered under informal procedure by the Personal Representative under the Massachusetts Uniform Probate Code without supervision by the Court.

Commonwealth of Massachusetts
The Trial Court
Probate and Family Court
Barnstable Division
INFORMAL PROBATE PUBLICATION NOTICE
Docket No. BA19P1771EA
Estate of:
Charles D. Francis
Date of Death:
August 28, 2019

To all persons interested in the above captioned estate, by Petition of Petitioner Christine Q. Higgins of Brewster MA

A Will has been admitted to informal probate.

Christine Q. Higgins of Brewster MA has been informally appointed as the Personal Representative of the estate to serve without surety on the bond.

The estate is being administered under informal procedure by the Personal Representative under the Massachusetts Uniform Probate Code without supervision by the Court.

Announcements

Avoiding Scam and Fraud Attempts:

- Be aware of international fraud. Deal locally whenever possible.
- Watch for buyers who offer more than your asking price and who ask to have money wired or handed back to them. Fake cashier checks and money orders are common.
- Never give out personal financial information.
- Trust your instincts and be wary of someone using an escrow service or agent to pick up your merchandise

Memorial Service Please join us in remembering Ginny Sutton at the Federated Church of Orleans - 11 am Sat. Dec.7th 2019

Happy Ads

GOD IS JUST
A PRAYER AWAY!
IT WORKS

Items For Sale

12 Ft Extension Ladder Extends up to 24ft, Fiberglass, Good Shape, \$100, 508-274-5543

"25ft" JUMPER CABLES \$50

"25ft" JUMPER CABLES \$50 (732)859-7773

Antique Fur \$100, 508-862-1695

Antique Walnut Chair \$30, Nice Condition. CALL (508)364-6262

Artificial Christmas Tree 6 ft, pre-lit, FREE. Comes in 3 pieces. Must pick up. Please call John at 508-775-8394

Artificial Christmas Tree 6 ft, pre-lit, FREE. Comes in 3 pieces. Must pick up. Please call John at 508-775-8394

BABY JENIE Brand New. disposal of diapers and odors. BEST OFFER. (775)470-2263

BABY JENIE Brand New. disposal of diapers and odors. BEST OFFER. (775)470-2263

BEACH FOLDING CHAIR (732)859-7773 \$5

Bean Boots LL Bean like new, should fit women size 10. \$75 (508-420-1286)

Bean Pot 12 quart, vintage 1950's, 7inx8in, \$20, call 508-375-0836.

Bean Pot 12 quart, vintage 1950's, 7inx8in, \$20, call 508-375-0836.

Items

Chairs curv whit deliv

Chess Mapl wide, 1957

Christmas 1 20lr of coc 6344

Circular \$49 5i

Counter Station \$t

CRYSTAL (2) br 774-7k

Decoral 1-32in 1 Larg \$99, 5i

Delonghi so Mr. Excellence (508)3

Electric Quart, 394-66

End Table \$100.0

Extension 14ft, \$-

Federal 20x20x 301-271

Fence 3 1/2in sq post. \$ Call (77

Fire place piece VII call 508-

Fire place piece vin call 508-

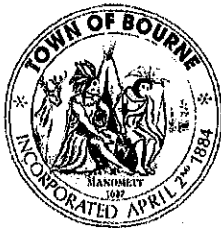
Fire Place Heavy DL 1695

FIREWOOD: Seasoned Cleaned, delivered Fishing Reel & Lir Reel, New 8995

Food Saver and 4 piece new. \$45 (k

Garmin Drive twice, Lists \$90, 508-3

Girls 20in single spe



Department of Natural Resources

Memorandum

To: Board of Selectmen, Town Administrator

From: Chris Southwood, DNR Director

Date: December 3, 2019

Subject: John Ross Aquaculture Hearing December 3, 2019

Selectmen,

As per MGL Chap 130 Sec 60, this Public Hearing was duly advertised in a local newspaper, The Cape Cod Times, on November 21, 2019 and a Notice of Public hearing was posted in three public places, Town Hall and two Post Offices (Buzzards Bay & Pocasset), on November 21, 2019. The only abutter to this proposed aquaculture grant is the US Army Corps of Engineers. The abutter was notified by Certified Mail on November 21, 2019.

Mr. John Ross has applied for a 1.75 acre Shellfish Grant expansion north of the Mashnee Dike and east of Hog Island in Buzzards Bay. Mr. Ross provided us with his background information and a shellfish grow-out plan which is accompanying his application.

Mr. Ross has held an Aquaculture Permit in the Town of Bourne since 2017. This department has no record of any violations committed by the permit holder. In the short period of time that I have gotten to know Mr. Ross, he has demonstrated to be a knowledgeable and courteous professional with the experience required to be an aquaculturist.

Mr. Ross' existing 0.31 acre site is located adjacent to this proposed site location. With the approval of this application, Mr. Ross will have approximately 2.0 acres of total aquaculture grant area to allow for an increase in shellfish seed grow - out. The proposed location is situated north of the Mashnee Dike, east of Hog Island see attached. There will be minimal visual impacts to the public with the gear proposed and bottom planting techniques associated with this aquaculture site, along with low impact to recreational and commercial shellfish habitat. The location is outside of any navigable channel and located in an area with a tidal range from approximately 1 foot at low tide to 5 feet at high tide. The Town of Bourne does not propagate that particular area and site location would have minimal impacts on various recreational activities. It should be noted that the State Division of Marine Fisheries will by statute, MGL Chapter 130 Section 57, survey the area and certify that issuance of a shellfish aquaculture license and operation there under will cause no substantial adverse effect on the shellfish or other natural resources of the city or town.

Should the Board decide to grant the license, it will also require the approval of the following; Massachusetts Division of Marine Fisheries, Bourne Conservation Commission, the Army Corps of Engineers.

It would appear on face this proposed location would be suitable for growing shellfish in an area that is currently unproductive. A grant in this location should not be a hazard to the navigation of anyone who operates their vessel in channels and or clear of sandbars. There is currently an existing aquaculture grant holder (Mr. Patrick Ross) west of the

proposed site. Multiple meetings were held regarding this application for expansion. As with all shellfish grants, boundaries must be clearly identified by the appropriate flotation buoys and shall be subject to inspection and approval.

For your reference I have included the State Aquaculture Statute and local Aquaculture Regulations and Procedures.

Shore and Harbor Meeting Minutes of 4/16/19-Draft

Members absent: none

Guests: GZA rep:

shell fishermen: John Ross Buzzards Bay
Zackery Haskell, Buzzards Bay
Rob Curtis, Forestdale

Review and approve minutes of:

8/22/19,

abstained: Paul Bushueff, Pat Ross.

Motion- D Crane, second by D. Wiggin

Presentation by GZA, Tom Sexton, proposing a Harbor Management Plan for Town of Bourne: Discussion of general purpose, approach and outputs . Partial funding available. 80%/20% grant money potentially available by obtaining a Seaport Grant. Need to assure can use grant money, before awarding contract. Also a need to align tasks with town specific needs.

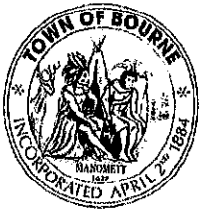
Review of 2020 shellfish regulations, motion to accept by D Crane, second by D Wiggin. Unanimous approval.

Review of Aquaculture expansion Request by John Ross. The Request is for 1.97 Acre area north of the Mashnee Dike and east of Hog Island, adjacent to his existing 1 Acre expansion Grant.

Recommended approval with a 110' buffer zone between Pat Ross existing area and the proposed area requested by John Ross. Also that the Committee make a priority to review and develop criteria to evaluate and recommend future aquaculture grants.

Motion by D crane, second D Wiggin, unanimous, Pat Ross Abstained

topics for next meeting: Dingys left on the beach, Red Brook Harbor boat ramp condition and repair.



TOWN OF BOURNE

Department of Natural Resources

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



Shellfish Constable, Marinas, 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: 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: HOG ISLAND
41°43'34.2"N 70°37'50.9"W, 41°43'33.2"N, 70°37'50.5"W
41°43'36.32"N 70°37'40.73"W

ALTERNATE SITE REQUESTED: _____

NAME (FULL): John OWENS Ross
DATE OF BIRTH: 12-13-57 PLACE OF BIRTH: Taunton MA
LEGAL ADDRESS: 20 A Dry Coalton Swamp RD
HOME PHONE: _____ CELL PHONE: 508 209 4679
EMAIL ADDRESS: _____

TIME AT ABOVE ADDRESS: 7 years
IF LESS THAN 1 YEAR, PREVIOUS ADDRESS: _____

*ATTACH EVIDENCE OF RESIDENCY
MAILING ADDRESS (if Different): PO Box 199 Bourne MA 02532
CURRENT/PREVIOUS TOWN PERMITS & DATES: 1990 - 2019

OTHER/PREVIOUS TOWNS & DATES PERMITTED IN: 1988-1996 Warrenton

LIST ANY DENIALS/VIOLATIONS IN ANY TOWN: _____

*ATTACH MA COMMERCIAL PERMIT - PERMIT #: 157155 YEARS HELD: 40

PRIMARY OCCUPATION: Fisherman

EMPLOYER/ADDRESS/PHONE: _____

*ATTACH PRIMARILY USED VEHICLE REGISTRATION - REG #: _____


VEHICLE MAKE: _____ VEHICLE MODEL: _____ VEHICLE COLOR: _____

* ATTACH BOAT REGISTRATION - MS/DOC #: _____

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: _____

November 13

Board of Selectman

Town of Bourne

24 Perry Avenue

Buzzards Bay, MA 02532

Dear Selectmen,

My name is John Ross I have shellfish grant number five in the town of Bourne. I'm applying for an expansion. See attached map for acreage. Currently I have 80,000 oysters that will be ready for market in June of 2020. I also have 1,200 bay scallops, 60,000 soft-shell clams, and a small amount of quahogs. I plan on putting approximately 150,000 15 millimeter oysters on the expansion in cages. The cages measure 3ftx5ftx3ft. There will be approximately 100 cages sub tidal on the expansion and 600 bags. Future growth will be determined by the success of current operations. There has been no interactions with people or wildlife. In my opinion this site is one of the most remote sites in town. I would greatly appreciate your consideration of this request.

John Ross

Enclosure

A handwritten signature in cursive script that reads "John Ross".

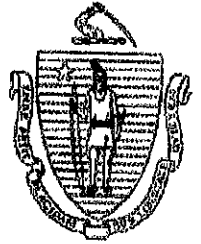


David E. Pierce
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400
Boston, Massachusetts 02114
(617)626-1520
fax (617)626-1509



Charles D. Baker
Governor
Karyn E. Polito
Lieutenant Governor
Matthew A. Beaton
Secretary
Ronald Amidon
Commissioner

Private Aquaculture Permit No. 174618

Class 3 Type 1

FEE: \$10.00 ISSUED: 3/12/2019 EXPIRES: 12/31/2019

TO WHOM IT MAY CONCERN:

Pursuant to Paragraphs 2 and 3, Section 17; Sections 69, 75, 80 and 83 of Chapter 130 of the Massachusetts General Laws and 322 CMR 3.03; 6.05; 6.08; 6.10; 6.20; 7.01(4)(d) and 15:00, permission is hereby given, subject to the attached Shellfish Aquaculture Permit Conditions to:

**JOHN ROSS
CLEAN ACRES
P.O. BOX 199
BOURNE, MA 2532**

To possess naturally occurring seed shellfish, seed shellfish transplanted under previously issued permits and to transplant seed and/or adult shellfish from Division of Marine Fisheries approved sources at and to the permit holders private shellfish aquaculture site, licensed under authority of Chapter 130, Section 57 of the Massachusetts General Laws; or at other locations authorized by endorsements made part of this permit. You must carry this permit while engaged in the activities this permit authorizes.

LOCATION OF AQUACULTURE SITE(S):

TOWN: BOURNE

DSGA: BB40

WATERBODY: BUZZARDS BAY

**SITE NUMBER: BOURNE 5
LOCATION: MASHNEE**

A. GROW OUT AND SEED PURCHASES

SOURCE	SPECIES
NEMAC	SOFT SHELL
MUSCONGUS	QUAHOG
POSSESSION ONLY	OYSTER

SEE SPECIAL CONDITIONS

B. INTERMEDIATE GROWOUT

ON-SITE: N OFF-SITE: N

TYPE:

SPECIES:

LOCATION:

C. OFF-SITE CULLING

OFF-SITE CULLING ALLOWED: N

LOCATION:

D. SEED SALES

SEED SALES ALLOWED: N

SPECIES:

E. OFF-SITE OVERWINTERING

OVERWINTERING ALLOWED: N

METHOD:

LOCATION:

F. SPAT COLLECTION

SPAT COLLECTION ALLOWED: N

LOCATION:

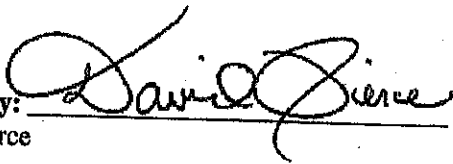
METHOD:

H. SPECIAL CONDITIONS:

ALL SEED SOURCES LISTED ON THIS PERMIT MUST BE ADDED TO THE 2019 DIVISION OF MARINE FISHERIES APPROVED SOURCE LIST PRIOR TO YOU TAKING POSSESSION OF THE SEED. IF YOU WISH TO PURCHASE SEED FROM SOURCES NOT LISTED ON THIS PERMIT YOU MUST FIRST OBTAIN AUTHORIZATION FROM MARINE FISHERIES.

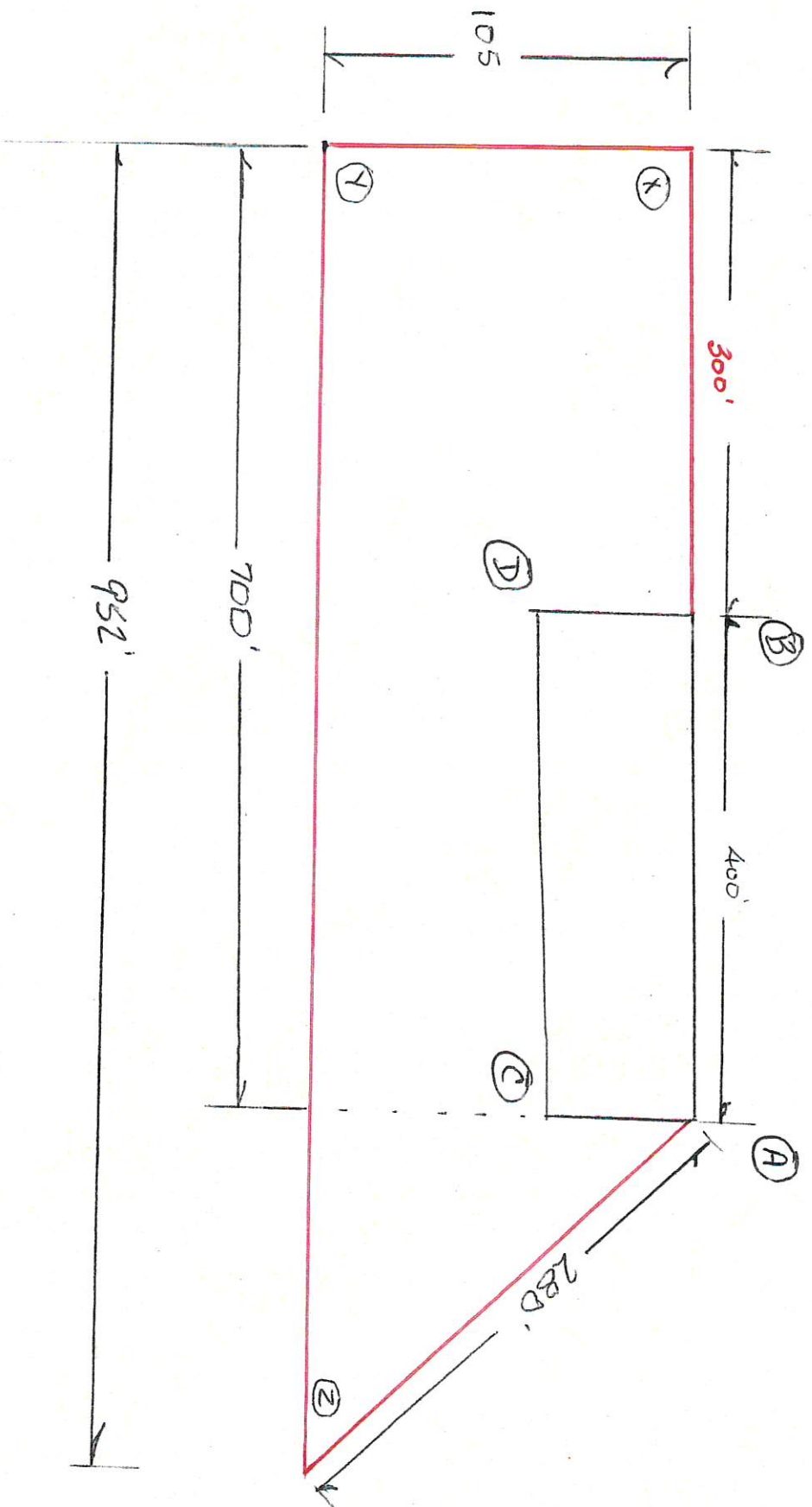
Signature: _____

Approved by:
David E. Pierce
Director



This document is your Division of Marine Fisheries permit and receipt. Your Permit is not valid until you sign the Signature line above. You must carry this permit while engaged in the activities this permit authorizes.

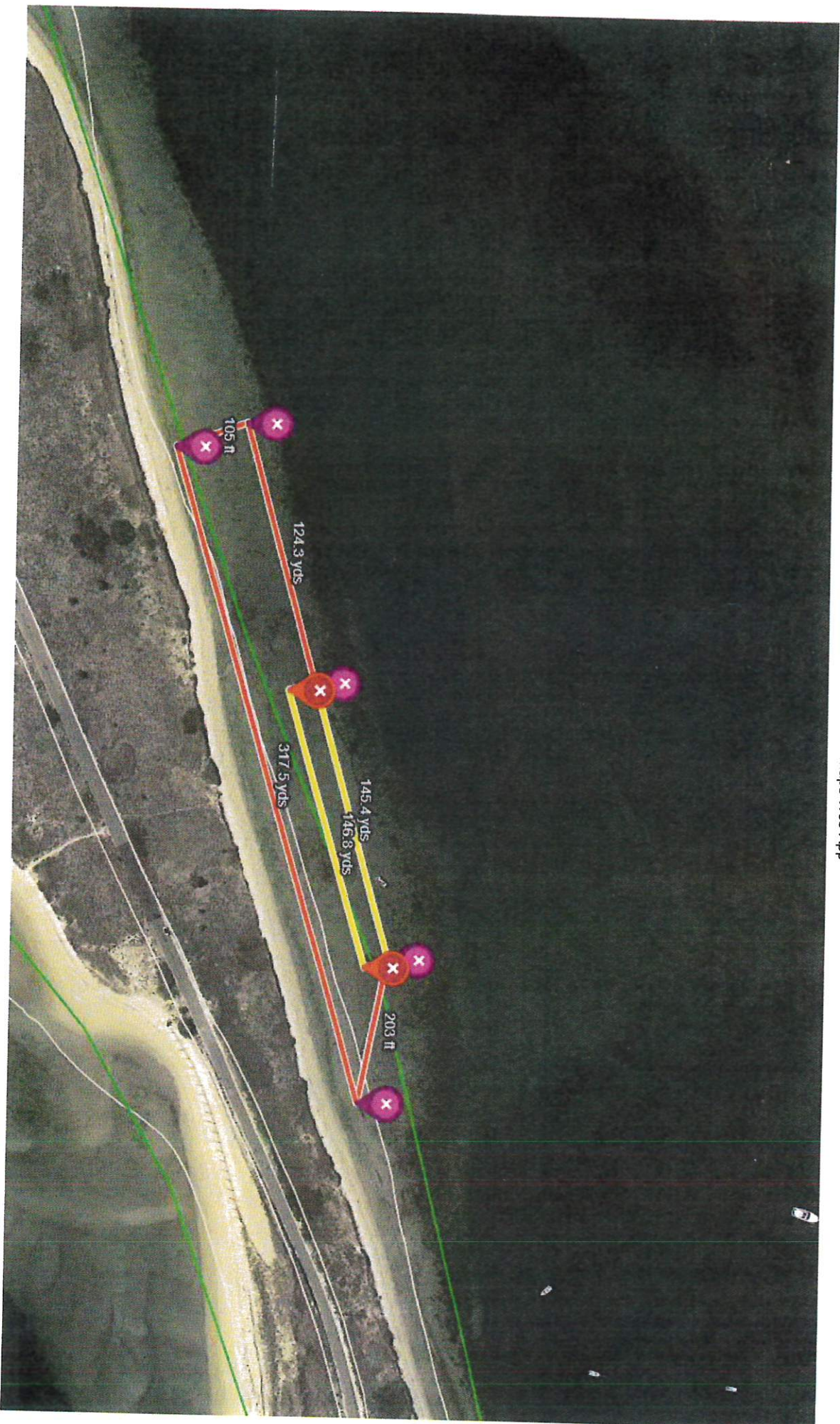
CC TO:
SHELLFISH CONSTABLE(S): BOURNE
DMF: J.M. HICKEY, T. SHIELDS, C. SCHILLACI, D. MCKIERNAN



(X) $41^{\circ} 43' 34.256'' N$
 $070^{\circ} 37' 49.576'' W$

(Z) $41^{\circ} 43' 35.991'' N$
 $070^{\circ} 37' 37.063'' W$

(T) $41^{\circ} 43' 33.180'' N$
 $070^{\circ} 37' 49.050'' W$





Massachusetts
Division of Marine Fisheries
SHELLFISH SANITATION AND MANAGEMENT

Growing Area Code: BB40

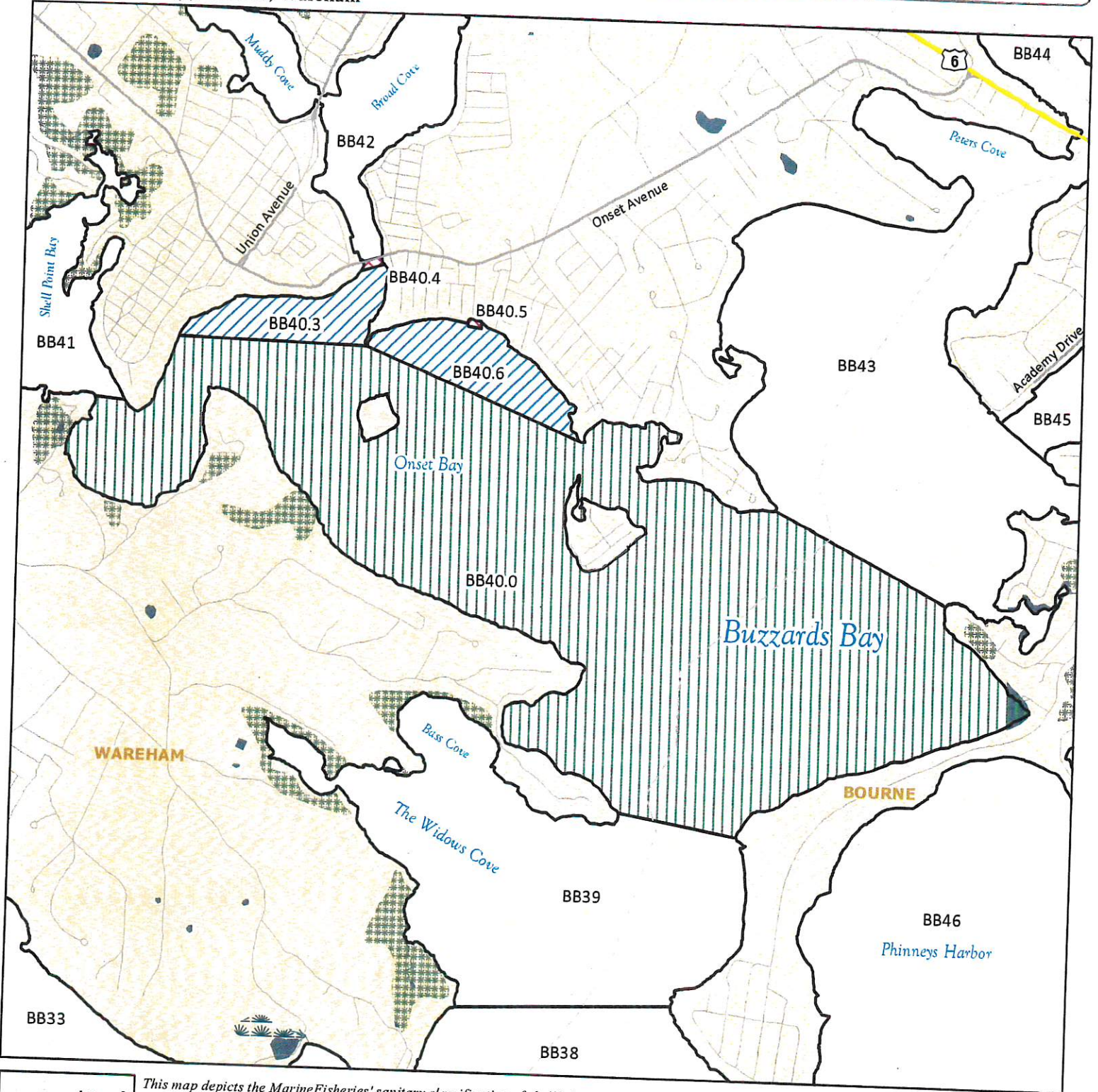
Area Name: ONSET BAY

Area Town(s): Bourne, Wareham

Shellfish Area Classification

	Approved		Conditionally Restricted
	Conditionally Approved		Prohibited
	Restricted		

Produced: 6/28/2013



Area of detail

This map depicts the Marine Fisheries' sanitary classification of shellfish growing waters in accordance with the National Shellfish Sanitation Program. It does not indicate the current status, either "open" or "closed" to harvesting due to shellfish management or public health reasons. Always confirm the status with local authorities and/or Marine Fisheries. Information on this map may be out-dated or otherwise incorrect, and should not be relied upon for legal purposes.

- Marsh/Wetland
- Saltmarsh
- Pond/Lake/Reservoir
- Town Boundaries
- Stream/Ditch/Canal



TOWN OF BOURNE

AQUACULTURE LICENSES / SHELLFISH GRANTS

Rules & Regulations & Application Requirements

At a regular meeting of the Board of Selectmen held on December 6, 2011 the following rules and regulations were adopted covering Aquaculture Licenses and Shellfish Grants.

8.1 The Board of Selectmen may license specific areas of the waters of the Town of Bourne to individuals for the purpose of granting exclusive rights to plant, grow, and take shellfish from that area, said license to be subject to the provisions of MGL Ch. 130, Sec. 57 and any terms, conditions, and/or restrictions set forth in the regulations of the State, Town, its By-laws, or any specific conditions or restrictions set forth in the license. Applicants shall be considered on a first come first serve basis. The Board of Selectmen may deny a license or establish a moratorium on the issuance of licenses at any time this action is deemed to be in the best interest of the Town.

8.2 Licenses will be issued only to domiciled residents of the Town of Bourne who have the knowledge, experience, and resources to fulfill the responsibilities specified in the license. The applicant shall furnish evidence of residency as part of the application process. Said evidence to include, but not necessarily be limited to, the following: a current motor vehicle driver's license issued by the Commonwealth of Massachusetts, a valid, current real estate tax bill issued by the Town of Bourne, and evidence of current ownership or tenancy by rental of real estate of a primary residence within the Town of Bourne. At such time as a licensee ceases to be domiciled in the Town of Bourne, it is the responsibility of the licensee to notify the Board of Selectmen of this change of residence. The Board of Selectmen will then remove the name of that individual from the license. This permit shall not be sold or transferred without written permission from the Board of Selectmen.

8.3 The Board of Selectmen will accept and process applications for aquaculture licenses in accordance with MGL 130, Sec 57. Applicants desiring a shellfish grant are required to complete and submit all information required by the Town's application form. Applicants shall also furnish a detailed proposal to include short term and long term plans for developing the Aquaculture/Grant site. Proposals must include shellfish species, amounts and sizes intended to introduce to the waters. Must also include the number of racks, pens, cages, floats, etc. that you

intend to use and their dimensions. Applicant must also provide detailed information regarding their experience with aquaculture. Licenses will be granted or denied within sixty days of receipt of application.

8.4 This license does not grant any property rights. This license does not authorize any injury to private property or invasion of private property rights. The issuance of this license is not a determination of title or ownership.

8.5 The initial term for a new license will be two (2) years. The term for renewals will be two (2) years. Renewal will be subject to approval of the Board of Selectmen and any other appropriate and /or required governing bodies as set forth by Chapter 130 Section 60 of M.G.L. License holder must show that a reasonable amount of shellfish have been produced on the grant during the preceding year. This amount shall not be less than what is required in Chapter 130 Section 65 of M.G.L.

8.6 Licenses will be issued for a one (1) acre maximum the first year. Once planted and established, licensee can apply for more acreage if the lease demonstrates productivity and the capability to expand.

8.7 Means of harvesting shellfish from the approved grant area will be limited to the use of quahog rake, tongs, scuba gear or conventional scallop dredge unless specific written approval to use other means is obtained from the Board of Selectmen and the shellfish constable. Harvesting will not take place between the hours of one half hour after sunset and one half hour before sunrise.

8.8 The placement of moorings and ground tackle for rafts, racks and floats, or any other structure will be subject to approval from the Harbormaster, Conservation Commission and the Corps of Engineers. Rafts and racks may or may not be approved for the grant area (depending on the location of the specific site). Shellfish will not be rafted outside the perimeters of the approved grant area without written permission from the Harbormaster and Shellfish Constable.

8.9 It will be unlawful for the Grant-Holder or any person to take seed shellfish from any waterways or flats of the Town other than the designated grant area without written consent to do so from the Selectmen and the Director of the Division of Marine Fisheries.

8.10 The Shellfish constable and / or his assistants, in the presence of the permit holder or his agent, will have authority to inspect the Grant area to include the contents of any and all rafts, floats and other containers.

8.11 If in any given year, it is determined by the Shellfish Constable that there is a marketable concentration of scallops in the grant area, then it will be the responsibility of the Grant-Holder to relocate said scallops to an area designated by the Shellfish Constable. The Grant-Holder by agreement with the Shellfish Constable may elect to allow the harvesting of scallops by licensed members of the general public upon his grant area for the sole purpose of harvesting scallops by either dip netting or dragging. If the grant-Holder elects to allow the harvesting of scallops

upon his grant a mutually agreed time period, method of taking, etc. shall be specifically established to permit this by the Grant-Holder, the Shellfish Constable and the Board of Selectmen.

8.12 If at any time it becomes necessary to dredge and / or otherwise accomplish maintenance dredging on or within the vicinity of the grant area to improve or maintain channels for navigation purposes the Grant-Holder will agree under terms of the contract not to obstruct said dredging plans and operations. The Grant-Holder will be given 90 days notice prior to commencement of any dredging operations. Prior to, during and after dredging operations are completed and if in the opinion of the Grant-Holder, the Shellfish Constable and the State Marine biologist, that said bottom conditions are considered temporarily unsuitable for planting or maintaining shellfish, immediate and temporary permission for relocation of Grant-Holders stock shall be considered by the Board of Selectmen. All the foregoing regulations shall apply to any temporary placement of said shellfish. In the event that shellfish need to be relocated under these conditions they shall be relocated at the expense of the Grant-Holder.

8.13 When a Grant is discontinued and / or terminated for any reason, the Permit Holder will be required to remove all rafts, racks, floats, boxes, pens, boundary markers and equipment from the waters and substrate within 90 days from the Grant expiration date. In addition, the Permit Holder will be required to provide proof of a General Liability Insurance Policy in the amount of \$1,000,000.00 naming the Town of Bourne as an additional insured.

8.14 Written permission must be obtained from the Board of Selectmen, the Shellfish constable and the Conservation Commission prior to any alterations being made in or on the ground area of the Grant that were not made part of the initial Grant application.

8.15 The Grant-Holder will be required to hold a Town of Bourne Commercial Permit and required state permits to handle seed and propagate shellfish in compliance with the MGL Chapter 130. The Grant-Holder will be required to comply with all rules and regulations governing shellfish and grants as forth by the Town of Bourne and MGL Chapter 130, Section 57 thru 68 and MGL Chapter 131, Section 40. Failure to comply with the aforementioned laws and regulations will be deemed cause to revoke the Grant Permit.

8.16 If the Grant sites are approved, the applicant must have the grant site(s) surveyed at his own expense and submit a recorded plan of the specified grant area to the Board of Selectmen. The survey and the plan must be completed by a registered engineer or surveyor and the plan must be stamped accordingly. Boundaries of said Grant must be clearly identified by plastic pipe, wooden posts or floatation buoys and shall be subject to inspection and approval by the Harbormaster. Type and specific location of said boundary markers shall be shown on the plan prepared by the registered engineer or surveyor. As a minimum at least each corner of the grant area shall be marked by a boundary marker. A sign indicating the Grant permit number and name of the grant-Holder must be displayed on each corner post in compliance with MGL Chapter 130, Section 61. A sign indicating the Grant permit number and name of the grant-Holder must be displayed on each vessel moored or working within the boundaries of the approved grant.

8.17 Fees

- a) An advertising fee of \$125 for the public hearing shall be payable at the time of submitting the application form.
- b) Permit – An annual permit fee of \$25 per acre (or any part thereof) payable at time of Grant approval and then upon renewal of each year shall be required.

8.18 Grant Approval

The approval of this Grant shall be subject to the following:

- a. Any legal appeal process as outlined by the MGL Chapter 130 or Chapter 131 and/or any other law which may apply.
- b. Federal, State and Local laws, rules and regulations and amendments thereto.
- c. Annual review by the Board of Selectmen as stipulated by Town Regulations.
- d. State certification in compliance with Chapter 130, Section 61.
- e. Receipt of survey and plan stamped by a registered engineer or surveyor in compliance with section 61 of chapter 130 and local regulations.

8.19 Any violation of these rules and regulations or amendments shall be subject to a fine of one hundred dollars (\$100.00)

These Aquaculture License and Shellfish Grant Rules and Regulations were adopted by the Board of Selectmen on December 6, 2011.

PER ORDER OF THE BOARD OF SELECTMEN

Donald J. Pickard, Chairman

John A. Ford Jr., Vice Chairman

Peter J. Meier, Clerk

Jamie J. Sloniecki

Earl V. Baldwin

Timothy W. Mullen, Shellfish Constable

Part I ADMINISTRATION OF THE
GOVERNMENT

Title AGRICULTURE AND
XIX CONSERVATION

Chapter MARINE FISH AND FISHERIES
130

Section SHELLFISH AQUACULTURE
57 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.