



**MEETING MINUTES**  
**Waterways Commission Meeting**  
**Wednesday, September 4, 2019**  
**Community Room, Scituate Public Library**  
**7:00 PM**

**Commission Members in Attendance:** Brian Kelly, Chair; Howie Kreutzberg, Vice Chair Michael Gibbons; David Friedman; Tucker (James) Patterson; Stephen Mone, Harbormaster; Craig Rosenquist, David Sincoski; Rick Murray

**Commission Members not in Attendance:** None

**Also in Attendance:** David Haley, Associate Member; Steve Guard, Associate Member; Jamie Davenport, Shellfish Committee; Susan Harrison, Shellfish Committee; Tony Vegnani, Board of Selectmen Chair; Shawn Harris, Board of Selectmen; Mike DiMeo; Jeff Palmer

The meeting was called to order by Brian Kelly at 7:05 PM.

**Craig Rosenquist reviewed the Shellfish Application process Rules and Regulations:** He stated that we are on Version 17 and that we will review all 9 sections. Waterways will provide their comments first and then we will ask for public input.

101 Prologue:

First paragraph Rick Murray suggested changing the word **SHALL** to **MAY** in the first and third sentences.

Definitions:

- It was explained that it will be marketed as a Scituate Oyster at the first level
- The definition of **Gear** is missing and has to be added
- Howie said we should define **licensing authority**

Section 3 Authority:

No issues

Section 4 Application

No Issues

4.2 Fees: Town wants to try to recoup investment on the low \$25 per acre cost

Rick Murray thought that we need to look at fees.

David Friedman said other towns don't have a lot of turnover so what are other towns applications fees and if they changed them after the process began. Susan said our fees are similar to other Towns. The problem is the Town cannot charge a rent or a fee that could be perceived as rent.

There was a suggestion that a transfer fee could be \$400.

Jamie and Susan said that we have not found a Town that uses fees to pay for the cost of the program. They further stated that EDC had been very generous and that the pilot program would be less expensive.

***Ernie Foster, Clapp Road, asked if the Division of Marine Fisheries gives grants. Susan and Jamie thought it was a great idea and Susan would apply if there was one.***

Jamie said if you charge more than \$25.00 there has to be services to support it. Brian said in Falmouth (Private-Public endeavor) they are looking at title search and buying equipment with a grant, because they want to charge more than \$25.00. It is a large expense for them.

Brian said we may also need to expand the part-time constable position to full-time.

Howie said we should have a proposed budget to show the Selectmen (with 1, 2 or 3, 5, 10 year projections). The cost would be approximately \$7500 in the first year and Brian thinks it would be a 10 year pay back. We don't want the cost to be unsurmountable. Craig said that the pilot will not be costly.

***Andrew Slater 75 Pheasant Hill Drive, said that the way to set it up is a 3 year (starting the budget at year 3).***

David Sincoski suggested adding an up weller system to the 5 year plan [a system that pumps water to allow baby seed to grow in one area and then be transferred].

Section a: Rick Murray wanted to add verbiage regarding Town approval to transfers or take it out altogether.

***Tony Vegnani Chair of BOS, said we are taking a Town asset and giving it to a business person, and we usually charge rent. We need creative ways for the Town to be aligned financially with this project. Jamie said we will have economic benefits from it, and thought there would be some financial benefits by having a Scituate Oyster. Tony asked them to come to the Board of Selectmen meeting with ideas on how to increase fees.***

***Bill Graham, Tilden Avenue asked to have the grid in Briggs harbor explained further, was concerned about the water skiers, paddleboarders and kayakers. Brian said we would come back to that issue later. Rick said the document is not location specific by design.***

#### Application Process 4.3

Rick asked about Section 3. How do you prove you own the land

Howie asked about e: in regards to completeness only. **Susan will fix.**

*Tony Vegnani, Board of Selectmen said he wants the Committees to provide them feedback on applicants.*

David Friedman asked about Section 1 and if you apply for a specific area, Susan and Jamie said yes. Mike thinks the constable should assign the location. **Susan agreed and they will change.** Susan said they can request an area once they open up the licenses to the rivers and harbor.

*Brian Yates, Country Way, asked where in Scituate Harbor the upwellers will be located. Brian said down the road they will consider putting them in, but there is no specific area planned yet. There will not be upwellers for the Pilot Program in Briggs Harbor, adding them would be part of the 5 year program.*

*Brian Murphy, Tilden Road said you might want to let the applicant pick the location, i.e. river, harbor etc.*

#### 4.4 Notice of Public Hearing:

Rick asked about the definition of abutter(s), Rick said we might want to include adjacent towns like Cohasset.

*Lauren Gibbons, Schofield Road, Cohasset asked if Cohasset officials were notified of the meeting. Brian said Tim Davis was. Brian said it was posted on our website, and he met with members of the Harbor Committee, Chris Senior was told we were moving forward. Brian said we inclusive in conversations.*

Howie confirmed the process: Board of Selectmen, Division of Marine Fisheries, Army Corps of Engineers and then a public hearing. Jamie and Susan said that it goes to the public hearing first. **Rick said you should add a flow chart to show the process.**

#### 4.5 Application Review and License Granting:

b: Rick did not like the idea of transferring licenses, would like to hear the merits of a transfer. It should just end and go back into the pool. You could possibly exclude people if you allow transfers.

*Ernie Foster, Clapp Road asked if transferring meant to buy, Rick said it could. He also asked if the Town could keep a few spots for public use. Susan said they are planning too.*

Jamie said all the states allow for transferability.

The Commission decided to discuss during the Transfer sections of the document.

B: (continued) Brian asked if the Board of Selectmen do not do anything after day 61 what happens, Jamie said it is up to the discretion of the Board of Selectmen. Brian said to add business days, but Jamie said it is M.G.L. **Brian said that Town Counsel should review and also felt that 60 days was a tight timeline.**

*Andrew Slater, 75 Pheasant Hill, said we are trying to speed up the process for the farmers, this should be able to be amended after the first year. We want to get it up and running by next Spring.*

*Tony Vegnani, Board of Selectmen thinks you could add that the 60 day clock starts when the application is “complete” and we decide when the application is complete.*

*Sam Brigham, 24 Buttonwood, asked if there will be any transparency on what a completed application will be composed of, Susan said they will post an example online. He further asked when people would be able to apply, Brian said when the Rules and Regulations are approved by the Board of Selectmen and Town Counsel.*

David Sincoski and David Friedman thought it should be a lottery process.

Mike Gibbons asked Shawn and Tony what the Board of Selectmen thought about a lottery system. They did not like it to be completely random and suggested not giving everyone 3 acres to allow more people to farm. Shawn thought you could grade it without looking at the name to make it more fair.

Howie said we need to tell the public what the criteria is for the application process.

**When asked, about 12 -15 people at the meeting said they were interested in applying for a license.**

*Lawrence Trowbridge, Tilden Road, questioned if 1 acre was enough space and was also concerned about losing oysters in storms.*

#### 4.6 Application Eligibility Requirements:

k: Rick Murray asked if the Board of Selectmen was the authority and what if the Board opted not to go to the DMF because they were not “for” shell fishing in Scituate, the applicant then would not receive a license.

*David Dauphinee, Clapp Road, thought that the difference between a tax payer and non-taxpayer should be looked at.*

#### 4.7 Renewal of Aquaculture licenses:

a: David Friedman asked how many years before harvesting was possible. Jamie said it depended on the size of the seed.

Shawn asked why residency was required, Jamie said that is how all the rules and

regulations were written in other towns.

#### 5.0 Grant

No issues

#### 5.1 Limit on Individuals Licensed to use a Grant:

No issues

#### 5.2 Working of Grants by Non-Licensees:

No issues

#### 5.3 Limit on Size of Grant:

David Sincoski said you could do 1 acre farms for the pilot program.

Also, he thought we could add a question are you **affiliated with another license holder** to stop families/business from acquiring more acres than allowed..

#### 5.4 Moratorium:

David Sincoski asked if the \$25 a year fee for the waiting list is State mandated. Jamie and Susan said no you can charge whatever you want.

#### 6.0 Evidence of Productivity:

Howie asked who performs the Annual Review for investment and productivity, Susan said it is a form that they would submit to the shell fish constable. David Friedman asked if they were public, Mike DiMeo said if requested he would provide the information.

#### 6.1 Minimum Levels of Investment and Productivity:

Rick Murray asked if the definition of **gear** was just related to water or did it include trucks, gas, etc.

*Andrew Slayer, Pheasant Hill said that we want serious people not the hobbyist.*

There was a brief discussion on the minimum of \$10,000 per acre spent on seed and gear.

#### 6.2 Annual Report

No Issues

#### 7.0 Education Projects

This application has different requirements: Best interest of the Town.

Howie asked about recreation and thought we should carve out an area for recreational farmers, Mike DiMeo said they would have to apply for a license. Jamie did not think this area was conducive to recreational farmers.

#### 8.0 Rights Granted Under a License:

No issue

#### 8.1 Designated Aquaculture Float Area and Federal Anchorage:

This is not for the pilot plan

g.4: Specific to floats

#### 8.2 Private Property Rights:

This is not for pilot

#### 8.3 Compliance with Federal, State and Local Requirements:

No issue

#### 8.4 Extent of License Rights

No issue

#### 8.5 No Right to Sublease:

David Friedman asked how you would know if someone subleased their plot. Jamie said site visits and annual reports.

#### 8.6 Right to Transfer:

Rick Murray said did not like the idea of transferability and thinks we should keep it open to new farmers.

It was discussed that transferability may or may not be sale.

Some people felt that the farmer built a business and for their protection they should be able to transfer it to someone who is going to uphold what they have done.

It was further discussed that the person must be on the waiting list and approved by Board of Selectmen. Jamie said they have to be prequalified, and submit a business plan before a plot could be transferred to them.

Shawn thinks it would be hard for the Board of Selectmen to stop a transfer.

Tucker Paterson asked what if all the other farmers did not want a certain farmer to get a plot (transferred to them).

*Dave Dauphinee, Clapp Road, felt that the benefit of transferability is that the business is already running for a prequalified candidate.*

**There was not a resolution that everyone agreed with on the issue of transferability.**

#### 8.7 Right to Inheritance: this is M.G.L.

c. Can you change to 30 to 90 days

#### 8.9 Marking and Removal of Equipment:

c: Brian asked if property is abandoned or a license terminated, if there should be a bond so the town does not bear the cost to remove the equipment. Jamie thinks you could sell the equipment.

#### 8.10 Set Backs and Buffer Areas:

No issues

#### 9.0 Enforcement:

No issues

#### 9.1 Prohibitions:

No issues

#### 9.2 Revocation of Licenses:

b: Rick Murray asked if it was M.G.L, he did not like the “cross examine” section, **Susan will find out.**

#### 9.3 Authority to Inspect:

No issues

#### 9.4 Changes to License:

No issues

#### 9.5 Changes to the License:

No issues

#### 10.0 Liability of the Town

Can Town of Scituate have Cohasset take on liability if damages to area are their fault.

**Follow up needed in this issue**

#### 11.0 Insurance Requirements: M.G.L

No issues

#### 12.0 Fines: M.G.L

No Issues

Brian Kelly asked the opinion of the Commission on whether or not they wanted to vote to approve the rules and regulations tonight:

- Howie Kreutzberg thinks we cannot vote until clean
- Rick thinks we cannot vote
- Mike thinks we might have to vote separately on certain items, Brian agreed

It was decided that the Waterways Commission will have to meet again within the next 2 weeks once the rules and regulations are updated and then the vote would take place at that meeting.

**It was suggested to invite Chris Senior to the next Waterways meeting**

**Howie Kreutzberg made a motion to postpone the vote until there is a final Rules and Regulations document, seconded by David Friedman, Unanimous Vote (8-0)**

**Brian Kelly made a motion to adjourn the meeting 10:13 PM, seconded by Mike Gibbons; Unanimous Vote (8-0)**

**Next Meeting: Wednesday, September 18th at the EOC at the Public Safety Complex.**

Respectfully submitted,

Lianne Cataldo  
Recording Secretary

**List of Documents:**

- Shellfish Rules and Regulations