



S H E L L F I S H  
C O N S E R V A T I O N  
C O M M I S S I O N

**Meeting Minutes**  
**Thursday, April 18, 2013**  
**6:00 PM – East Conference Room, Town Hall**

**MEMBERS PRESENT:** Mike Brown (Chairman), Bill Kenny, Harland Storey, Bill Mullin, Bob Maloney, Bill Kenny, Chuck Piacentini

**OTHERS PRESENT:** Town Manager Shane, Lieutenant Calder, Town Clerk Tammy O'Donnell, and Denis-Marc Nault of DMR

**EXCUSED:** Jessica Joyce, Charles Adams

**I. Roll Call & Welcome new members, Bill Mullin & Charles Piacentini**

**II. Approval of November 13, 2012 minutes**

Motion by Mr. Storey, seconded by Mr. Maloney, to accept the November 13, 2012

VOTE: 6-0 UNANIMOUS

**III. Discussion re: Commercial Licenses & Residency**

Chairman Brown welcomed Mr. Nault from DMR and explained that he is here this evening to clarify some confusion on commercial licenses.

Town Clerk, Tammy O'Donnell explained that in December, a non-resident commercial digger came into Town Hall to get a 2013 commercial license. He was upset to learn that the one commercial license had been given to someone else, whose name was drawn in the lottery. He advised Ms. O'Donnell that the proper procedure, per State Statute, was to reissue it to him again since he met all the conditions per our ordinance (turning in harvest logs). Ms. O'Donnell contacted Mr. Nault of the Department of Marine Resources who confirmed that this is true. The town was not aware of this rule.

Mr. Nault said that a municipality cannot be prejudicial to a non-resident over a resident commercial license holder. If residents are guaranteed another license as long as they meet the conservation requirements, the non-resident must be treated the same. In this case, we were not doing that.

Town Manager Shane asked Mr. Nault since we are only open seasonally, what is the advantage or disadvantage in having commercial licenses at all.

Mr. Nault said there is no benefit either way.

Mr. Shane asked if we could have 4 resident commercial license and no non-resident commercial licenses.

Mr. Nault said yes. However, if any resident commercial licenses are unsold after 90 days, they must be made available to resident and non-resident commercial diggers by lottery or first come, first served. They will be sold as a resident category license to anyone (at the resident license fee). These are not a grandfathered license. It is an annual license only.

Chairman Brown asked Mr. Nault if we could implement targeted commercial digging in specified areas in order to keep the clam population healthy.

Mr. Nault said yes, that could be an option.

Mr. Shane said that a situation came up this year regarding residency. The Town has always practiced that if someone pays property taxes, they are a resident. The new twist is someone wanted a resident license that as part owner of a piece of property that he was left by a family member in their will.

Mr. Nault suggested making it practice that a resident will be the name on the tax bill.

Mr. Kenny said that the problem with that scenario is that if his property is listed in his wife's name only, he would not be eligible for a resident license.

Chairman Brown said that anyone who can prove that they are domiciled here is eligible for a resident license.

Town Manager Shane said that it is not an issue to split hairs over, but we should be aware that it is out there and could become an issue. Mr. Shane offered to put some sample ordinance language together for the commission to review at the next meeting (on the residency issue), as well as some commercial license options.

Chairman Brown said that a couple of years, we added an additional sampling point in hopes that the area from Town Landing, south, could be isolated and open year round, if the numbers were good in that area. We have never been able to get an answer from DMR if this would be allowed.

Mr. Nault said he would speak to Tim Bennett who is the water quality scientist for our area, and request that he looks at the water quality numbers for that sampling point.

#### **IV. Other Business**

Next meeting will be in June to review the residency and commercial license options, i.e. reduction of commercial licenses, increase the conservation piece for commercial digging, etc.

#### **V. Adjournment**

Motion by Mr. Maloney, seconded by Mr. Piacentiti, to adjourn.

VOTE: 6-0

TIME: 7:29 p.m.

Respectfully submitted by,

Brenda Moore  
Commission Secretary