



# CITY OF BELFAST, MAINE 04915

131 Church Street

## CODE & PLANNING DEPARTMENT

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### NOTICE TO PROPERTY OWNER

APRIL 4, 2018

### NOTICE OF PUBLIC HEARING CITY OF BELFAST CITY COUNCIL

APRIL 17, 2018

The City of Belfast City Council, at its meeting of Tuesday, April 17, 2018, beginning at 7:00 pm or as soon as practical thereafter, in the Council Chambers of Belfast City Hall which is located at 131 Church Street, shall conduct a public hearing on proposed amendments to the City Code of Ordinances and to the 2009 adopted Future Land Use Plan (part of Comprehensive Plan). The amendments are associated with the proposal by Nordic Aquafarms to construct a land based salmon aquaculture farm on property now owned by the Belfast Water District and Sam Cassida that is located near the lower reservoir on the Little River.

Persons who may be affected by the proposed amendments are encouraged to attend the April 17 public hearing and to express your concerns. Comment also may be submitted in writing or via email by the date of the hearing. Written comment to Wayne Marshall, Director, Code & Planning, City of Belfast, 131 Church St, Belfast, ME, 04915. Email comment to [wmarshall@cityofbelfast.org](mailto:wmarshall@cityofbelfast.org). The proposed language for the Second Reading Ordinance amendments and the amendments to the Future Land Use Plan will be posted on the City website, [cityofbelfast.org](http://cityofbelfast.org), (on the homepage go to Nordic Aquafarms Information Page) on April 5. A copy of the proposals also will be available for inspection at the Code and Planning offices in City Hall, Monday - Friday, 8:00 am to 5:00 pm. Questions regarding the proposal should be directed to Wayne Marshall at 338-1417, x 125, or at [wmarshall@cityofbelfast.org](mailto:wmarshall@cityofbelfast.org).

Following is an outline of the proposed amendments. You should consult the full text of the proposed amendments for a complete description of the proposals.

#### **Chapter 102, Zoning Ordinance - First Reading of Proposed Amendments**

The proposed amendments will affect Chapter 102, Zoning, Article V, District Regulations, Division 7, Residential II district, Division 18, Industrial IV Perkins Road district and Division 20, Protection Rural and accompanying amendments to Article IV, Description of Districts for the Residential II and Industrial IV districts. A key provision in the proposed amendments is to expand the boundaries of the current Industrial IV Perkins Road district (the Mathews Brothers property on Perkins Road is now located in this district) to include all lands associated with the

Nordic Aquafarms project (area is now in the Residential II district) and to establish land based aquaculture and associated uses as permitted activities. The proposed new zoning boundaries are depicted on the adopted Zoning Map for the City. Additional changes to the Industrial IV Perkins Road district include but are not limited to:

- Amendments to the type of uses that are permitted to occur in the district, particularly to allow land based aquaculture and accompanying uses;
- Increasing the minimum lot size to 2 net acres (now 40,000 square feet).
- Identifying structure setback requirements (50' proposed) and minimum (40' proposed) vegetated bufferyard standards.
- Establishing a structure height limit of 50 feet.
- Identifying the performance standards that apply to this district.

The only proposed changes to the Protection Rural district are to specifically allow a significant groundwater well or a significant water intake or significant water discharge/outfall pipe as permitted uses.

The City Council also proposes to adopt a 'sunset provision' as part of the Zoning Ordinance. The proposed sunset provision would require Nordic Aquafarms to submit an initial permit application by December 31, 2019. If an application is not submitted by that date, the Zoning Ordinance amendments identified in this proposal would expire and the zoning district classification would revert to the Zoning District classification that is now in place.

#### **Chapter 82, Shoreland - First Reading of Proposed Amendments.**

The Shoreland Ordinance applies to all lands located within 250 feet of a regulated waterbody, such as the Little River, the lower and upper water reservoirs, and Belfast Bay. Aquaculture is currently identified as a permitted use in the Shoreland Ordinance for the area adjacent to the Little River. The proposed amendments include but are not necessarily limited to:

- Changing the Shoreland District designation for an area that is about .5 acre in size from the current Resource Protection district to the General Development district. The Belfast Water District has an existing storage area on the land that would be affected by this change.
- Clarifying the current range of permitted uses to specifically allow land based aquaculture in the Resource Protection and General Development Shoreland districts and to allow a significant water discharge/intake pipe in Belfast Bay for said use.
- Adopting language to allow the City to regulate significant groundwater wells located in the Shoreland zone. The current Shoreland Ordinance does not regulate such wells.
- Amending current definitions in the Shoreland Ordinance for aquaculture, significant groundwater wells and significant discharge/intake pipes for industrial and municipal uses.

#### **Chapter 66, General Provisions - First Reading of Proposed Amendments to Definitions.**

Chapter 66 establishes specific definitions for terms used in for the City land use/zoning regulations. The proposed amendments identify definitions for several forms of aquaculture operations, significant groundwater wells, significant water intake and water discharge/outfall pipes and accessory retail sales.

## **Future Land Use Plan in Comprehensive Plan - Initial Public Hearing**

The City adopted the current Future Land Use Plan in 2009. The Future Land Use Plan is part of the City Comprehensive Plan. The Future Land Use Plan establishes the underpinning policy for zoning districts identified in Chapter 102, Zoning.

The area that Nordic Aquafarms proposes to develop as a land based salmon aquaculture farm is now identified as being included in the Outside Rural, Rural Road Class 2 area. This land use area does not allow aquaculture or other industrial activities. The Future Land Use Plan, however, does identify the Mathews Brothers property on Perkins Road as an appropriate location for an industrial use. The proposed amendments would include all of the land that Nordic Aquafarms intends to purchase in the same land use area as Mathews Brothers, and this area would allow uses such as Mathews Brothers, the proposed aquaculture farm, professional offices and similar type activities.

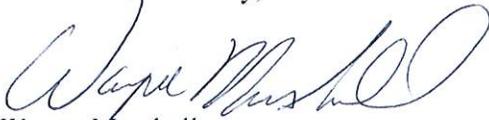
The City Council conducted the Introduction of the above proposals at the Council meeting of March 6, 2018, and conducted the First Reading and an accompanying public hearing on the proposals at its meeting of March 20. The City Council has scheduled the formal Second Reading and public hearing on the proposed amendments for its meeting of April 17. The Council must conduct the formal Second Reading and public hearing before it votes to adopt or reject the proposed amendments. The Council, following the Second Reading, has the authority to take any of the following actions on the proposed amendments:

- 1) Adopt the amendments as presented.
- 2) Reject the amendments as presented.
- 3) Make changes to the proposed amendments. Also, if the Council makes significant changes to the amendments, it must conduct a follow-up duly noticed public hearing.
- 4) To take no specific actions on the amendments at this meeting and to schedule Council consideration for a future meeting.

Lastly, while City consideration of the amendments identified in this notice is a critical step in the City Council deciding if it is appropriate to amend current land use standards to allow an aquaculture project as a permitted activity, the amendments are just that, a first step. If the Ordinance amendments are adopted the net effect is that Nordic Aquafarms will have the opportunity (right) to submit required permit applications for review by the Belfast Planning Board. The Planning Board process will involve the review of a Use Permit, Site Plan Permit and Shoreland Permit applications and the Board will conduct public hearings as part of its permit review process. Nordic Aquafarms also must obtain numerous required state and federal permits to be able to construct the project; particularly permits from the State Department of Environmental Protection and federal permits from the U.S. Army Corps of Engineers. At present, no permit applications can be submitted to the City and as such, we do not have any specific plans for the proposed development.

I recommend that you regularly check the city website for updated information on all meeting and hearing dates and the proposed Nordic Aquafarms project. If you have questions, you can call me at 338-1417 x 125 or reach me by email at [wmarshall@cityofbelfast.org](mailto:wmarshall@cityofbelfast.org).

On behalf of the City,

A handwritten signature in black ink, appearing to read "Wayne Marshall". The signature is fluid and cursive, with a large loop at the end.

Wayne Marshall  
Director, Code and Planning