

**OCTOBER 9, 2018 PUBLIC HEARING
ROUTE ONE SOUTH BUSINESS PARK ZONING DISTRICT
WRITTEN PUBLIC COMMENT FOR HEARING**

The following public comment was submitted by letter or by email for the October 9 Hearing.
The author did not attend the October 9 hearing to verbally present this comment at the hearing.

- 1) Cynthia Anderson - Belfast - October 9 email in which she states her opposition to the proposed Ordinance amendments.
- 2) Erica Schlueter - Belfast - October 8 email in which she states her opposition to the proposed Ordinance amendments.
- 3) Penny West - Belfast - October 3 email that included a link to a reference from an article published in Norway regarding sea lice and pen raised salmon. The article also is included as part of the record.
- 4) Steve Ryan - Belfast - October 9 email in response to the Penny West email in which he states that the article is about pen raised salmon and not land based salmon aquaculture.
- 5) Paul Dean - handwritten petition dated October 8 that was delivered to the Department on October 9. Petition identifies names of individuals who support the Nordic project.
- 6) Charles Hall - handwritten letter dated October 8 in which he states his support for the Nordic project.
- 7) Bruce A. McGlauffin, Esq, on behalf of Belfast residents Eleanor Daniels and Donna Broderick, October 9 letter that identifies comments on proposed zoning amendments.
- 8) William S. Kelly, Esq, City of Belfast Attorney, October 9 letter to City Council regarding the Route One South Business Park District and his recommendation for the Council to consider making a finding regarding the consistency of the Zoning Ordinance amendments with the Belfast Comprehensive Plan. Council to discuss this issue at its meeting of October 16.
- 9) Maddie Thomson - Belfast - October 9 email in which she states her opposition to the Nordic Aquafarm project.

The following public comment was verbally presented by the author at the October 9 Hearing.
The author also submitted the text of their verbal comment in writing for the record.

- 1) Larch Hanson, Gouldsboro, addressed the Council at the October 9 hearing. The attached letter identifies the verbal comments that he provided at the hearing.
- 2) Linda Buckmaster, Belfast, addressed the Council at the October 9 hearing. The attached letter identifies the verbal comments that she provided at the hearing.
- 3) Natalie Charles, Belfast, addressed the Council at the October 9 hearing. The attached letter identifies the verbal comments that she provided at the hearing.
- 4) Jim Merkel, Belfast, addressed the Council at the October 9 hearing. The attached letter identifies the verbal comments that he provided at the hearing.
- 5) Joanne Moesswilde, Belfast, addressed the Council at the October 9 hearing. The attached email identifies the verbal comments that she provided at the hearing.



City of
Belfast

Wayne Marshall <planner@cityofbelfast.org>

Comments for public record

2 messages

Cynthia Anderson <cynthiacanderson@gmail.com>

Tue, Oct 9, 2018 at 12:02
PM

To: wmarshall@cityofbelfast.org

Dear Wayne,

I am unable to attend the City Council meeting tonight, so am submitting written comment.

I hope the Council is considering the views of the many citizens who have raised monumental concerns about the NAF proposal.

I ask that the Council does NOT approve the changes to City Code of Ordinances that would allow significant extracion of fresh water from wells and aquifers, and significant discharge of wastewater into Belfast Bay.

I do not want to see our town

To the editor:

I hear that land-based farming is a good way to produce fish protein to feed the planet. I can see it's a proven way to produce freshwater fish such as tilapia--but still an experimental and quite risky way to produce salmon. What I see in the huge salmon factory proposed by Nordic Aquafarms (NAF) for Belfast, is a rush to profit, and a huge gamble at our expense.

From NAF I hear assurances of best practices. I don't believe anyone can assure us this giant industrial farm will not bring with it environmental degradation, starting with paving over forty acres of old growth woodland beside the Bay--the last place to site a factory! The Recirculating Aquaculture System, with its continuous pumping, requires huge amounts of electricity and a correspondingly huge carbon footprint that appears small only when compared to airlifting fish from across the planet.

I hear we can not depend on our oceans to provide seafood. I'm not ready to give up on recovery of our Bay--unless, of course, we start pumping into it 7.7 million gallons a day of effluent from a factory fish farm.

I won't eat salmon from a factory farm. I will happily eat small fish lower on the food chain. Native Americans called the alewife "the fish that feeds all." Taking down old dams, building fish ladders, can restore the wild alewife fishery and support recovery of our ecosystem.

Cynthia Ciani Anderson
41 Village Road
Belfast, Maine
207 542 0578

Wayne Marshall <planner@cityofbelfast.org>

Tue, Oct 9, 2018 at 12:07 PM

To: Cynthia Anderson <cynthiacanderson@gmail.com>

Dear Ms. Anderson

I have received the comment that you have sent via email and will provide such to the City Council for tonight's October 9 public hearing.

Wayne

[Quoted text hidden]

--

Wayne Marshall
Director, Code & Planning
City of Belfast
131 Church St
Belfast, ME 04915
207-338-1417 x 125 (phone)
207-338-1605 (fax)
wmarshall@cityofbelfast.org

**City of
Belfast**

PB Hearing <public@cityofbelfast.org>

Letter for public hearing 10/9/2018

2 messages

schlueter.ERICA@gmail.com <schlueter.ERICA@gmail.com>Mon, Oct 8, 2018 at
4:45 PM

To: PB Hearing <public@cityofbelfast.org>

Dear Mayor and City Council,

If I understand the purpose of these proposed amendments under consideration they are amendments to the re-zoning the City council made disregarding the proper legal channels for re-zoning, the Planning Board should have made recommendations prior to the re-zoning not just after. How can amendments even be considered if there is a pending law suit on the re-zoning in question? Why was the proper procedure not done in the first place for the re-zoning? Why is this ok with the Mayor, City council and the rest of the City staff to move forward and not go back and follow the proper procedure to make zoning changes in accordance to the City of Belfast's Comprehensive Plan? I recently heard on a radio program that wealthy people live by different rules one example was if they own a private jet they can cross borders without ever having their pass ports or luggage checked, so they don't have to pay duty on things and who knows what all they are taking across borders. It seems that at Belfast City Hall multi national corporations have a different set of rules, zoning changes can be made to meet their wants disregarding the City's own Comprehensive Plan.

Please halt this process until the law suit has been settled.

Thank you for your consideration,

Erica Schlueter
Belfast

P.S. At the public hearing on 9/25/18 one or two council members commented on how things are not moving at a fast pace, that it has been a year since this all started, I would like to remind the Council members, if I remember correctly, the citizens were first informed in February of 2018.

PB Hearing <public@cityofbelfast.org>
To: schlueter.ERICA@gmail.com

Tue, Oct 9, 2018 at 11:25 AM

Dear Ms. Schlueter.

I have received your comment and I am forwarding it to the City Council in advance of tonight's October 9 public hearing.

Wayne

[Quoted text hidden]



City of
Belfast

PB Hearing <public@cityofbelfast.org>

Fwd: Norwegians are having environmental problems with farming Salmon.

2 messages

Manda Cushman <managersasst@cityofbelfast.org>

Wed, Oct 3, 2018 at
8:29 AM

To: PB Hearing <public@cityofbelfast.org>

----- Forwarded message -----

From: **Penny West** <penelope7west@gmail.com>

Date: Wed, Oct 3, 2018 at 5:29 AM

Subject: Norwegians are having environmental problems with farming Salmon.

To: <managersupport@cityofbelfast.org>

My name is Penny West. I live at 58 Village Road in Belfast. I am in Norway and I couldn't get Erica's email address to work.

Please forward this email to correct group at city hall.

My Norwegian friends tell me Norwegians are having environmental problems with farming Salmon. Every week the big Norwegian fisheries are accused of some environmental infraction or other. Under the cover of darkness, on the roadless sea, Norwegian companies illegally dump the waste from the farms much too close to the shore. It is hard to regulate them, but they are feeling the governmental pressure and have sullied their own fjords. They need new saltwater bays with access to large amounts of fresh water.

Check out sea lice issues... tend to destroy shell fish... Lobster industry might be interested to know. Also,
<http://www.miljodirektoratet.no/en/Areas-of-activity1/Species-and-ecosystems/Salmon-trout-and-Arctic-char/Pressures-on-salmonids/Sea-lice/>

This is why they are coming to a land like the United States, and to Maine in particular, that have less environmental regulation.

Big business is just as self-serving in Norway as it is in other countries, and should not be trusted. These huge companies are cut-throat, and the concept that just because they are Norwegian they are good and pure, is flawed.

Does Belfast want to be remembered for destroying the Lobster industry, or fisheries or costing our Marine Environmental agency \$\$\$ trying to get rid of sea lice?

in a funny way it is Walmart all over again... they were willing to come in put all the little businesses that make Belfast so attractive to its residents and tourists out of business and then move on. The Rockland store is now closed and is an eyesore, with the new tenants not caring for the parking lot or appearance of the site. we won before and we can protect ourselves again.

Sincerely
Penelope West
58 Village Road
Belfast

--

Penny West

--

Manda Cushman
Administrative Assistant to the City Manager
Belfast, ME
mcushman@cityofbelfast.org
managersasst@cityofbelfast.org
p) 338-3370 x 110
f) 338-2419

PB Hearing <public@cityofbelfast.org>
To: Manda Cushman <managersasst@cityofbelfast.org>

Tue, Oct 9, 2018 at 11:31 AM

Hello Penny:

I do want to let you know that the City has received your email and that I have forwarded such to the City Council in advance of tonight's October 9 public hearing. I also printed off the article in the link that you provided.

Hope that you are enjoying Norway.

Wayne
[Quoted text hidden]

You are here: [Norwegian Environment Agency](#) / [Areas of activity](#) / [Species and ecosystems](#) / [Salmon, trout and Arctic char](#) / [Pressures on salmonids](#) / [Sea lice](#)

Sea lice

Sea lice are parasites that are found naturally in marine waters, but which have reached unnaturally high concentrations in many of Norway's fjords and coastal waters due to intensive production of salmon and rainbow trout. The situation has become so serious that in certain locations, sea lice are threatening stocks of wild salmonids to the point of extinction.

The Norwegian Food Safety Authority is responsible for the control of diseases and parasites in both wild and farmed fish, while the Norwegian Environment Agency is responsible for managing Norway's wild salmon stocks.

What do salmon lice do to fish?

Sea lice are considered to be a serious pressure which could alone exterminate stocks of wild salmonids across large areas if not kept in check.

Sea lice release their eggs into the water, where they develop into larvae which drift with the current and attach to salmonids, feeding on the fish mucus and skin cells. Lice infestation retards growth, disrupts fishes' salt balance, and makes them more vulnerable to other diseases and predation. Just two lice are enough to cause physiological changes in a salmon smolt, and roughly six lice can do substantial harm. In sea cages, the number of lice can be controlled with chemicals and cleaner-fish such as wrasses. Nevertheless, the high numbers of production fish provide so many hosts for the parasites that the lice are able to produce copious amounts of eggs and larvae that disperse into the seawater year-round. Nationwide, farmed salmon and rainbow trout now outnumber their wild counterparts by over a hundred to one.

High mortality from sea lice

Studies carried out in the Sognefjorden by the Institute of Marine Research in 1999–2001 indicated a mortality rate of 80–90 % among smolt migrating out to sea. Studies of trial releases from the Vosso and Daleelva rivers in Hordaland county showed that in certain years, sea lice cut survival rates of salmon smolt by at least 80 %. These examples indicate that sea lice have already had a major negative impact on wild stocks and have the potential to wreak havoc.

Topic

[Species and ecosystems](#)

[Salmon, trout and Arctic char](#)

While salmon migrate from the rivers out to open sea, sea trout largely remain in fjords and coastal waters. For this reason, sea trout are at risk of sea lice infestation the entire time they are at sea. Reduced spawning stocks are also more susceptible to interbreeding with escaped farmed salmon and other pressures. A combination of several pressures may wipe out a salmon stock.

Areas most heavily infested by sea lice

In areas with high concentrations of sea lice, certain salmon stocks are already facing extinction, and the sea trout stocks have been severely depleted. In Western Norway, particularly in the Hardangerfjorden, fishing is now prohibited at sea and in many rivers. Pressure on fish stocks from sea lice is a main reason why it is necessary to cease fishing activities. In other parts of Norway as well, fishing has been severely restricted, partly due to sea lice pressure.

From Rogaland to Nordland counties, sea lice are causing major problems for wild fish and are becoming a problem even in Norway's two northernmost counties. Because of rising sea temperatures as a result of climate change, the northernmost counties may become just as prone to the sea lice problem as the rest of Norway, which would put increasing pressure on migratory Arctic char.

Measures to combat sea lice

In 1989 the link between salmon farming and increasing numbers of sea lice on wild fish was first recognised. In the years that followed, the problem worsened, reaching its peak in 1996 and 1997. Countermeasures were implemented, requiring fish farmers to combat sea lice when infestation reached a certain level. The measures achieved modest success.

As the aquaculture industry has continued to grow, the Norwegian Food Safety Authority has introduced further requirements for the industry to control the sea lice problem. In recent years, sea lice have begun to acquire resistance to the most common and effective delousing agents, which makes it more difficult to keep parasite concentrations down to acceptable levels in sea cages.

Growing numbers of farmed salmon means more sea lice unless the threshold at which delousing is required is correspondingly reduced. Salmon production has climbed from a 1998 level of 360 000 tonnes to nearly one million tonnes in 2010.

Sea lice remain a problem

The sheer volume of aquaculture industry production coupled with the development of resistance in sea lice and a lack of new, effective delousing methods could well mean that the parasite alone will continue to reduce – and possibly drive to extinction – stocks of salmon and sea trout in more and more parts of Norway. Some areas such as the Hardanger region are already in serious danger of losing a number of stocks. Sea lice, alone or in combination with the impacts of escaped salmon, are considered to be the main reason for this.

ABOUT US
CONTACT US

NORWEGIAN ENVIRONMENT AGENCY FOLLOW US

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Torgarden, 7485 Trondheim
Visiting adress:

- Trondheim: Brattørkaia 15
- Oslo: Grensesvingen 7

Tel: +47 73 58 05 00
Fax: +47 73 58 05 01
E-mail: post@miljodir.no

Web-editor: nettredaksjon@miljodir.no



Send

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City of
Belfast

PB Hearing <public@cityofbelfast.org>

Response to Public Comment: Norwegians are having environmental problems with farming Salmon

2 messages

Steve Ryan <steveryanme@gmail.com>

Tue, Oct 9, 2018 at 8:43 AM

To: Wayne Marshall <planner@cityofbelfast.org>, public@cityofbelfast.org

Cc: Declan O'Connor <decoslbath@gmail.com>, "William S. Kelly"

<bkelly11@bluestreakme.com>, Wayne Corey <coreywayne88@gmail.com>, David Bond <bondcoappr@gmail.com>, Margot Carpenter <margot@airpost.net>, Sadie Lloyd <slloyd@cityofbelfast.org>, Geoff Gilchrist <geoffrey.gilchrist@zoho.com>

I am offering a public response to a public comment that is cited below.

Clearly this article is talking about sea pens, not on-land recirculating aquaculture. In the 4th paragraph it states:

In sea cages, the number of lice can be controlled with chemicals and cleaner-fish such as wrasses. Nevertheless, the high numbers of production fish provide so many hosts for the parasites that the lice are able to produce copious amounts of eggs and larvae that disperse into the seawater year-round.

Therefore, this report is supportive of the anticipated proposal.

Steve Ryan
Belfast
steveryanme@gmail.com

On Mon, Oct 1, 2018 at 9:41 AM Wayne Marshall <planner@cityofbelfast.org> wrote:

To All

I am going to make this email part of the formal public record for the Council's upcoming hearing on October 9. Clearly, Board members cannot stop receiving unsolicited emails from people who may want to express a view on the fish farm. That said, I would encourage you not to encourage the receipt of emails such as this one. If you do receive an email such as this one, Dec's approach was best --- forward it to our office so it can be shared with all Board members and can be considered part of the formal public record.

Wayne

On Mon, Oct 1, 2018 at 7:15 AM, Declan O'Connor86 <decoslbath@gmail.com> wrote:

From a Belfast resident

----- Forwarded message -----

From: **Penny West** <penelope7west@gmail.com>

Date: Mon, Oct 1, 2018 at 4:24 AM

Subject: Norwegians are having environmental problems with farming Salmon

To: Declan O'Connor <decoslbath@gmail.com>, Geoff Gilchrist
<geoffrey.gilchrist@zoho.com>

Norwegians are having environmental problems with farming Salmon. This is why they are coming to a land with less regulation. (rape and pillaging as of yore). and I heard this from a Norwegian.

Check out sea lice issues... tend to destroy shell fish... Lobster industry might be interested to know. Also, every week the big Norwegian fisheries are accused of some environmental infraction or other.

<http://www.miljodirektoratet.no/en/Areas-of-activity1/Species-and-ecosystems/Salmon-trout-and-Arctic-char/Pressures-on-salmonids/Sea-lice/>

also these huge companies are cut-throat, and the concept that just because they are Norwegian they are good and pure, is flawed.

Does Belfast want to be remembered for destroying the Lobster industry, or fisheries or costing our Marine Environmental agency \$\$\$ trying to get rid of sea lice?????

Penny

--

Penny West

--

Declan O'Connor
207-323-1028

--

Wayne Marshall
Director, Code & Planning
City of Belfast
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Belfast, ME 04915
207-338-1417 x 125 (phone)
207-338-1605 (fax)

wmarshall@cityofbelfast.org

PB Hearing <public@cityofbelfast.org>

Tue, Oct 9, 2018 at 11:26 AM

To: Steve Ryan <steveryanme@gmail.com>

Cc: Wayne Marshall <planner@cityofbelfast.org>, Declan O'Connor <decoslbath@gmail.com>, "William S. Kelly" <bkelly11@bluestreakme.com>, Wayne Corey <coreywayne88@gmail.com>, David Bond <bondcoappr@gmail.com>, Margot Carpenter <margot@airpost.net>, Sadie Lloyd <slloyd@cityofbelfast.org>, Geoff Gilchrist <geoffrey.gilchrist@zoho.com>

Hello Steve

I have received your comment and will provide such to the City Council in advance of tonight's October 9 public hearing.

Wayne

[Quoted text hidden]

Date: Oct 7, 2018

To: Wayne Marshall

Subject: Public Hearing Oct 9

We ~~are~~ am interested in having the City Council vote to approve ordinance amendments to move the fish farm (NAF) forward into the permitting phase.

Thank you Paul Dean



James A. Peltier
CA

Former Councilor
" "

C Mike Rauch

David A. Clark

FORMER OWNER THE CLARK AGENCY
INSURANCE

Philip Crosby
Genie L. Howard

Former Councilor

Belfast, ME 04915

Lawrence Greenleaf

Belfast, ME 04915

John R Long

Belfast, me. 04915

Stanley Wood

Searsport, ME 04974

Alden Bodershall

Northport Good doc

Walter Ash

Belfast Maine

Allen Hayward

northport Lobsterman

Susan M Dean

BK Searsport Rd Belfast 04915

Oct. 8 2018

I would like to see the Fish Farm
move forward. We must try to balance
our economy! This may help!

Charles Hall native!

**COMMENTS
ON PROPOSED ZONING AMENDMENTS**

CITY OF BELFAST
CITY COUNCIL PUBLIC HEARING
OCTOBER 9, 2018

Submitted by Bruce A. McGlauffin, Esq., on behalf of City of Belfast residents, Eleanor Daniels and Donna Broderick.

We request that the City Councilors vote to reject the proposed zoning amendments, to rescind the April 17, 2018 zoning and Comprehensive Plan amendments, and to restart the land use planning process by commencing a review of the City Comprehensive Plan.

Amendments to the Comprehensive Plan or to the zoning ordinance must be developed by a Planning Committee through a planning process that encourages and engages citizen participation. The Council has not done this. The City Council has not engaged Belfast residents in a planning process. It has merely allowed citizens to comment at public hearings on Plan amendments and zoning amendments that were developed without citizen participation.

Only after a plan amendment or zoning amendment has been developed by a Planning Committee with citizen participation, are public hearings to be held. These requirements are set out in plain statutory language in 30-A M.R.S. §4324(2)(B). Zoning actions taken without complying with these procedural requirements are invalid because they exceed the scope of the City's zoning authority. When a municipality exceeds "statutory authority or proceeds in a manner not authorized by law, its resulting orders, decrees or judgments are null and void . . ."). *Nestle Waters N. Am., Inc. v. Town of Fryeburg*, 2009 ME 30, P31, 967 A.2d 702, 712.

The City bypassed the community planning step entirely in its rush to pave the way for the Nordic Aquafarms project. While the Council's desire to move quickly with an economic development opportunity may be understandable, its authority to do so is constrained when the proposed development is inconsistent with the Comprehensive Plan developed by its citizens. The statutory requirements do not allow an exception for economic development exigencies.

Comprehensive Planning means planning that is comprehensive; planning that considers the diverse range of interests, goals, and needs of the community. The Maine Legislature

determined that Comprehensive Planning cannot be accomplished without community-wide involvement. Giving residents an opportunity to be heard at a public hearing is not planning and is not comprehensive.

The Legislature also determined that Comprehensive Planning is an ongoing process that requires a community-wide planning whenever a Plan is amended, not just when the original Comprehensive Plan is developed. The law states:

When amending an adopted comprehensive plan, a municipality or multimunicipal region *shall follow the same procedures for citizen participation, public notice and public hearing that are required for adoption of a comprehensive plan.* 30-A MRS §4324(2)(B)(emphasis added).

It took several years to complete the original 1997 Comprehensive Plan and the 2009 component of the Plan, the 2009 Future Land Use Plan. There were many community-wide *planning* meetings, where the Planning Committee and residents were actively engaged in a planning process. In April, the Council made substantial changes to the Plan without reengaging the comprehensive planning process.

The Council's failure to follow State law in April cannot be cured by its after-the-fact, limited involvement of the Planning Board. First, the Council has prevented the Planning Board from engaging in a true planning process with citizen involvement for the zoning amendments. And second, the Council has not engaged the Board or a Planning Committee to properly plan for an amendment to the Comprehensive Plan.

Asking the Planning Board to conduct a paper review of the zoning amendments already adopted by the City Council is not the same as having the Planning Board engage in a planning process to develop the zoning amendments. In January the Council, through the Planning Department, informed the Planning Board it would have *no* role in developing or reviewing the zoning amendment. The Council has revised that position, but it has still restricted the Planning Board from engaging in a *planning* process. It has restricted the Board's access to only information provided by the Council. A true planning process requires access to all information and resources relevant to the land uses being proposed.

And the Planning Board's review of the zoning amendments, cannot cure the failure to properly amend the Comprehensive Plan. As found by the Planning Board, the zoning amendments are inconsistent with the 2009 Comprehensive Plan. The Council has taken no action to properly amend that Plan in accordance with State law.

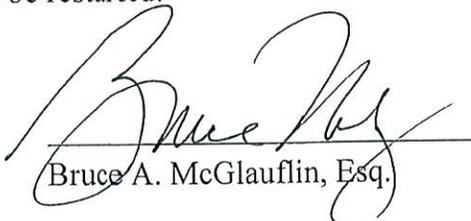
Apparently, an argument has been made that the zoning amendments are not inconsistent with the Comprehensive Plan and therefore there is no need to amend the Plan. "Basic harmony" with the Plan is the standard applied by the Maine Law Court. *La Bonta v. Waterville*, 528 A.2d 1262, 1265 (Me.1987). But the plain words of the Plan indicate that the proposed amendments are neither consistent nor in basic harmony with the Plan. Under the 2009 Plan, the Nordic land is in the Rural Class 2 Roads district. The stated goal for this district is:

To allow only low intensity development and to preserve, to the greatest extent practical, the rural character and amount of open space in the area.
Future Land Use Plan, Report to Citizens, p. 10.

The area "should remain rural in character." *Future Land Use Plan*, Rural Road Classification Areas, p. 3. A 50-acre industrial-sized land-based aquaculture development is neither low intensity development nor rural in character. The Plan expressly discusses when a change will be "consistent and harmonious," and when it won't. It states that a substantial change in the character of a zone "likely, would be inconsistent for the City to allow . . .", while a change in lot size would not present a consistency or harmony concern. *Future Land Use Plan*, Report to Citizens, p. 5.

There should be no doubt that zoning amendments, which completely redefine the zoning district by allowing intensive industrial development and prohibiting residential development, present a substantial change that is not in basic harmony with the goals, policies, and principles set forth in the Comprehensive Plan. The amendments must be rejected, and the process must be restarted.

Dated: October 9, 2018



Bruce A. McGlaufflin, Esq.

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(207) 775-0200

William S. Kelly, Esq.

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(207) 338-2702
(207) 338-0328 (fax)

October 9, 2018

City of Belfast
Attn: Belfast City Council
131 Church Street
Belfast, ME 04915

RE: Route One South Business Park Zoning District—City Council Hearing

Dear Council Members:

As you know the issues relating to consistency of the proposed Ordinance Amendments with the Belfast Comprehensive Plan (Future Land Use Plan), as adopted in 2009 and as Amended in April, 2018, is an issue that has been raised by multiple persons and is also the subject of a pending lawsuit. I think that it would be appropriate for the City Council to make Findings and a Motion regarding two issues: 1) whether the proposed package of Zoning Amendments relating to the Route One South Business Park Zoning District are consistent with the Amendments made to the Comprehensive Plan by the City Council in April, 2018 and 2) whether the group of Zoning Amendments relating to the Route One South Business Park Zoning District are consistent with the 2009 Comprehensive Plan (Future Land Use Plan).

I attach a copy of a related legal Memo that I provided to the Planning Board relating to its hearing which commenced on August 22, 2018.

When making a Motion or Finding of consistency with the April, 2018 and 2009 Comprehensive Plans, the City Council will be required to consider the Comprehensive Plan as a whole. As the Council will see in the attached Memo, the Court recognizes that the multiplicity of goals in a Comprehensive Plan is something that the legislative body must balance in determining whether or not a proposed Amendment to a Zoning Ordinance is consistent with the Comprehensive Plan. For example, you will see in the Memo, a case called Rommel v. City of Portland. In this case, the Law Court opined that in order to be consistent, the Zoning Amendment “need not perfectly fulfill the goals of a comprehensive plan...so long as it ‘strikes a reasonable balance among the municipality’s various zoning goals.’” Id. at 1172. The Court went on in Rommel to state “a municipality may conclude that a rezoning action is consistent with the comprehensive plan when it is in harmony with some provisions of the plan, even if the action appears inconsistent

with other provisions of the plan.” Id. Thus, the City Council, when it finds that these changes are consistent with the April, 2018 and the 2009 Comprehensive Plans, will demonstrate that it has a rational basis for its conclusion that the proposed Amendment is consistent with the Comprehensive Plan *as a whole* as the Council strikes a “reasonable balance among the competing goals of the plan.” Id. at 1173.

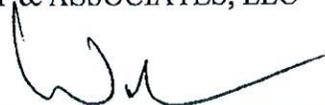
Finally, as I note in the attached Memo, the Law Court has repeatedly referenced and questioned whether or not a Comprehensive Plan “expressly prohibits” the proposed uses in question. It is rare for a Comprehensive Plan to prohibit uses in a particular district, particularly when there are multiple and competing purposes. Both in the Dimoulas case and in the more recent Remmel case (as referenced in my Memo), the Court has in dicta referenced this very high standard that may be required for a Comprehensive Plan to be found to prohibit a proposed Zoning Amendment.

Please see the Memo for the rest of my thoughts on the legal standard. It would be my suggestion that the Council put on the record the various and multiple purposes of the Comprehensive Plan, and identify why the Council finds that the proposed Zoning Amendments are consistent with both the 2009 and 2018 Amendments of the Comprehensive Plan, as the Council focuses on striking a reasonable balance among the City’s competing and various zoning and planning goals, which are consistent and in basic harmony with the Comprehensive Plans of 2009 and as Amended in 2018.

Thank you for your consideration.

Sincerely,

KELLY & ASSOCIATES, LLC

By: 

William S. Kelly

WSK/hmw
Encl.

Memo to Planning Board - Issues Regarding Consistency with the Comp. Plan

Under Maine law, all zoning ordinances must be “consistent” with the comprehensive plan adopted by a town's legislative body. See 30-A M.R.S.A. § 4352(2) (1996). There is a strong body of case law in Maine which provides that the courts consistently defer to municipalities and their legislative bodies in their decisions to approve zoning amendments, as long as there is rational evidence to support that a rezoning proposal is in “basic harmony” with the land uses permitted in and around the applicable zone and the goals articulated in the municipality’s comprehensive plan.

For example, in *Dimoulas v. City of Old Town*, 803 A.2d 1018 (Me. 2002), Old Town's planning board recommended against a zoning amendment to accommodate a small grocery store in a residential zone, which the city's voters nevertheless approved in a special election. The City then filed a complaint for declaratory judgment seeking to have the voter-approved amendment declared void as not conforming to the comprehensive plan, and as an illegal spot zone. After a jury found the amendment invalid, the Superior Court entered judgment. The Law Court vacated the Superior Court decision. The Law Court specifically rejected the City’s argument that the absence of a statement in a comprehensive plan affirmatively allowing commercial development should be interpreted to mean that no commercial development is permitted, because, in fact, some commercial development was not inconsistent with the city’s comprehensive plan. Additionally, each Comprehensive Plan has multiple policy considerations articulated – this is because it is a planning document and not an “ordinance” with specific law described, it is a planning document with diverse policies and purposes.

Since *Dimoulas*, the case law has repeatedly supported broad legislative discretion in this area. In the 2014 case of *Rommel v. City of Portland*, 2014 ME 114, 102 A.3d 1168, 1171 (Me. 2014), the owner of property in the City of Portland containing two buildings, a sanctuary and a parish house formerly occupied by a historic church, applied to the City for rezoning of the property to permit renovation of residential space on the top two floors of the parish house and creation of office space for a software development company on the building’s first floor. The City’s comprehensive plan established numerous goals to guide rezoning decisions, including promoting an economic climate that increases job opportunities, supporting neighborhood livability, preserving and improving the City’s housing stock, and preserving architectural and historic sites and structures. *Id.* at 1170. The City Council, pursuant to its ordinance authorizing conditional and contract zoning, approved a use change which, among other things, placed limitations on the size of converted office space, the number of employees, and the number of visits from clients or the public. *Id.* at 1171. The plaintiffs, abutters to the property, filed suit seeking to have the change declared unlawful on a number of different grounds. The Law Court ultimately agreed with the City Council and upheld the change in zoning, finding that it complied with both ordinance and statutory requirements governing conditional and contract zoning.

The Law Court clarified that when considering whether a rezoning decision is consistent with a town’s comprehensive plan, a court must determine that the city/town council “could have, from the evidence before it, found that the rezoning was ‘in basic harmony with the comprehensive plan.’” *Id.* at 1172 (citing *Adelman v. Town of Baldwin*, 2000 ME 91, ¶ 22, 750 A.2d 577; *LaBonta v. City of Waterville*, 528 A.2d 1262, 1265 (Me.1987)). A rezoning decision

“need not perfectly fulfill the goals of a comprehensive plan . . . so long as it ‘strikes a reasonable balance among the municipality’s various zoning goals.’” *Id.* at 1172 (citing *Nestle Waters N. Amer., Inc. v. Town of Fryeburg*, 2009 ME 30, ¶ 23, 967 A.2d 702; *Stewart v. Town of Durham*, 451 A.2d 308, 312 (Me.1982).” Of particular note, in recognizing that comprehensive plans occasionally have conflicting goals, the Court in *Rommel* determined that “a municipality may conclude that a rezoning action is consistent with a comprehensive plan when it is in harmony with some provisions of the plan, even if the action appears inconsistent with other provisions of the plan.” *Id.* (citing *Adelman*, 2000 ME 91, ¶¶ 23–24, 750 A.2d 577; *LaBonta*, 528 A.2d at 1265). *See also Brenner v. City of Portland*, 2008 WL 7022519 (Me. Super. June 9, 2008) (sole determination on the consistency with the comprehensive plan is whether the two are “in basic harmony, not absolute harmony”). The Court in *Rommel* concluded that the City Council had a “rational basis” for its conclusion that the proposed amendment was consistent with the comprehensive plan as a whole, because it struck a “reasonable balance among the competing goals of the plan.” *Id.* at 1173.

Two years later, the Law Court reaffirmed its holding in *Rommel* on similar facts. In *Friends of the Motherhouse v. City of Portland*, 2016 ME 178, opponents challenged the rezoning of a vacant Roman Catholic convent to permit its redevelopment into 88 units of senior housing. They argued that the rezoning was inconsistent with the comprehensive plan, but again, citing *Rommel*, the Court noted that the law requiring consistency between a zoning ordinance and comp plan (see 30-A M.R.S.A. § 4352(2)) requires only “basic harmony” between the two, not perfect alignment. As in *Rommel*, the Law Court granted substantial deference to the Portland City Council’s legislative judgment.

Importantly, the actual language used by the Law Court is instructive when it looks at cases in determining the “consistency” of the ordinance amendment with the Comprehensive Plan. I find it striking that the Court had repeatedly referenced in its inquiries as to whether or not a comprehensive plan expressly “prohibits” the proposed uses under consideration. (e.g. In *Rommel*; “**While the comprehensive plan does reference the preserving of the ‘unique character’ of the R 4 zone, it does not expressly prohibit any nonresidential uses in the zone.**” *Id.* at ¶ 15. In *Dimoulas*, “**Although the City identifies several sections of the Comprehensive Plan that it contends the ordinance violates, these provisions do not prohibit commercial development in the Stillwater Area. The City argues that the absence of a statement affirmatively allowing commercial development in the Stillwater area should be interpreted to mean that no commercial development is permitted. We disagree.**”) *Id.* at ¶ 20.

The word “prohibit” is strong language. It has now been used in the Law Court decisions since 2002. I believe the Law court has put Maine Towns on notice that if a municipality wishes to “prohibit” proposed uses in a given zoning district within a Comprehensive Plan document, it should do so with clarity among the multiple purposes/policies described in a Comprehensive Plan. These concepts in the case law were present prior to the 2009 re-write of the entire Comprehensive Plan in Belfast by the Comprehensive Planning Committee.

Respectfully, Willian S. Kelly

August 22, 2018

**City of
Belfast****PB Hearing** <public@cityofbelfast.org>

Nordic Aquafarm Proposal

2 messages

Maddie Thomson <madeline.thomson@gmail.com>Tue, Oct 9, 2018 at 8:24
PM

To: "public@cityofbelfast.org" <public@cityofbelfast.org>

I am new to Belfast, but I moved here in part because I wanted to live in a place where people cared about participating in a vibrant, diverse, sustainable, local economy, and developing food systems at a local and sustainable scale. Most of what I have seen in Belfast so far has borne this out.

Multinational corporations, however, are great at evading local taxes and regulations. We know from other industries that they build in the costs of environmental fines and lawsuits; paying the small amount the state can fine them for violating environmental regulations is a worthwhile cost of doing business and not a deterrent to polluting. Why is the largest salmon farm of its kind the right scale for Belfast?

Both fresh water and clean ocean water are finite resources, and both are at risk. That Nordic has only been able to estimate how much fresh water it will use is alarming. That there will be no limit to how much Nordic will be permitted to use, at the expense of the watershed and local human consumers, is still more alarming.

I realize that we will learn more about the specifics of Nordic's proposal later in this process, but what is already known should be enough signal that this project is wrong for Belfast.

Maddie Thomson

PB Hearing <public@cityofbelfast.org>
To: Maddie Thomson <madeline.thomson@gmail.com>

Tue, Oct 9, 2018 at 8:59 PM

Dear Ms. Thomson.

Thank you for your comment. I will include such as part of the record for tonight's public hearing.

Wayne

[Quoted text hidden]

October 9
Public Hearing
Additional Comment

I'm Larch Hanson and I've been harvesting wild seaweeds for food and medicine, animal supplementation and fertilizer, for the past 45 years. I work within a five mile radius of my home on Gouldsboro Bay, Steuben, and I've harvested the same beds for 45 years. In fact, there are more seaweed beds now than when I started out 45 years ago. I also train apprentices. I'm a natural educator at heart. I've written two websites. Products and process are described at www.theseaweedman.com and my thoughts about the wider issues can be found at www.maine seaweed harvesters.org Note that I have written about the aquaculture of seaweeds at <http://maineseaweedharvesters.org/aquacultured-vs-wild/> and a plan for local regulation of rockweed at <http://maineseaweedharvesters.org/local-regulation-of-the-rockweed-resource/> Since you are interested in creating better jobs in Belfast, this last topic might interest you. A rockweed harvester who is an owner/operator can make \$100/hour as I do, sustainably harvesting one wet ton of rockweed per 150 feet of shoreline. That's 35 wet tons per mile of shoreline, or \$35,000 per mile. That's the low end of my business. The high end is culinary and medicinal types, but you can't offer them with integrity unless your relationship to water has integrity.

This is a story about water quality, or perhaps I should say "the qualities of water". One of my customers is Peter Steele. The locals call him "The Gnome". Peter is the keeper of a spring of primordial water that gives off blue light. Everyone in town knows him. Peter built a chamber around the spring so that the people can see the blue light. Elders from various spiritual traditions have come to the spring and told him that this spring is not to be revealed until the proper time in the evolution of the earth. One day Peter was involved in an auto accident, and his lower right leg was crushed. In the hospital emergency room, the doctors said to Peter, "We really should remove the sharp bone splinters." Peter said, "Go ahead." When the doctors came to his kneecap, they said, "Peter, it's crushed and we really should remove it." Peter said, "Leave me a piece of it. I'll go to the spring." Peter said to me, "Larch, I had your seaweeds, some herbs and miso, and I fasted with the spring. I grew my kneecap back." Peter's final comment to me when he told me that story was, "Larch, the water remembers us." If you don't understand this, read books by Masaru Emoto like *A Message From Water*. His electron microscope photos of frozen water crystals demonstrate the way water interacts with human intention. After you understand Emoto, you will understand that Belfast is at a choice point: the people can improve their relationship with water and strengthen

their community, or they can degrade water and suffer the consequences. Peter healed his kneecap because he has spent a lifetime expressing his gratitude to water, and in that way, water became his medicine. We're mostly made of water. What does water remember, about each one of us, when we ask water for healing of our bodies and clarity for our minds?

When I first started out as an entrepreneur, I had a vegetable stand on highway one that also included home-baked bread and locally caught fish on ice. I offered cod, haddock, flounder, hake, halibut and tuna. It was hot July, and a local fish truck driver decided to spray his truck with Lindane for flies. It killed the flies all right, but next time he hauled live lobsters, the lobsters started to stroke their antennae. That's a sign of distress. By the time he reached Portland, the lobsters had died. Creatures with exoskeletons include flies, sea lice, and lobsters. All of them are highly vulnerable to neurotoxins. This fish truck driver simply didn't understand. He was ignorant. However, there's plenty of information available now on the internet and the editorial pages of The Republican Journal, and all of you can read faster than I can talk. You have no excuse. Spend the time researching systems of fish aquaculture that are truly recirculating systems with omnivorous fish that eat low on the food chain, and you'll change your mind about salmon aquaculture. In an aquaculture system that's truly clean and green, the wastes become fertilizer on the land and water quality is not degraded. Salmon aquaculture is not the best fit for Belfast. The best way to ensure that a business or organization is meeting a real need—-and keeping itself accountable to its community—-is to have the customers become the investors. And besides, free people never hurry. Don't force this process.

Smoked salmon, by the way, is highly carcinogenic, and that fact was discovered when a group of Norwegian fishermen turned up with high rates of stomach cancer. You can tar your lungs and develop lung cancer, or you can tar your digestive tract. Add antibiotics, fire retardants, neurotoxins for sea lice, and chemicals to color the meat pink (did you know that aquacultured salmon meat is gray?),—- and you have the devil's mix, not to mention the fact that the salmon plume in the toxic discharge water will decimate and drive off the lobsters.

Larch Hanson

October 9th, 2018

email: hanson.larch@gmail.com PO Box 57, Steuben ME 04680

Linda Buckmaster Testimony
Belfast City Council
October 9, 2018

I'm not going to stand up here and pretend there is a hairs' breath of difference between Option A and Option B. There is not. We all know that. Nor is there anything substantially better about the euphemistically named Route One South Business Park than the original Industrial Zone IV.

In the greater scheme of a 33,000- ton agribusiness facility, built on 40 acres of pristine land bounded on one side by a pristine water course and within spitting distance of Penobscot Bay -- a facility that will pull unrestricted amounts of water from the watershed and spew 7.7 million gallons of effluent into the bay every day -- in light of all that, what difference does it make if there is a 50' setback from Route 1 or a 75' one?

The fact is -- the Nordic Aquafarms proposal violates Belfast community values as well as ordinances and declarations made by this very Council.

Consider -- the City has signed on to the goals of the Paris Climate Accord to reduce its carbon use. Yet we are inviting a carbon-intensive industry into our midst. If you read the aquaculture industry news, you will see articles about how the major barrier to profitability in these RAS facilities is electricity costs. It takes a lot of power to run those mammoth tanks 24/7, maintain water temperature year-round, run the pumps for massive water extraction and to pump 7.7 million gallons into the bay day after day. Nordic says its solar panels will produce only 6% to 11% of its electricity needs.

So how will the City reduce its carbon footprint by adding a carbon-intensive industry? Will the rest of us have to bear the brunt to make up for Nordic shipping its profits to Norway? This alone is a violation of community values.

But there are other examples. The City passed a plastic bag ordinance. One argument for it was that the plastic may end up in the Bay or on our beaches. But really, what are a few plastic bags compared to 7.7 million, chemical-laden gallons of water hovering for days between Belfast Harbor, Isleboro, and Bayside until it gradually makes its way past Saturday Cove, Lincolnville Beach, Camden, Rockport, Rockland and Owls Head -- day after day after day?

Nordic claims it has this fantastic, untested system that will turn their polluted water into clean. Where is the independent, third-party review of this claim? This is the kind of information the City needs to pursue. If the water is so pure, why don't they re-use it rather than extracting more?

Another example of violating community values: We all know that Belfast is almost fanatical in its support of locally-owned farm and small businesses. Despite the fact

that they will use our natural resources to ship profits overseas, there is nothing local about Nordic. And it is certainly not a farm.

I am dismayed that the City has pursued no independent, third party opinions on any aspect of this proposal. We have seen no financial review of the business plan or this 3-year-old company's ability to pull this off; no biological review; and certainly no review of the comprehensive environmental effects. This lack of research by the City is just plain negligent and may leave it open to legal action in the future.

The Nordic plan violates community values of reduced carbon use, protection for our Bay, and support of locally-owned farms and other businesses. It also violates the real Comprehensive Plan created through community input, not the sham one pushed through for Nordic's benefit. The real plan, agreed to by the community, calls for preserving our open spaces.

The only right move at this point is to stop this re-zoning until more neutral study can be done. Or to reduce the size and scope of this plan, to say 5,000 tons, which is what they would have to do in Norway. The City can build in stringent measures to protect our land, valuable fresh water, Bay, open space, and local economy.

The Council has that power – now. But once you turn over the keys to the kingdom through this zoning change, you will have relinquished that power and you will have no control over what happens next – or next – or next. Once Nordic has its permits, including its zoning change, this process will be irreversible.

Delay making a decision on Plan A or Plan B until we know more from independent third parties, probably 6 months. Nordic has told us this is the best place in the whole wide world for its project ; where else would they go? A little more time put into the zoning change now will avoid years of problems in the future. A little more time will reflect our community values.



**City of
Belfast**

Wayne Marshall <planner@cityofbelfast.org>

for the public record

2 messages

Natalie c <mallard1843@gmail.com>

Tue, Oct 9, 2018 at 9:14 PM

To: Wayne Marshall <planner@cityofbelfast.org>

Dear Mayor Samantha Paradis, City Planner Wayne Marshall, Counselor Eric Sanders, Counselor John Arrison, Counselor Mary Mortier, Counselor Mike Hurley and Counselor Neal Harkness:

Nothing of the enormous magnitude of the salmon factory Nordic wants to build in Belfast exists anywhere. That alone makes it experimental. So we have no way of knowing if Nordic's modeling would be accurate or even accurate enough to prevent critically serious consequences.

Maine's regulatory agencies are understaffed and underfunded and therefore not in a position to do justice to an evaluation of this experimental system. It is beyond them.

Belfast needs a way to get unbiased, independent scientific facts and not take Nordic's word. Nordic is most definitely biased.

A third party assessment would be a basic step. Belfast's citizens need and deserve an independent assessment to research and report on the ramifications of this potential salmon factory. An environmental impact study or something very close to it would satisfy this essential requirement.

I look at city councilors who are elected by the people as "public servants" who represent the citizens. But that's not going on here.

Since before the April 17th hearing, caring, thoughtful, and intelligent citizens of Belfast have been speaking out to you with their concerns. Some even have applicable technical expertise. But I don't see any evidence showing that our concerns are being considered.

I would like for the city council to want to collaborate with the citizens it is supposed to represent. Actually, I would like the city council to **delight** in collaborating. I don't understand why that is not happening.

Another thing - I think it is outrageous to even consider turning over a huge amount of water from our aquifer to industry, especially **during a time of more rapidly increasing planet warming than models projected.**

I also do not want any more Nitrogen dumped into our bay. Instead, I want us to allow the bay to flourish and become able to support salmon and all other kinds of and marine life.

I would also love for all of us to collaborate and come up with creative ideas for a variety of small business to come into Belfast, thrive, contribute to the local economy and not harm our precious environment.

Because of everything stated in this communication, I am opposed to all of the amendments that the Council initially adopted at its meeting of April 17, 2018, as such were amended (structure height) by the Council on June 5, 2018, and as the Council approved at the September 25, 2018 First Reading.

Sincerely,
Natalie Charles
Belfast

Wayne Marshall <planner@cityofbelfast.org>
To: Natalie c <mallard1843@gmail.com>

Wed, Oct 10, 2018 at 10:30 AM

Ms. Charles

I will include your comments in the written record for last night's hearing. Thank you for forwarding your comments to me.

Wayne
[Quoted text hidden]

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**City of
Belfast**

Wayne Marshall <planner@cityofbelfast.org>

Public Comments

2 messages

Jim Merkel <jimimerkel@gmail.com>

Tue, Oct 9, 2018 at 8:16 PM

To: Wayne Marshall <planner@cityofbelfast.org>

Cc: Neil Harkness <Ward2councilor@cityofbelfast.org>, Eric Sanders

<Ward3councilor@cityofbelfast.org>, "Ward4councilor@cityofbelfast.org"

<Ward4councilor@cityofbelfast.org>, John Arrison <Ward5councilor@cityofbelfast.org>

Dear Wayne,

Please enter these comments into the public record.

Thanks,

Jim Merkel

 **JM public10-9-18.docx**
142K

Wayne Marshall <planner@cityofbelfast.org>

Wed, Oct 10, 2018 at 10:35 AM

To: Jim Merkel <jimimerkel@gmail.com>

Jim

I will include your written comments as part of the public record. Thanks for forwarding these to me.

Wayne

[Quoted text hidden]

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Wayne Marshall
Director, Code & Planning
City of Belfast
131 Church St
Belfast, ME 04915
207-338-1417 x 125 (phone)
207-338-1605 (fax)
wmarshall@cityofbelfast.org

Public input to Belfast City Council: October 9, 2018

By Jim Merkel, 97 Patterson Hill Rd, Belfast Maine, 04915

Phone: 207-323-1474, email: jimimerkel@gmail.com

Dear Councilors, Mayor, city manager and staff,

My name is Jim Merkel. I live in East Belfast and for full disclosure, I am running as a write-in Candidate for Ward 5 of the City Council.

I can appreciate the enormous pressure that you must be under. You have spent considerable amounts of tax payers money to have staff and lawyers draft comprehensive plan amendments and then package these amendments to sell them to the public. I would venture to guess, hundreds of thousands of dollars of staff time has been spent to date, in something the public hasn't asked for and doesn't really want.

What's wrong with this approach? For one, it is illegal. The City was supposed to engage the citizens and a Planning Committee in drafting these amendments -- up front. When a city fails to involve citizens, as in the case of *Nestle v. Town of Fryeburg*, the actions become null and void.

When amending an adopted comprehensive plan, a municipality or multimunicipal region *shall follow the same procedures for citizen participation, public notice and public hearing that are required for adoption of a comprehensive plan.* 30-A MRS §4324(2)(B)(emphasis added).

When a municipality exceeds "statutory authority or proceeds in a manner not authorized by law, its resulting orders, decrees or judgments are null and void"). *Nestle Waters N. Am., Inc. v. Town of Fryeburg*, 2009 ME 30, P31, 967 A.2d 702, 712.

And what are those laws governing adoption?

Amendments to the Comprehensive Plan or to the zoning ordinance must be developed by a Planning Committee through a planning process that encourages and engages citizen participation. The Council has not done this. The City Council has not engaged Belfast residents in a planning process. It has merely allowed citizens to comment at public hearings on Plan amendments and zoning amendments that were developed without citizen participation. 30-A M.R.S. §4324(2)(B)

My recommendation would be to restart the process of updating the comprehensive plan, from the start, after the election, with broad public participation. Everyone will win. You will find there to be dozens of people ready to participate. There is a silver lining here. That by threatening our open space, our recovering bay and our precious clean ground water, this development, has spawned incredible citizen research and activism. It is

really exciting. And this is why I've decided to run as a write-in Candidate for Ward 5. Because I truly believe in deep democracy. I recently returned from filming in Kerala India for my film featuring powerful and sustainable women. In the 1990's, in a state 30 times bigger than Maine, the state level government initiated a People's Planning Process, where citizens were trained in municipal planning and then encouraged to draft initiatives. I would like to propose a city-level people's planning process, so projects such as Nordic's are evaluated alongside citizen drafted proposals along with proposals to further support the businesses already here.

This Thursday, Grow Smart Maine 2018 Summit is taking place and I will be there gathering ideas incase I get elected. How can we return a wild fishery and an authentic working waterfront?

It makes little sense in my mind to rush this through before an election especially given the public interest and intense opposition this issue has generated. Regardless of the Nov. 6 election outcome, our community will be better served by working together toward a new comprehensive plan.

I once heard a saying, there is no decision that is so important, that it could divide the citizens.

I can understand how at the first look at Nordic's bright new, never-before-built proposal, it would be exciting to be in on this new technology that claims to make worrying about restoring wild fish stocks obsolete. They have a brave new world for us -- caged local salmon for the masses. It all sounded like a good idea...until you get into the details.

I can imagine that you might be under pressure from the Governor's Office, US Senators, State representatives, the Department of Economic & Community Development, Maine & Co and NAF.

BUT, since the city council serves the community and not higher government, they must, in all good conscientious ways deliberate with more information. Sure the DEP application hasn't been made. Only last week some details revealed. Yet these slim details still show 2.6 Billion gallons of water a year entering shallow waters in Belfast Bay with nitrogen levels 15 times that of the City Sewer. The effluent would stay and accumulate in the bay even by their very crude models which left out winds and densities... If the nitrogen levels for this point source were one quarter that of the City Sewer, it would still be too much. Dilution is not the solution to pollution.

In reality, the numbers provided by Nordic are only hypothetical design goals, as no plants of this size have been built. Nordic is a three-year-old company. And the industry that insures 35 percent of aquaculture considers these RAS systems risky. If you continue giving green lights to Nordic, without engaging serious scientific skeptics and listening to citizen research, you are doing our city a disservice. Further, the DEP doesn't yet have standards on the speculative parts of the proposal.

On one hand, you have been courting Nordic for some time. If everything were to turn out the way that Nordic says it will, Belfast might make some money from selling it's water. As far as lowering taxes, most people I talk to doubt this would happen, citing that their taxes didn't go down when other large businesses came to town.

But on the other hand, should Nordic experience several massive die offs, should they fail to inform the public of outbreaks of viruses and diseases, should the high nitrogen levels further harm the recovery of wild fish stocks, should farmers and homeowners wells go dry, should tourists not enjoy swimming in salmon sewage, should our reputation be soured by controversy over caged salmon, should we be left with 18 football fields of clear cut forests, and empty tanks, will the rush have been worth it?

Why now, why so fast, why without transparency, why, why, why? If there are so many people here tonight questioning your judgment, that means there are thousands concerned about the issue!

We could debate all day long and never agree. Or we can, slow down and work together as a community and sort it out. Through the science, the technology, the economics and the citizen ideas of a sustainable future. This path will make us a stronger community.

Ending on a fun note, my boy Walden began enjoying jumping off the back of our small 1970's sailboat. He calls these jumps, leaping loams. If that pipe is out into the bay, we won't be swimming off the boat within a few miles of the pipe.



**City of
Belfast**

Wayne Marshall <planner@cityofbelfast.org>

Fwd: fish farm comments 10/9/2018

2 messages

joanne moesswilde <jmoesswilde@gmail.com>
To: Wayne Marshall <planner@cityofbelfast.org>

Tue, Oct 9, 2018 at 8:08 PM

Please include in comments for the October 9 hearing on comp plan change. Thanks,
joanne

Sent from my iPhone

Begin forwarded message:

From: Morten Moesswilde <morten.moesswilde@gmail.com>
Date: October 9, 2018 at 8:22:27 AM EDT
To: joanne moesswilde <jmoesswilde@gmail.com>, Morten Moesswilde <morten.moesswilde@gmail.com>
Subject: fish farm comments 10/9/2018

Comprehensive plan change hearing . second reading, comments .9 october 2018
What are we doing here tonight?

Its not about the fish farm, its not about the fish farm, its not about the fish farm...at least it should not be

Its about legacy- what do we want to leave behind for our children's children's children.

Its not about the carbon footprint of a serving of salmon on your plate, a fish that never saw the light Of day or swam free against a natural current.

It is about stewardship and doing all we can to save and preserve and revive our oceans and rivers and all the creatures who live in and around them...and not just for our use, but for their own sake.

Its not about money and a big dollar deal with foreign investors.

Its about finding resources here in our own community with creative spirit to create opportunity . We can do this while enriching our environment and our lives and doing what's best for not only Belfast but for the whole planet... Working in harmony with nature and repairing damage already done .

Its not about inviting new , additional sources of environmental stress into our community .

Its about examining our current practices that contribute to pollution and seeing how we can reduce these pollution practices while using our green space and other resources in a sustainable way.

I invite the council to Vote with your heart, vote no on comprehensive plan changes proposed to allow NAF. Its never too late to change your mind!

Then, lets all sit down and make a plan to go forward for a sustainable future.

Lets put Belfast on the map not for a huge fish factory, but instead for being the place that said ,

"no, we can do better!"

 **Comp plan change hearing comments 9 oct 2018.docx**
12K

Wayne Marshall <planner@cityofbelfast.org>
To: joanne moesswilde <jmoesswilde@gmail.com>

Wed, Oct 10, 2018 at 10:48 AM

Joanne

I will include your comments in the written record. Thanks for sending these to me.

Wayne

[Quoted text hidden]

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Wayne Marshall
Director, Code & Planning
City of Belfast
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Belfast, ME 04915
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