

FIFTH PROCEDRAL ORDER OF THE BELFAST PLANNING BOARD

IN RE: APPLICATIONS OF NORDIC AQUAFARMS, INC.

DATED SEPTEMBER 30, 2020

This Fifth Procedural Order addresses the procedures to be followed as the NAF application and public hearings are nearing completion. The Planning Board has received and reviewed several thousand pages of material and many hours of testimony and comment from the Parties, experts and the public. The final Public Hearings are scheduled for October 7 and 8, 2020. These hearings shall address the five pending Permit Applications filed by NAF: (i) Final Site Plan permit, (ii) Shoreland Zoning permit, (iii) Significant Intake/Discharge Pipe permit; (iv) Significant Groundwater Permit, and (v) Zoning Use permit. The Planning Board has conducted an unprecedented number of meetings and hearings and this Order provides specific instruction as to additional public and Party In Interest comment for the duration of these proceedings. As such, it is hereby Ordered as follows:

1. The Public Hearing of October 7, 2020 shall be limited to comment from the previously designated Parties in Interest, and focused rebuttal/responses from NAF on newly presented information. Oral Presentations from Parties in Interest shall be limited to the amount of time set by the Planning Board itself or through the Code and Planning Office, as circumstances require.
2. The Public Hearing of October 8, 2020 shall be limited to comment from the public at large (non-Parties in Interest), and focused rebuttal/responses from NAF on newly presented information. Oral Presentations from members of the public shall be limited in duration to 4 minutes.
3. There is no limit to the submissions that may be made in advance of the Public Hearings via email or in writing. It is highly advisable for Parties in Interest and the public to submit written materials and comments in the normal course through email to public@cityofbelfast.org. Speakers are encouraged to use the Oral Presentation time on October 7 and October 8, 2020 to highlight materials

submitted. For best available Planning Board opportunity to review and consider materials, Parties in Interest and the public are requested to submit written materials, for consideration at the October 7 and October 8 hearings, on or before October 6, 2020 at noon time.

4. The record in this matter shall close to all submissions and testimony at the conclusion of the October 8, 2020 hearing, subject to the Planning Board's discretion to re-open the record for discrete information and/or comment it may request.

5. No person or Party in Interest should submit materials or make presentations that are unduly repetitious, with regard to materials in the record or prior testimony. The Planning Board has reviewed all submitted information and testimony, to date.

6. The Planning Board has addressed the right, title and interest (RTI) issues, and previously found that NAF has demonstrated a sufficient expectation of legal rights to use the property as requested, and on August 22, 2020 the Planning Board revisited that issue upon Motion filed by a Party in Interest. There shall be no Oral Presentation on RTI issues, and there shall be no repetitive written testimony or filings relating to right title and interest, as those issues have been fully reviewed. The Waldo County Superior Court is the sole venue and jurisdictional authority to resolve the underlying RTI issues.

7. Parties in Interest and NAF may submit proposed Findings of Fact on all Permit Applications ("Findings") no later than October 12, 2020 at noon. This is intended to provide the Planning Board with focused summary presentation with citations to the record for their post-hearing deliberative discussions which are currently scheduled for October 14, 21, 28 and November 4, 2020. Proposed Findings on all Permit Applications submitted after October 12, 2020 shall not be considered by the Planning Board. Proposed Findings shall be drafted in 12-point font and shall be double spaced. Each proposed Finding must be preceded by the actual section number and review criteria language to which the proposed Finding relates. All proposed Findings shall be concise and make reference to the record facts which support the proposed Finding. Any proposed Finding which cites facts not previously introduced into the record shall be void and not be considered by

the Planning Board. All proposed Findings shall be presented in the same order as listed in the ordinance in question. Parties in Interest are encouraged to combine their proposed Findings into a joint proposal, consistent with their prior combined presentations and submissions.

THIS PROCEDURAL ORDER WAS APPROVED UNANIMOUSLY BY THE BELFAST PLANNING BOARD ON SEPTEMBER 30, 2020.