

**BELFAST ZONING BOARD OF APPEALS (ZBA)
NORDIC AQUAFARMS APPEALS
TABLE OF CONTENTS for ZBA NOTEBOOK**

- TAB 1 - ZBA Meeting Agendas & Public Hearing Notices**
- PH Notice for Feb 18, 2020 ZBA Mtg
- TAB 2 - Chapter 102, Zoning, Article II, Administration, Division 4, Appeals and Variances**
- ZBA Membership & Parties Associated with Appeal - First Page
 - Chapter 102, Zoning, Ordinance Provisions for Appeals - Pages 1 - 4
- TAB 3 - Upstream Watch Appeal**
- Appeal Form - 2 pages
 - Upstream Letter to the ZBA - 1 page
 - Issue Regarding All 5 Permits - 6 pages
- TAB 4 - Final Site Plan Permit - Upstream Watch Appeal**
- TAB 5 - Final Site Plan Permit - Planning Board Findings of Fact and Conditions of Approval**
- TAB 6 - Zoning Use Permit - Upstream Watch Appeal**
- TAB 7 - Zoning Use Permit - Planning Board Findings of Fact and Conditions of Approval**
- TAB 8 - Significant Groundwater Permit - Upstream Watch Appeal**
- TAB 9 - Significant Groundwater Permit - Planning Board Findings of Fact and Conditions of Approval**
- TAB 10 - Significant Water Intake and Significant Water Discharge/Outfall Pipe Permit - Upstream Watch Appeal**
- TAB 11 - Significant Water Intake and Significant Water Discharge/Outfall Pipe Permit - Planning Board Findings of Fact and Conditions of Approval**
- TAB 12 - Shoreland Permit - Upstream Watch Appeal**
- TAB 13 - Shoreland Permit - Planning Board Findings of Fact and Conditions of Approval**
- TAB 14 - Belfast Code of Ordinances - Chapter 66, General Provisions (Complete Chapter). Note - Chapter 66 includes definitions that apply to all Chapters of the City Code of Ordinances**

TAB 15 - Belfast Code of Ordinances - Chapter 82, Shoreland (Complete Chapter)

- **Article I - In General (Pages 1 - 7)**
- **Article II - Administration (Pages 8 - 15)**
- **Article III - Nonconformance (Pages 16 - 19)**
- **Article IV - Districts (Pages 20 - 27)**
- **Article V - Land Use Standards (Pages 28 - 50)**
- **Adopted Shoreland Zoning Map (2 maps)**

TAB 16 - Belfast Code of Ordinances - Chapter 90, Site Plan (Complete Chapter)

- **Article I - In General (Pages 1 - 23)**
- **Article II - Review Criteria and Procedures ** Section 90-42. Criteria for Review by Planning Board (Pages 24 - 32)**
- **Article III - Preliminary Plan (Pages 33 - 37)**
- **Article IV - Final Plan (Pages 38 - 39)**
- **Article V - Board Review of Multi-Family Housing Project (40-41)**

TAB 17 - Belfast Code of Ordinances - Chapter 98, Technical Standards (Complete Chapter)

TAB 18 - Belfast Code of Ordinances - Chapter 102, Zoning (Following Sections of Ordinance)

- **Article I - In General (Page 1)**
- **Article II - Administration**
 - **Division 3 - Permits (Pages 2 - 7)**
 - **Division 5 - Enforcement and Violations (Page 8)**
- **Article IV - Description of Districts**
 - **Sec 102-256 - Residential II District (Pages 9 - 11)**
 - **Sec 102-282 - Route One South Business Park District (Page 11)**
- **Article V - District Regulations**
 - **Div 17 - Residential II District (Pages 12 - 13)**
 - **Div 19 - Route One South Business Park District (Pages 14 - 17)**
- **Article VIII - Supplementary District Regulations**
 - **Div 2 - Screening of Outside Storage Areas (Page 18)**
 - **Div 3 - Off-Street Parking Facilities (Page 19)**
 - **Div 7 - Significant Groundwater Wells ** Specific Permit by Planning Board (Pages 20 - 26)**
- **Article IX - Performance Standards**
 - **Div 2 - Environmental Standards ** Section 102-1138 Includes Standards for the Significant Water Intake and Significant Water Discharge Permit issued by the Planning Board (Pages 27 - 30)**
- **Effective Date for Ordinance Amendments (Page 31)**
- **Official Zoning Map for City of Belfast (2 Maps)**
- **Floodplain Maps for Nordic Property (2 Maps)**

TAB 19 - Planning Board Procedural Orders

- **Procedural Order # 1 - July 15, 2019**
- **Procedural Order # 2 - November 6, 2019**
- **Procedural Order # 3 - December 3, 2019**
- **Procedural Order # 4 - July 16, 2020**
- **Procedural Order # 5 - October 1, 2020**

TAB 20 - Department of Environmental Protection Site Location of Development Act/Natural Resources Protection Act Permit Order (Findings and Conditions)

TAB 21 - Department of Environmental Protection Minor Air Emissions Permit Order (Findings and Conditions)

TAB 22 - Department of Environmental Protection Maine Pollutant Environmental Discharge System Permit Order (Findings and Conditions.

**NOTE TO ZONING BOARD OF APPEALS
FROM WAYNE MARSHALL, PROJECT PLANNER
FEBRUARY 4, 2021**

This Notebook includes the main information that you will need to consider the individual Administrative Appeals filed by Upstream Watch regarding the 5 permits issued by the Belfast Planning Board at its meeting of December 22, 2020 for the Nordic Aquafarms Land Based Salmon Aquaculture Project. The Planning Board issued the following 5 City Permits to Nordic:

- Site Plan Permit pursuant to Chapter 90, Site Plan;
- Zoning Use Permit pursuant to Chapter 102, Zoning;
- Significant Groundwater Well Permit pursuant to Chapter 102, Zoning;
- Significant Water Intake and Significant Water Outfall/Discharge Pipe Permit pursuant to Chapter 102, Zoning and Chapter 82, Shoreland; and
- Shoreland Permit pursuant to Chapter 82, Shoreland.

The Table of Contents for this Notebook identifies how the following information is organized:

- The 5 appeals filed by Nordic Aquafarms, including an additional document entitled 'Issues Regarding All 5 Permits';
- The Findings of Fact and Conditions of Approval adopted by the Planning Board for all 5 Permits;
- The relevant sections of Ordinances from the City Code of Ordinances; and
- The Orders (Findings and Conditions) issued by the Department of Environmental Protection for the State DEP Permits required for the Nordic project.

The initial meeting of the ZBA for these appeals is scheduled for **Thursday, February 18, beginning at 6:00 pm**. As is the case for all City meetings during the COVID pandemic, the February 18 meeting and all subsequent ZBA meetings will be conducted via a ZOOM webinar. The protocol for how to access the ZOOM webinar is included in the public hearing announcement for the February 18 meeting (see TAB 1). About the only information that is not in this Notebook is a specific agenda for the February 18 meeting. I hope to provide such on Monday of next week, February 8, after I have had an opportunity to speak with Kate Grossman (Attorney who will be advising the ZBA) and Peter Nesin regarding the meeting.

If you have questions, you can reach me by email at wmarshall@cityofbelfast.org. You can also call me on my cell phone at 930-9689, or can try reaching me through the Department offices at 338-1417 x 125.

**NOTICE OF PUBLIC HEARING
CITY OF BELFAST ZONING BOARD OF APPEALS**

The City of Belfast Zoning Board of Appeals, at its meeting of Thursday, February 18, 2021, beginning at 6:00 pm or as soon as practical thereafter, shall conduct a public meeting and public hearing via a ZOOM webinar on administrative appeals filed by Upstream Watch regarding 5 permit decisions made by the Belfast Planning Board at its meeting of December 22, 2020 for the Nordic Aquafarms, Inc. land based salmon aquaculture project. The Nordic project is located adjacent to the lower reservoir of the Little River on land currently owned by the Belfast Water District and other parties.

Upstream Watch, in its administrative appeals, alleges that the Belfast Planning Board did not properly interpret and apply City Ordinance requirements in issuing the following City Permits:

- Site Plan Permit pursuant to Chapter 90, Site Plan;
- Shoreland Permit pursuant to Chapter 82, Shoreland;
- Zoning Use Permit pursuant to Chapter 102, Zoning;
- Significant Groundwater Well Permit pursuant to Chapter 102, Zoning; and
- Significant Water Intake and Significant Water Outfall/Discharge Pipe Permit pursuant to Chapter 102, Zoning.

Consistent with City Ordinance standards for a public hearing on an administrative appeal, reference Section 102-134, Administrative Appeals, subsection (b), only parties with standing shall be allowed to participate in the public hearing. The Zoning Board of Appeals, at the meeting, will determine the time at which the February 18 public hearing will start. The Board, if necessary, will continue the public hearing to future Board meetings, and will provide notice of future meeting dates at the meeting and on the City website.

The ZOOM protocol for the February 18 Zoning Board of Appeals meeting/hearing is provided below:

Webinar Link: <https://us02web.zoom.us/j/89655447136>

Phone Number: 646-558-8656 or 301-715-8592

Webinar ID: 896 5544 7136

Members of the Zoning Board of Appeals will not physically be meeting in Belfast City Hall to conduct the meeting, thus, there will be no access to City Hall during the meeting. The City also will live stream the meeting on both BEL-TV and on the City website, cityofbelfast.org.

Information regarding the administrative appeals can be found on the City website, cityofbelfast.org, reference the Code and Planning link, Nordic Aquafarms Project, ZBA Administrative Appeals. A copy of the appeals and Nordic applications also are available for public inspection at the Code and Planning Department offices in City Hall during normal business hours, Monday – Thursday, 7:00 am to 6:00 pm. Questions regarding the project can be directed to Department offices by calling 338-1417 x 125, or by email to Wayne Marshall, Project Planner, Code and Planning at wmarshall@cityofbelfast.org.