

**FIRST PROCEDRAL ORDER OF THE BELFAST PLANNING BOARD**

**IN RE: APPLICATIONS OF NORDIC AQUAFARMS, INC.**

**DATED JULY 15, 2019**

Nordic Aquafarms, Inc. has filed a substantial amount of material to support multiple land use Permit applications for review by the Belfast Planning Board. It is anticipated that there may be a large number of persons or entities that wish to participate as a 'Party in Interest' before the Planning Board. The Belfast Planning Board, in the interest of providing orderly public hearings and to avoid prejudice of late filings, hereby issues the following Procedural Order:

1. All persons or entities who seek to be allowed to participate as a "Party in Interest" before the Board shall provide a written statement to be filed with the Planning Board on or before July 30, 2019, which is least six (6) days before August 5, 2019, and which is the date of commencement of substantive review by the Planning Board of the Nordic Aquafarm Permit applications. The statement shall contain the following information:
  - a. Name and residential address (or primary place of business) of the person or entity seeking to participate as a "Party in Interest", including a copy of the deed or other evidence of land owned by the "Party" or entity that may directly or indirectly be affected by the proposed use;
  - b. An explanation as to why land owned by the "Party" (person or entity) will be directly or indirectly affected by the proposed use in a way that would demonstrate a particular injury to the "Party in Interest" that is distinct from any impacts on the general public; and,
  - c. A good faith estimate of the length of time the "Party in Interest" anticipates it may need to provide testimony.
2. Each 'Party in Interest' shall file all documentary evidence and expert reports, including the names, curriculum vitae (CV) and areas of expertise of any expert who might testify, a minimum of 7 days before the substantive review of the publicly noticed topical areas to be reviewed by the Planning Board on

a date certain, as posted on the City of Belfast website, [cityofbelfast.org](http://cityofbelfast.org), reference Planning and Codes, Nordic Aquafarms Permit.

3. Any documentary information or comment that the general public or a 'Party in Interest' seeks to file on the sufficiency of the Applicant's claim of Right, Title, and Interest, for the purpose of the Planning Board's review of its jurisdiction, shall be filed on or before July 30, 2019. The Planning Board will be considering this issue at its meeting of August 5, 2019. The Board will not be accepting any oral public comment at its meeting of August 5, 2019 on the issue of Right, Title and Interest.
4. Failure to file the information described herein on or before the deadlines described herein may result in the exclusion of said information from the record, in the Planning Board's sole discretion.

THIS PROCEDURAL ORDER WAS APPROVED UNANIMOUSLY BY THE BELFAST PLANNING BOARD ON JULY 11, 2019. EXCEPT FOR THE DEADLINE TO FILE INFORMATION REGARDING RIGHT, TITLE, AND INTEREST (reference #3 above), THIS PROCEDURAL ORDER DOES NOT APPLY TO ANY PERSON WHO WISHES TO BE HEARD AS A MEMBER OF THE GENERAL PUBLIC. THERE WILL BE MULTIPLE FUTURE OPPORTUNITIES FOR THE GENERAL PUBLIC TO COMMENT ON THE PERMIT APPLICATIONS. THE BELFAST PLANNING BOARD WILL PROVIDE PUBLIC NOTICE OF THE DATES FOR ALL PUBLIC HEARINGS, AND THE SPECIFIC ISSUES THAT THE BOARD WILL BE CONSIDERING AT THE RESPECTIVE MEETINGS.



# CITY OF BELFAST, MAINE 04915

131 Church Street

## CODE & PLANNING DEPARTMENT

Phone: (207) 338-1417 ext. 125

Fax: (207) 338-1605

Email: [planningandcodes@cityofbelfast.org](mailto:planningandcodes@cityofbelfast.org)

### **SECOND PROCEDURAL ORDER OF THE BELFAST PLANNING BOARD IN RE: APPLICATION OF NORDIC AQUAFARMS, INC. DATED NOVEMBER 6, 2019**

The purpose of the Second Procedural Order of the Planning Board is to amend certain terms of the First Procedural Order of the Board dated July 15, 2019; a copy of the First Procedural Order is attached. All 'Parties-in-Interest' are advised to become familiar with and to comply with terms of this Second Procedural Order.

The Planning Board received the Nordic Aquafarms permit applications on June 11, 2019. The Board initiated its first formal review of the permit applications at its meeting of June 26, 2019, and through its meeting of October 23, 2019, has now conducted 10 public meetings on the application, including 7 public meetings at which one or more public hearings (a total of 19 public hearings on certain elements of the application) were conducted. The Planning Board, at its meeting of August 5, 2019, also identified parties who were awarded 'Party-in-Interest' status in accordance with terms of the First Procedural Order; a total of 8 Parties.

The First Procedural Order, reference clause 2, identified the specific process a 'Party-in-Interest' must comply with to submit expert testimony to the Planning Board. The Board, recognizing that the Nordic applications have now been available for review by all 'Parties-in-Interest' for 4 or more months (since mid-June 2019), that the Board has conducted public hearings on many elements of the application, and that the Board desires to receive complete future information from 'Parties-in-Interest' so that it may thoroughly consider such in a timely manner, hereby amends clause 2 in the First Procedural Order to read as follows:

2. Each 'Party in Interest' shall file all documentary evidence and expert reports, including the names, curriculum vitae (CV) and areas of expertise of any expert who might testify in accordance with the following schedule:
  - a. Air Emissions, Attachment 31 - Submission by November 13, 2019
  - b. Traffic, Attachment 17 - Submission by November 13, 2019
  - c. Chapter 102, Zoning Standards, Attachment 4 - Submission by November 26, 2019
  - d. Chapter 90, Site Plan Standards, Attachment 5 - Submission by November 26, 2019
  - e. Chapter 82, Shoreland Standards, Attachment 6 - Submission by November 26, 2019
  - f. Chapter 98, Technical Standards, Attachment 7 - Submission by November 26, 2019

A written or electronic copy of all evidence and required information must be submitted by 4:00 pm on the above identified dates to the City of Belfast, Code and Planning Department, 131 Church Street, Belfast, ME, 04915, or to [public@cityofbelfast.org](mailto:public@cityofbelfast.org). The above schedule

shall replace the requirement identified in the First Procedural Order to file information a minimum of 7 days before the substantive review of the publicly noticed topical areas for these issues. The standard identified in the First Procedural Order shall continue to apply to other elements of the Nordic permit applications not identified in the above schedule.

The Second Procedural Order does not affect Clauses 1, 3 and 4 identified in the First Procedural Order dated July 15, 2019.

The Belfast Planning Board, at its meeting of October 30, 2019, approved the overall terms of the above amendments to the First Procedural Order dated July 15, 2019, and at its meeting of November 6, 2019, adopted a motion to approve the specific language in this Order.

The Planning Board specifically notes that the First and Second Procedural Order only apply to 'Parties-in-Interest'. Neither Order applies to any person who wishes to be heard as a member of the General Public. The Planning Board has and will continue to provide opportunities for members of the General Public to offer oral comment at specific public hearings conducted by the Planning Board, and to accept comment in writing or via email. Written comment should be sent no later than 3:00 pm on the date of a scheduled public hearing to: City of Belfast, Code and Planning Department, 131 Church St, Belfast, ME, 04915, and email comment to: [public@cityofbelfast.org](mailto:public@cityofbelfast.org). Planning Board agendas will be posted on the City website, [cityofbelfast.org](http://cityofbelfast.org), reference both the Planning and Codes link and the agendas, Planning Board link.

On behalf of the Belfast Planning Board,



Wayne Marshall  
Director, Code and Planning

**THIRD PROCEDURAL ORDER OF THE BELFAST PLANNING BOARD  
RE: APPLICATION OF NORDIC AQUAFARMS, INC.  
DATED DECEMBER 6, 2019**

The purpose of this Third Procedural Order of the Planning Board is to establish certain deadlines for the filing of expert testimony and documentary evidence so as to avoid surprise and provide the Planning Board members with an opportunity to review and consider materials in advance of the public hearings referenced below. The Applicant and all 'Parties-in-Interest' shall comply with terms of this Third Procedural Order, or risk exclusion of testimony and documentary evidence from the record of this matter,

All filing deadlines referenced in the Second Procedural Order are hereby replaced by the filing deadlines described herein. Unless specifically displaced by the terms described herein, the First and Second Procedural Orders shall otherwise remain in full force and effect..

The Applicant Nordic Aquafarms and each 'Party in Interest' shall file all documentary evidence and expert opinions and reports, including the names, curriculum vitae (CV) and areas of expertise of any expert who might testify, in accordance with the following schedule:

- a. Air Emissions, Attachment 31, and supplemental information submitted to the Board by Nordic Aquafarms regarding this Attachment, both of which are scheduled for public hearing by the Board at its meeting of December 18, 2019 - Submission to the Board by 12:00 pm on December 13, 2019.
- b. Supplemental information submitted to the Board by Nordic Aquafarms regarding the Assessment of Scenic Resources that is scheduled for public hearing by the Board at its meeting of December 18, 2019. - Submission to Board by 12:00 pm on December 13, 2019.
- c. Traffic, Attachment 17. - Submission to the Board by 12:00 pm on December 27, 2019.
- d. Chapter 102, Zoning Standards, Attachment 4 - Submission to the Board by 12:00 pm on December 27, 2019.
- e. Chapter 90, Site Plan Standards, Attachment 5 - Submission to the Board by 12:00 pm on December 27, 2019.
- f. Chapter 82, Shoreland Standards, Attachment 6 - Submission to the Board by 12:00 pm on December 27, 2019.
- g. Chapter 98, Technical Standards, Attachment 7 - Submission to the Board by 12:00 pm on December 27, 2019.
- h. The Planning Board is scheduled to conduct a public hearing at its meeting of January 8, 2020 to accept comment on the entirety of materials submitted by Nordic Aquafarms

Permit applications. To date, all public hearings conducted by the Board have required that testimony focus on a discrete component of the applications, for example Attachment 15, Stormwater Management, or Attachment 21, Solid Wastes. This January 8, 2020 public hearing will provide 'Parties in Interest' and the public an opportunity to offer comment on how the many components of the project are interconnected and how the project applications does or does not comply with City Ordinance requirements. - Submissions to the Board shall be made by 12:00 pm on December 27, 2019.

A written or electronic copy of all evidence and required information must be submitted by the above identified dates and times to the City of Belfast, Code and Planning Department, 131 Church Street, Belfast, ME, 04915 (written), or to [public@cityofbelfast.org](mailto:public@cityofbelfast.org) (via email).

In addition to the above identified issues and dates, the Planning Board anticipates that it may be conducting future public hearings on supplemental information that may be submitted by Nordic Aquafarms. In such cases, the Planning Board will require Nordic Aquafarms to submit information no later than 16 days prior to a public hearing date, and will require all Parties in Interest to submit their response to this information no later than 7 days prior to the scheduled public hearing date. The City will post all supplemental information on the City website (reference Nordic Aquafarms link under code and planning), and contact 'Parties in Interest' by email regarding the scheduled hearing date, the subject of the hearing and the date by which information must be submitted to the Board (Department).

The Planning Board specifically notes that the First, Second and Third Procedural Order only apply to 'Parties-in-Interest'. None of the Orders apply to any person who wishes to be heard as a member of the General Public. The Planning Board has and will continue to provide opportunities for members of the General Public to offer oral comment at all public hearings conducted by the Planning Board, and to accept comment in writing or via email. Written comment should be sent no later than 3:00 pm on the date of a scheduled public hearing to: City of Belfast, Code and Planning Department, 131 Church St, Belfast, ME, 04915, and email comment to: [public@cityofbelfast.org](mailto:public@cityofbelfast.org). The agendas for upcoming Planning Board meetings and hearings will be posted on the City website, [cityofbelfast.org](http://cityofbelfast.org), reference both the Planning and Codes link and the agendas, Planning Board link.

As authorized and directed by the Belfast Planning Board at its meeting of December 4, 2019, this Third Procedural Order has been prepared by Wayne Marshall Director of Code and Planning, City of Belfast.

**FOURTH PROCEDRAL ORDER OF THE CITY OF BELFAST PLANNING BOARD  
IN RE: APPLICATIONS OF NORDIC AQUAFARMS, INC.  
DATED JULY 17, 2020**

This Fourth Procedural Order addresses the deadline for the Applicant Nordic Aquafarms, Inc. and the previously designated Parties-in-Interest to respond to a Motion to Stay/Motion to Dismiss filed by Jeffrey MaBee and Judith Grace, through Counsel, via email on July 14, 2020 at 10:26 am ( and re-filed on July 15, 2020 at 2:20 pm; said filings shall be treated a single Motion). Any responsive filings shall be filed by the Applicant and any previously designated Party-in-Interest on or before July 27, 2020 by 5:00 pm, via email to the following email address: [public@cityofbelfast.org](mailto:public@cityofbelfast.org).

The Planning Board will consider the Motion and any responses at the currently scheduled August 12, 2020 meeting, or thereafter at such time as the Planning Board may determine. The decision shall be based on the filings of record; there will be no oral argument to the Planning Board on these issues.

THIS PROCEDURAL ORDER WAS APPROVED UNANIMOUSLY BY THE BELFAST PLANNING BOARD ON JULY 15, 2020.

On behalf of the Planning Board,

Wayne Marshall  
Director, Code and Planning

**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](mailto: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.