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February 25, 2021

Peter Nesin, Chairperson
c/o Kate Grossman, Esq.
Belfast Zoning Board of Appeals
City of Belfast
131 Church Street
Belfast, ME 04915

RE: Appeal of Nordic Aquafarms, Inc. Permit Approvals by Upstream Watch;
Planning Board Decision to Not Re-Open Record Regarding Talbot Well .

Dear Chair Nesin:

Through the Upstream Watch Application for Appeal dated January 21, 2021, a response letter from Joanna Tourangeau on behalf of Nordic Aquafarms, Inc., dated February 12, 2021 which has been characterized as a Motion to Exclude newly filed evidence, and the reply letter from David Losee as Counsel for Upstream Watch dated February 17, 2021, the contested issue of introduction of new evidence regarding the Talbot well, that was rejected by the Planning Board, is before you. My purpose in this letter is to reference relevant Planning Board record findings that may not be readily obtained due to the substantial amount of material before you.

In your deliberation on the issue, I draw your attention to the record found in the Site Plan Permit issued by the Planning Board, page 25, which references the Planning Board decision to not re-open the record (which had been open for approximately 14 months for unlimited written testimony) relating to the Talbot well:

"During the later stages of the Board's review of Final Site Plan application, Upstream Watch submitted a Motion to the Planning Board requesting that the Board open the record to accept testimony regarding the proximity of the Talbot Well to the former Town of Swanville landfill (closed in 1994/1995), and how the Water District's use of the Talbot Well to provide adequate water for Nordic's operations could compromise water quality for all Belfast and Northport residents. The Board considered information provided by Olver Associates, City Attorney Kelly, and Wayne Marshall, Project Planner, and decided not to reopen the record to further examine the issue requested by Upstream Watch."

Additionally, it should be noted that the video record reflects that on December 9, 2021, the Planning Board allocated almost an hour of its time considering the merits of the Upstream Watch Motion to re-open the record regarding the Talbot well, and thereafter voted 5-0 to deny the Motion.

Thank you for your consideration.

Sincerely,

KELLY & ASSOCIATES, LLC

A handwritten signature in black ink, appearing to read 'W.S. Kelly', written over a horizontal line.

William S. Kelly, Esq.

Cc: City of Belfast Code and Planning Office