

Exhibit C

Upstream Argument	Applicable Ordinance Standard	Planning Board Findings
<p>Upstream Initial Remand Brief page 17 (Upstream “In summary” Item 9):</p> <p>Nordic failed or refused to demonstrate it had adequate electric service to operate its project either during normal times or during a power outage.</p>	None cited.	Condition 12 at pages 54-55 of the Site Plan Permit and condition 12 at pages 25-27 of the Zoning Use Permit address electrical supply.
<p>Upstream Initial Remand Brief, pages 17-30 (Upstream “In summary” Item 10):</p> <p>Without authority the Planning Board converted application requirements to permit conditions.</p>	No prohibition on conditional approvals cited.	<p>Section 82-54 at page 10 of the Shoreland Ordinance authorizes “approval with conditions.”</p> <p>Section 90-74(3) at page 36 and section 90-105 at page 39 of the Site Plan Ordinance authorize approval “upon terms and conditions.”</p> <p>Section 102-101 at page 4 of the Zoning Use Ordinance authorizes the planning board to “approve with conditions.”</p>
<p>Upstream Initial Remand Brief, pages 16 and 30-37 (Upstream “In summary” Item 1):</p> <p>Nordic failed or refused to comply with the Ordinance dimensional requirements including setback and buffering requirements. Chapter 102, Zoning, Section 102-138(3); Sec. 102-684.</p>	<p>Section 102, the Zoning Use ordinance does not include Section 102-138(3). Section 102-684 is at pages 15-17 of the Zoning Use Ordinance.</p> <p>Section 82-201 of the Shoreland Ordinance is at pages 30-31.</p>	<p>Pages 7-10 of the Zoning Use Permit provide findings of compliance with Section 102-684.</p> <p>Page 13 of the Shoreland Permit provides findings of compliance with Section 82-201 of the Shoreland Ordinance.</p> <p>Page 9-10 of the Significant Water Intake and Discharge Pipes Permit provides findings of compliance with Section 102-1138 of the Zoning Use Ordinance.</p> <p>Condition 26 at pages 66-67 of the Site Plan Permits and condition 26 at pages 37-38 of the Zoning Use Permit address buffering requirements.</p>
<p>Upstream Initial Remand Brief, pages 16 and 38-41 (Upstream “In summary” Item 2):</p> <p>Nordic failed or refused to demonstrate that its proposed wastewater discharge to Penobscot Bay will not degrade water quality in the Bay. City Ordinance Chapter 90, Sec. 90-42(b)(1).</p>	Section 90-42(b)(1) is at page 28 of the Site Plan Ordinance.	<p>Pages 19-21 of the Site Plan Permit provide findings of compliance with Section 90-42(b)(1).</p> <p>Pages 13–14 of the Zoning Use Permit also provide findings regarding wastewater pollution.</p>
<p>Upstream Initial Remand Brief, pages 16 and 47-49 (Upstream “In summary” Item 3):</p> <p>Nordic failed or refused to demonstrate that its demand for fresh water will not unduly burden the City water supply. City Ordinance Chapter 90, Sec 90-42(b)(3).</p>	Section 90-42(b)(3) is at page 28 of the Site Plan Ordinance.	Pages 23-24 of the Site Plan Permit provide findings of compliance with Section 90-42(b)(3).
<p>Upstream Initial Remand Brief, pages 16 and 43-47 (Upstream “In summary” Item 4):</p> <p>Nordic failed or refused to demonstrate that its withdrawal of groundwater by its “significant Groundwater Wells” will not compromise the water quantity or quality of private wells in the area. City Ordinance Chapter 90, Sec. 90-42(b)(12).</p>	Section 90-42(b)(12) is at page 29 of the Site Plan Ordinance.	<p>Pages 33-35 of the Site Plan Permit provide findings of compliance with Section 90-42(b)(12).</p> <p>Condition 27 at pages 67-68 of the Site Plan Permit and condition 27 at pages 39-40 of the Zoning Use Permit address water use.</p> <p>The Planning Board issued a separate Significant Groundwater Wells Permit which includes findings that those wells will not compromise the water quantity or quality of private wells in the area at pages 7-12. Conditions 2-12 at pages 14-18 of the Groundwater Wells Permit also address this issue.</p>
<p>Upstream Initial Remand Brief, pages 17 and 43-47 (Upstream “In summary” Item 5):</p> <p>Nordic failed or refused to demonstrate that it had sufficient groundwater availability to operate its proposed three on-site wells. City Ordinance Chapter 102, Sec. 102-107.</p>	<p>There is no Section 102-107 of the Zoning Use Ordinance.</p> <p>Performance standards for significant groundwater wells are in Section 102-1079 which is at pages 24-25 of the Zoning Use Ordinance.</p>	Pages 6-11 of the Significant Groundwater Wells Permit provide findings of compliance with Section 102-1079.

Note: Page numbers are to the pages of the relevant documents as provided to the ZBA in its appeal binder as available to the parties on the City website at: [Zoning Board of Appeals - Nordic Application | Belfast, ME - Official Website \(cityofbelfast.org\)](http://www.cityofbelfast.org/zoning-board-of-appeals-nordic-application)

Upstream Argument	Applicable Ordinance Standard	Planning Board Findings
<p>Upstream Initial Remand Brief, pages 17, 42, and 57-60 (Upstream “In summary” Item 6):</p> <p>Nordic failed or refused to demonstrate that it had arranged for the storage and disposal of solid waste and its subset, hazardous waste. City Ordinance Chapter 90, Secs. 90-42(b)(18), (26) and (29).</p>	<p>Section 90-42(b)(18) is at page 30 and Section 90-42(b)(26) and Section 90-42(b)(29) are at page 31 of the Site Plan Ordinance.</p>	<p>Pages 37-38 of the Site Plan Permit provide findings of compliance with Section 90-42(b)(18).</p> <p>Page 43 of the Site Plan Permit provides findings of compliance with Section 90-42(b)(26).</p> <p>Pages 45-46 of the Site Plan Permit provide findings of compliance with Section 90-42(b)(29).</p> <p>Conditions 14-18 at pages 56-58 of the Site Plan Permit and conditions 14-18 at pages 27-29 of the Zoning Use Permit address waste disposal.</p>
<p>Upstream Initial Remand Brief, pages 17 and 49-51 (Upstream “In summary” Item 7):</p> <p>Nordic failed or refused to demonstrate that it had adequate financial capacity to develop the project in a manner consistent with state and local performance, environmental and technical standards. City Ordinance Chapter 90, Sec. 90-42(b)(10).</p>	<p>Section 90-42(b)(10) is at page 29 of the Site Plan Ordinance.</p>	<p>Pages 30-32 of the Site Plan Permit provide findings of compliance with Section 90-42(b)(10).</p> <p>Conditions 35 and 36 at pages 72-75 of the Site Plan Permit and conditions 35 and 36 at pages 43-46 address financial capacity.</p>
<p>Upstream Initial Remand Brief, pages 17 and 42-43 (Upstream “In summary” Item 8):</p> <p>Nordic failed or refused to demonstrate that the on-site soils are adequate for the intended purpose. City Ordinance Chapter 102, Secs. 102-1136 and 82-431.</p>	<p>Section 102-1136 is at page 29 of the Zoning Use Ordinance. Section 82-431 is at page 47 of the Shoreland Ordinance.</p>	<p>Page 18 of the Zoning Use Permit provide findings of compliance with Section 102-1136. Pages 16-17 provide additional findings.</p> <p>Pages 24-25 of the Shoreland Permit provide findings of compliance with Section 82-431.</p> <p>Condition 21 at pages 61-62 of the Site Plan Permit and condition 21 at pages 33-34 of the Zoning Use Permit addresses soil management.</p>
<p>Upstream Initial Remand Brief: pages 51-57 (Not in Upstream “In summary” item list):</p> <p>Section 102-102(3)(j) requires Nordic to respond to 93 questions Upstream argues were not answered.</p>	<p>Section 102-102(3)(j) is at page 5 of the Zoning Use Ordinance.</p>	<p>Pages 3-7 of the Zoning Use Permit provide the findings of compliance with submission standards including Section 102-102(3)(j).</p>
<p>Upstream Initial Remand Brief, pages 60-61 (Not in Upstream “In summary” item list):</p> <p>The Planning Board refused to consider Nordic’s air pollution under Section 90-42(b)(27).</p>	<p>Section 90-42(b)(27) is at page of the Site Plan Ordinance.</p>	<p>Pages 43-44 of the Site Plan Permit provide findings of compliance with Section 90-42(b)(27).</p> <p>Pages 20-21 of the Site Plan Permit also include air pollution findings.</p> <p>Page 14 of the Zoning Use Permit also provide findings regarding air pollution.</p>