

STATE OF MAINE
WALDO, ss.

CITY OF BELFAST
ZONING BOARD OF APPEALS

***In re: Upstream Watch Appeals of Permits Issued
by the Belfast Planning Board, December 22, 2020***

Upstream Watch)	
)	
<i>Appellant</i>)	
)	
v.)	PROCEDURAL ORDER
)	
BELFAST PLANNING BOARD,)	
)	
<i>Respondent</i>)	
)	
and)	
)	
Nordic Aqua Farms Inc.,)	
)	
<i>Permittee / Party-in-Interest</i>)	

After hearing from all parties at its meeting on December 14, 2023, the City of Belfast Zoning Board of Appeals ("Board") hereby issues the following order:

1. **Consolidated for Review.** The five appeals filed by Upstream Watch are hereby consolidated for review.
2. **Conflict/Bias Objections.** Within one week from December 14, 2023, any party shall submit any objections to a conflict or bias issue (or similar issue) regarding any member of the Board. Such submissions shall be by email to jpottle@eatonpeabody.com.
3. **Administrative Record; Hearing on Motion to Augment Record.** Currently pending is Upstream Watch's motion to augment the administrative record, which has been previously briefed by the parties in writing. On January 9, 2024, at 6 PM, the Board will meet to hear presentations from the parties and make a determination on any administrative record disputes, unless the Board requires additional time.

The Board also hereby directs Board counsel, working with the Director of Planning and Codes, to review City records in conjunction with any record

disputes and communicate with counsel for the parties in an attempt to mutually resolve or narrow any potential record disputes in advance of January 9, 2024.

- 4. Pre-Hearing Filings; Brief and Pre-Hearing Summary/Statement.** The Parties may submit written briefs on the issue of right, title, and interest, as well as a pre-hearing summary/statement on key issues/arguments in the appeals, which shall be filed no later than **6 P.M. on Thursday, February 1, 2024**. Briefs must be filed at Belfast City Hall, City Clerk's Office (in-person or otherwise received by mail or courier during open business hours) or by electronic mail to directorplanning@cityofbelfast.org, with a copy to jpottle@eatonpeabody.com.

Briefs and Pre-Hearing Summary/Statement on Key Issues/Arguments shall, collectively, be no longer than 25 pages, double-spaced (12 point spacing), 1-inch margins, in Times New Roman font or equivalent or larger size. A signature block and attached exhibits shall not count towards the page limit. Any party wishing to exceed the page limit may submit a written request to the Board Chair, who in consultation with Board counsel is hereby authorized to review and decide whether to grant such requests.

In the event a party's submission by electronic mail exceeds file size, that party must submit a letter by electronic mail to the above addressees no later than 6 P.M. on Thursday, February 1, 2024, certifying that party has made arrangements with the Board's legal counsel (Jonathan Pottle) who has confirmed receipt of electronic filings through an electronic sharing program (e.g., Dropbox; Sharefile; etc.).

Any one of the foregoing means of submission will constitute filing.

- 5. Reply/Response Briefs.** On or before **6 P.M. on Thursday, February 29, 2024**, any party may file a written Reply/Response Brief to any other party's original brief on right, title, and interest and pre-hearing summary/statement on key issues/arguments. Reply/Response Briefs must be filed at Belfast City Hall, City Clerk's Office (in-person or otherwise received by mail or courier during open business hours) or by electronic mail to directorplanning@cityofbelfast.org, with a copy to jpottle@eatonpeabody.com.

Reply/Response Briefs shall be limited to 10-pages and the font/spacing/margin/signature block/exhibit requirements and allowances stated above in paragraph 4 shall apply. Permission to exceed the page limit may be requested from the Board Chair, who in consultation with Board counsel is authorized to review and decide whether to grant such requests.

In the event a party's submission by electronic mail exceeds file size, that party must submit a letter by electronic mail to the above addressees no later than 6 P.M. on Thursday, February 29, 2024, certifying that party has made

arrangements with the Board's legal counsel (Jonathan Pottle) who has confirmed receipt of electronic filings through an electronic sharing program (e.g., Dropbox; Sharefile; etc.).

Any one of the foregoing means of submission will constitute filing.

6. **Public Hearing, Part I – Right, Title, and Interest Issues.** On March 6, 2024, at 6 PM, the Board shall hear from the parties regarding right, title, and interest issues.
7. **Public Hearing Part II – All Other Issues.** On March 26, 2024, at 6 PM~~AM~~, if needed, the Board shall hear from the parties regarding all other issues in the appeals.

The Board also hereby authorizes and directs Board Chair Peter Nesin, as necessary and appropriate, to issue any modifications or clarifications regarding this Procedural Order working in consultation with the Board's legal counsel.

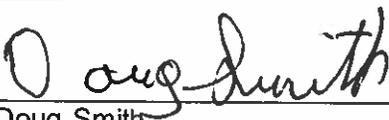
The Board Secretary, working with the Director of Planning and Codes, shall keep a record of this Procedural Order and provide a copy of this Procedural Order to all parties named above.

Dated this 14th day of December, 2023, in Belfast, Maine.

City of Belfast
Zoning Board of Appeals



Peter Nesin, Chair



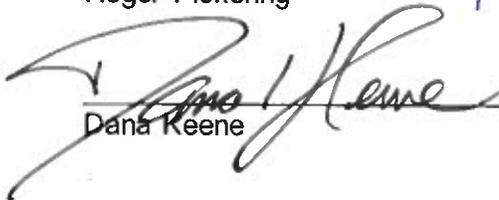
Doug Smith



Roger Pickering



John Cronin



Dana Keene

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