

**Fw: Comments on Kim Tucker's July 15 Motion to Stay/Dismiss**

Erica Nealley <planningandcodes@cityofbelfast.org>

Mon 7/27/2020 8:09 AM

To: Wayne Marshall <wmarshall@cityofbelfast.org>

📎 1 attachments (56 KB)

2020-07-25\_HLH-BelfastPlanningBoard\_letter.docx;

---

**From:** Andrew E Stevenson <andrewsteve@icloud.com>

**Sent:** Saturday, July 25, 2020 4:22 PM

**To:** Public Hearing <public@cityofbelfast.org>; Erica Nealley <planningandcodes@cityofbelfast.org>

**Cc:** Sid Block <sidneyrblock@gmail.com>; Ellie Daniels <ellie1953@hotmail.com>; Ellie Daniels <ellie@greenstore.com>; Jane Earley <jane.c.earley@gmail.com>; jrmabee@gmail.com <jrmabee@gmail.com>; Jason Rawn <rawnjason@gmail.com>; Melissa Kearns <melissa@mskbusinesssolutions.com>; Janie <janiemainie@gmail.com>

**Subject:** Comments on Kim Tucker's July 15 Motion to Stay/Dismiss

Good afternoon, Wayne Marshall and members of the Belfast Planning Board:

Enclosed is our response to the Motion to Stay/Motion to Dismiss filed by Jeffrey Mabee and Judith Grace, through counsel, via e-mail on July 14th and as revised and re-filed on July 15th.

Please consider our request that the Planning Board take no further action on the permit applications from Nordic Aquafarms until four conditions are met.

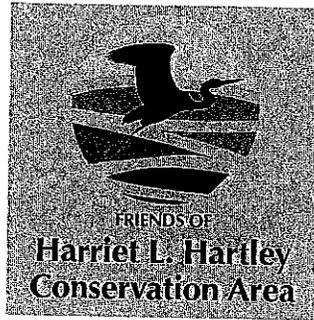
Thank you for all the time and energy you have invested in this important community issue so far. But please: let a court of law determine whether or not the easement granted by the Eckrotes to Nordic Aquafarms gives the company the powers and standing it claims to have before you invest any more.

Respectfully yours,

Andrew E. Stevenson, Secretary

Friends of Harriet L. Hartley Conservation Area

Sidney Block, President  
Ellie Daniels, Treasurer  
Andrew Stevenson, Secretary  
Jane Earley, Director  
Jeffrey Mabee, Director  
Jason Rawn, Director



*Protecting the Future  
of Belfast Bay*

P.O. Box 465  
Belfast, Maine 04915  
hartleyconservationarea@gmail.com

## Friends of Harriet L. Hartley Conservation Area

Mr. Wayne Marshall, Director  
City of Belfast Code & Planning  
131 Church Street  
Belfast, Maine 04915

July 25, 2020

RE: Comments on the Motion to Stay/Motion to Dismiss filed by Kim Ervin Tucker, July 14<sup>th</sup> as revised on July 15<sup>th</sup>.

Director Marshall:

We are writing to express our strong support for attorney Kim Tucker's filing of July 14<sup>th</sup> as revised on July 15<sup>th</sup> in which she argues that the Belfast Planning Board (hereafter called "the Board") must immediately stop any further consideration of the permit applications submitted by Nordic Aquafarms, Inc. (hereafter referred to as "Nordic"). We are united in our conviction that the members of the Board should refrain from any more consideration of Nordic's permit applications until the following conditions have been met.

**One**, Maine Superior Court rules on the parameters of the easement granted to Nordic by Richard and Janet Eckrote. The July 7<sup>th</sup> decision in the case, *Tomasino v. Town of Casco*, 2020 ME 96, clearly states that, when a dispute arises between property owners, the exact terms of an easement must be determined by an appropriate court of law. Until such a ruling, the Board has no solid evidence that Nordic's applications are based on any real title, right or interest.

**Two**, Nordic conducts the sampling and analysis plan required by the U.S. Army Corps of Engineers and the U.S. EPA as a prerequisite for granting any permit related to the construction of the saltwater intake and wastewater discharge pipelines that Nordic's plant would require. On Page 4 of that plan, the authorities state "...there are documented elevated mercury concentrations in this portion of the Penobscot Bay..." and conclude that the risk of finding mercury contamination along Nordic's proposed pipeline route is "...moderate to high..." The sampling results are absolutely critical to an objective assessment of the presence or absence of mercury-contaminated sediments in the proposed pipeline construction area. They must be produced and shared with the Board before continuing permit consideration.

**Three**, Nordic submits an updated design and construction plan for its current pipeline project. The plan now before the Board is outdated, inaccurate, and misleading.

**Four**, The Board takes evidence on test results produced and the fully updated pipeline construction project plan that Nordic must submit.

Respectfully submitted,

Sid Block, President; Ellie Daniels, Treasurer; Andy Stevenson, Secretary; Jane Earley, Jeffrey Mabee, and Jason Rawn, Board Members.