

**RE: Tucker Request to Dismiss/Stay Board Review - Nordic**

Joanna B. Tourangeau &lt;JTourangeau@dwmlaw.com&gt;

Wed 7/15/2020 11:33 AM

To: Wayne Marshall <wmarshall@cityofbelfast.org>; Kim Ervin Tucker <k.ervintucker@gmail.com>  
Cc: David Perkins <dperkins@curtisthaxter.com>; William Kelly <bkelly11@bluestreakme.com>; Erin Herbig <citymanager@cityofbelfast.org>; Strout Dana <dfspcc@gmail.com>; David M. Kallin <DKallin@dwmlaw.com>; Kristin M. Racine <kracine@curtisthaxter.com>; Jon Boynton <jboynton@cityofbelfast.org>; Erica Nealley <planningandcodes@cityofbelfast.org>

Thank you for the clarification!

**From:** Wayne Marshall <wmarshall@cityofbelfast.org>**Sent:** Wednesday, July 15, 2020 11:25 AM**To:** Joanna B. Tourangeau <JTourangeau@dwmlaw.com>; Kim Ervin Tucker <k.ervintucker@gmail.com>**Cc:** David Perkins <dperkins@curtisthaxter.com>; William Kelly <bkelly11@bluestreakme.com>; Erin Herbig <citymanager@cityofbelfast.org>; Strout Dana <dfspcc@gmail.com>; David M. Kallin <DKallin@dwmlaw.com>; Kristin M. Racine <kracine@curtisthaxter.com>; Jon Boynton <jboynton@cityofbelfast.org>; Erica Nealley <planningandcodes@cityofbelfast.org>**Subject:** Re: Tucker Request to Dismiss/Stay Board Review - Nordic

Joanna

First, Ms. Tucker's email was addressed to Planning Board members (the City review authority on the Nordic application), but the email was sent to me. I believe Atty Tucker complied with the City's protocol for providing comment to the Board; comment to the Board is to be submitted to the Department.

With respect to the Board process, our process is not the same as the BEP/DEP. Unlike the BEP/DEP, the City has a two stage Site Plan review process; a Preliminary Plan and a Final Plan. Thus, the City will not be providing a specific 30 day time period for parties to comment on the Board's Preliminary Site Plan decision, and anticipates that parties who want to comment on the Board's Preliminary Plan findings and decision will do so during the public hearing process that the Board conducts as part of its Final Site Plan review. The Board, as noted in its draft Preliminary Site Plan findings, has the authority to reconsider any action that it took in response to the Preliminary Plan filing, particularly in response to new evidence that is submitted.

Wayne

Wayne Marshall, Director

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City of Belfast

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**From:** Joanna B. Tourangeau <JTourangeau@dwmlaw.com>**Sent:** Wednesday, July 15, 2020 11:00 AM**To:** Wayne Marshall <wmarshall@cityofbelfast.org>; Kim Ervin Tucker <k.ervintucker@gmail.com>**Cc:** David Perkins <dperkins@curtisthaxter.com>; William Kelly <bkelly11@bluestreakme.com>; Erin Herbig <citymanager@cityofbelfast.org>; Strout Dana <dfspcc@gmail.com>; David M. Kallin <DKallin@dwmlaw.com>;

Kristin M. Racine <[kracine@curtisthaxter.com](mailto:kracine@curtisthaxter.com)>; Jon Boynton <[jboynton@cityofbelfast.org](mailto:jboynton@cityofbelfast.org)>; Erica Nealley <[planningandcodes@cityofbelfast.org](mailto:planningandcodes@cityofbelfast.org)>

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Good Morning and thank you!

To clarify, the record is currently closed but will reopen, for comments on Preliminary Site Plan Findings, upon a Planning Board vote to issue those Preliminary Site Plan findings. Is that correct? Then the Site Plan record will be open for 30 days?

My objection was also to direct communication with the Planning Board members, which I understood to be prohibited unless input was specifically requested.

Please let me know if I misunderstand.

Apologies for the multiple emails. I know you are extremely busy-  
Joanna

**From:** Wayne Marshall <[wmarshall@cityofbelfast.org](mailto:wmarshall@cityofbelfast.org)>

**Sent:** Wednesday, July 15, 2020 10:55 AM

**To:** Joanna B. Tourangeau <[JTourangeau@dwmlaw.com](mailto:JTourangeau@dwmlaw.com)>; Kim Ervin Tucker <[k.ervintucker@gmail.com](mailto:k.ervintucker@gmail.com)>

**Cc:** David Perkins <[dperkins@curtisthaxter.com](mailto:dperkins@curtisthaxter.com)>; William Kelly <[bkelly11@bluestreakme.com](mailto:bkelly11@bluestreakme.com)>; Erin Herbig <[citymanager@cityofbelfast.org](mailto:citymanager@cityofbelfast.org)>; Strout Dana <[dfspcc@gmail.com](mailto:dfspcc@gmail.com)>; David M. Kallin <[DKallin@dwmlaw.com](mailto:DKallin@dwmlaw.com)>; Kristin M. Racine <[kracine@curtisthaxter.com](mailto:kracine@curtisthaxter.com)>; Jon Boynton <[jboynton@cityofbelfast.org](mailto:jboynton@cityofbelfast.org)>; Erica Nealley <[planningandcodes@cityofbelfast.org](mailto:planningandcodes@cityofbelfast.org)>

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Hello Joanna

The City of Belfast has received your July 14 objection on behalf of Nordic Aquafarms in response to the July 14, 2020 request from Kim Ervin Tucker for the Planning Board to dismiss or stay its review of the Nordic Aquafarms applications.

As you are aware, the City is actively reviewing the Nordic applications and is scheduled to meet this evening (July 15) regarding its ongoing review of the Preliminary Site Plan application; a meeting that will occur as scheduled. Although the Board has closed the public hearing process for review of the Preliminary Site Plan, the record remains open for comment during the Final Site Plan review process. As such, the City finds that Attorney Tucker, like other parties, has the ability to submit additional comment for Board consideration.

As identified in my initial email response to Attorney Tucker, the City has not scheduled any specific action or meeting date in response to her request, and will be extending opportunities to other parties to submit comments or objections to her request prior to any Board consideration of her request. We will identify a specific time period for other parties to submit comment in the near future and will appraise you of such.

I am also providing your objection to the Belfast Planning Board.

On behalf of the City,

Wayne Marshall

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