Addendum to Shoreland Zoning Ordinance.
Approved at special town meeting on August 5, 2026.

Section 16.E *Permit Application* shall be amended in part to remove the ~~strike through~~ language and add the highlighted language:

Expiration of Permit

1. Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one (1) year of the date of the permit, the permit shall lapse and become void, except as otherwise provided ~~herein~~ in sections 2 and 3.
2. Substantial start where there are appeals, to be used only for the Kingfish Maine, Inc. project and parcel.
   a. In the event that an appeal is taken from the issuance of a Town permit (whether issued by the Planning Board or Code Enforcement Office), or
   b. In the event that an appeal is taken regarding a state or federal permit relating to a Town permit,
   c. In either case of (a) or (b), the substantial start deadline for the Kingfish Maine, Inc. project and parcel shall be as follows:
      i. for non-residential developments, the Town permit shall lapse and become void if no substantial start is made in construction within two (2) years of the later of (a) the date of the final resolution of the appeal of the Town permit or (b) the date of the final resolution of an appeal of the related state or federal permit, including expiration of any appeal periods.
      ii. This amendment is effective retroactive to August 25, 2022.
3. In the 132nd Maine Legislature, Second Regular Session, LD 2183, An Act to Update Certain Water Quality Standards and to Reclassify Certain Waters of the State, was proposed. In that Act, certain parties proposed to reclassify Chandler Bay from SB to SA. Chandler Bay is the body of water to which Kingfish has been approved to discharge treated water based on its current SB classification. If Chandler Bay was reclassified to SA, discharges from the proposed Kingfish facility into Chandler Bay would have be prohibited. Kingfish reasonably and prudently delayed commencement of the project until the resolution of the attempt to reclassify was known. LD 2183 was adopted on April 3, 2026, without changing the classification of Chandler Bay. Therefore, the Town permit relating to the Kingfish Maine, Inc. parcel shall lapse and become void if no substantial start

is made in construction within thirty (30) months of the enactment of this amendment. This thirty-month period shall be tolled for the duration of (i) any appeal of any license or permit, (ii) any appeal of any renewal of such license or permit relating to the Kingfish Maine, Inc. parcel, or permitted or licensed use thereof, or (iii) any other action by legal, legislative or regulatory process that would objectively render delay of the start of construction by Kingfish Maine, Inc. reasonable and prudent as determined by the Planning Board. This amendment is effective retroactive to August 25, 2022.

Section 17 *Definitions* shall be amended in part to remove the ~~strike through~~ language and add the highlighted language:

Expansion of a structure - an increase in the ~~floor area or volume~~ footprint or height of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

~~**Timber harvesting** - the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.~~

Substantial start – completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Substantial start for the Kingfish Maine, Inc., project and parcel only. The Kingfish project is anticipated to cost in excess of $100 million to construct and will take a period of years to complete. Much of the estimated total cost will not be expended in the first year of construction. Given the scope of the project, the 30% standard is excessive and unreasonable. Therefore, for the Kingfish project, substantial start means there is:

a. tangible evidence of physical work on the site;

b. the work performed is significant enough to show intent and capacity to complete the project; and

c. the actions taken go beyond preliminary steps, showing a clear progression towards fulfilling contractual and regulatory obligations.

Add to Section D. Procedure for Administration Permits.

1. An applicant/permit holder may request that the Planning Board approve a revision to an existing permit approval without the need to undergo full review.

   No changes, modifications, or revisions shall be made to any permit after approval has been given by the Planning Board, unless the proposed revisions are first submitted and the Board approves any modifications. The Board shall make findings that the revised elements of the permit meet the applicable standards of this Land Use and Development Ordinance.

   In the event the Planning Board finds the proposed revisions are better suited for full site plan review, the applicant/permit holder will have the option of withdrawing the proposal or undergo full site plan review.

Attested by: 8/5/26
Lillian Tamuningham
Town Clerk