

Town of Jonesport

September 20, 2022
Planning Board Minutes
Town Office
7:00 P.M.

Members present: Frank, Lee, Kathy, and Paul

Alternates: Anthony and Diane

CEO: Betsy

Paul motioned; Frank seconded to allow Anthony to vote in Al's absence; all in favor.

Frank motioned; Lee seconded to accept the minutes of August as written. Frank, Lee, and Kathy voted in favor; Anthony and Paul abstained. (Anthony and Paul were absent 8/16/22.)

1. Application #831 Owner/ Applicant: Bion and Michelle Holbrook
Proposes: a 40' x 28' home with an attached 68'x 10' wrap around porch and a 44' x 32' garage
Location: 588 Mason Bay Road; Map 006 Lot 006
Fees: \$150. CEO; \$100 B.P.
Frank motioned; Lee seconded to accept the application and issue a permit conditional on a signed HHE-200 by the LPI; all in favor. Permit # 1098 will be held until the signed HHE-200 is submitted.
2. Application # 832 Owner/ Applicant: Ed Hagan
Proposes: 12' x 20' addition to existing garage
Location: 63 Mason Bay Road; Map 010 Lot 030
Fees: \$150. CEO; \$25 B.P.
Paul motioned; Lee seconded to approve application as submitted; all in favor.
Permit # 1099 was issued.
3. Application #833 Owner/ Applicant: Edward Hagan
Proposes: 25' x 27' Home
Location: 2 Wharf Street; Map 013 Lot 024
(See minutes of 12/20/2016)
This application will be held until next month; Edward will provide the Board with lot dimensions.

MISC:

1. Mark Faulkingham "Bridge"

This bridge is a structure that has not be permitted and there is construction of a road that does not meet the setbacks. After two letters from the CEO (11/24/2021 and 7/11/2022) Mark has yet to submit an application.

Frank motioned; Paul seconded to send this issue to the Selectmen for enforcement; all in favor.

2. Letter from the Harbor Master concerning Floats and rocks at the Sawyer Cove Marina.
Frank motioned; Paul seconded to send a memo to John Church, Harbor Master stating that the Town of Jonesport doesn't need to seek Planning Board approval for floats/wharfs below the high water. All were in favor.
3. Skip and Irene Rogers; splitting of lot. (See minutes of 6/21/2022 and 8/16/2022.)
The consensus of the Board was that the lot could be split if it meets the requirement as instructed on 7/19/2022 and 8/18/2022. As of yet, the Board has not seen an updated survey with surveyor's meets and bounds for each lot. The survey/description must show each lot having at least 30,000 square feet and meet the road/ ROW requirements. (additional standards 7F. Lots #1; recommendation: take a copy of the Ordinance to the surveyor.)
4. Questions for MEDEP, reference to Kingfish discharge permit:
 1. Why did MEDEP rely on 12 to 18 year-old data for water quality conditions from a single site in Chandler Bay in making their determination to issue a discharge permit? Why not use sample data that is more accurate and indicative of current environmental conditions based on the sampling of several sites in the bay?
 2. Kingfish's discharge concentration of 6.6 mg/L is more than the State's threshold value of 2.1 mg/L. This is ~ 200% greater than the allowable threshold, thus using the variables provided in the report, Kingfish will not be able to meet MEDEP standards when fully operational. Did MEDEP consider this in their analysis?
 3. Would the MEDEP have denied the discharge permit for Kingfish, were it not for the State's stated desire to achieve important economic or social benefits to the State? Not sure how this action reconciles with the MEDEP's mission to protect Maine waters. Should this not be two independent decisions? Please explain.
 4. Did MEDEP feel compelled to issue the permit by pressure from DECD? Not sure how this action reconciles with the MEDEP's mission to protect Maine waters. Please explain.
 5. A recent NOAA report explains that the Gulf of Maine is one of the world's fastest warming ocean waters. How has MEDEP taken into account the increasing possibility for Chandler Bay to experience algal blooms in a warmer and more nitrogen rich environment, and the resulting potential to lower oxygen levels in the water body?
 6. There is no discussion in the permit that Kingfish's nitrogen discharge of 1580 lbs/day into Chandler Bay has the potential to lower water quality over a period of time, for example over a

decade or more. Is this not a viable concern, and if so, how was it considered by MEDEP in issuing a permit?

7. We understand that MEDEP will do extensive monitoring after the facility is fully operational. Under what circumstances would MEDEP consider to revoke a discharge license?
8. Under the circumstances in the above question, when considering to revoke a license, would MEDEP act independently or would DECD's consideration to achieving important economic or social benefits to the State still apply, thus effectively overruling MEDEP?
9. Has the MEDEP pressed Kingfish hard enough about using the most environmentally friendly processes in fin fish aquaculture, e.g., using a closed RAS instead of a flow-through RAS?
10. Kingfish has said closed RAS are not economically or practically viable, yet other commercial aquaculture firms are starting to use closed RAS with significantly less environmental impact. Does MEDEP agree Kingfish's processes are so unique such that they do not allow for a closed RAS to be used?
11. Regarding Bay samples taken every three weeks to conduct required seasonal (May-October) water quality monitoring in Chandler Bay:
 - A. Will the MEDEP be evaluating these samples or will an independent contractor be evaluating the samples?
 - B. Will all samples taken be tested immediately or will the samples be inventoried?
 - C. What action will MEDEP be taking if samples exceed limitations of the permit or show an upward trend?
12. Does MEDEP get around to each test site scheduled for review in the time frame required?
13. Do the state fish hatcheries comply with nitrogen and phosphorus state discharge standards?
14. If Kingfish were online at full capacity and with a .26 mg/L nitrogen background concentration, what is the remaining assimilative capacity for other uses?
15. After 10 years of Kingfish operating at the full capacity of 578,525 lbs of nitrogen and 136,875 lbs of phosphorous per year: will the RAC change due to the additive affect over the 10 years?

Note: the first ten questions are Al's questions that the Board approved to add.

The secretary will email these to Melanie Loyzim, Commissioner MEDEP. In addition to answering questions ASAP, the Planning Board would like each response to be identified by who is responding and their position.

Paul motioned; Frank seconded to adjourn; all in favor.

Meeting adjourned at 9:20 p.m.

Minutes by TJM