

Town of Gouldsboro
March 26, 2024
Minutes of the Public Hearing on proposed amendments to the Land Use Ordinance
Gouldsboro Town Office

Board Members present:

Ray Jones, Chairman
Jeff Grant, Vice-Chairman
Deirdre McArdle, Secretary
Shepsi Eaton
AJ Higgins, present on Zoom

Jed West, Alternate seated
Deb Bisson, Alternate

Board Members absent:

Guests:

Attorney, Tim Pease

7

Zoom:

6

Chairman Ray Jones called the Public Hearing to order at 5:58. He stated that the purpose of the meeting was to engage the community in an effort to prohibit large scale finfish businesses by inserting two paragraphs in the Land Use Ordinance. The Chairman explained that the main reason the Planning Board was using this means as opposed to the working through the Finfish Licensing Ordinance draft was the immediate threat from industrial scale aquaculture has disappeared. Tim Pease stated that while under direct threat from American Aquafarms it would have been inadvisable to do so. He advised that, as presently the town is free of this constraint, the Planning Board can add language to the Land Use Ordinance to prohibit large-scale finfish operations. Chairman Ray Jones said that the additions were on pages 6 and 7 of the ordinance and that the Planning Board had discussed the additions and are comfortable with them. Tim Pease said that the easiest way to go would have been to ban finfish operations entirely but as the Town does not want to limit small scale Mom and Pop businesses, thresholds needed to be articulated in the language. The decision was taken to exclude industrial scale operations by limiting the number of employees to ten, including subcontractors. Tim Pease stated that he found that most limitations are defined as catch defined as “total weight of fish killed by the act of aquaculture operations” He said that previously the limits discussed were by acreage, landings, etcetera but that if the Town wanted to add a second limitation, he would recommend

tonnage. Based on research, 500 tons annually was suggested, and Tim Pease agreed with this number with this language: "Finfish farming activities that produce more than 500 tons per year" are prohibited. He cautioned that the Town had to be very careful as to how the weight is measured. A point was made regarding oversight that Al West, former manager of Stinson's, told the Planning Board that there could be difficulties unless regulations were strict and fines for breaking them were expensive.

Issue was taken with adding control over the waters to a land use ordinance. The concern was that the State had been clear in a written message to the Town that the Department of Marine Resources (DMR) has control over the waters. Attorney Tim Pease stated that he had looked carefully at Home Rule authority and in his view the town has authority over the water, adding that the boundaries of Gouldsboro reach almost to Bar Harbor. His point was that the DMR licenses use of the waters, but municipalities have authority to decide what usage is best for them. The response was that the Town needs to be very careful about putting in any language having to do with coastal waters. The recommendation was that the Planning Board does not include any language stating jurisdiction beyond the intertidal zone. There was consensus and use of the word "water" was eliminated. The attorney was questioned as to the process of oversight of the holder of a Land Use permit. Tim Pease said that the Code Enforcement Officer (CEO) was responsible for making sure that the organization abides by the permit requirements. If there is any suspicion that this is not the case then the CEO can investigate, obtaining a warrant if necessary, and issuing fines if appropriate.

Questions were raised regarding the legality of prohibitions on finfish as there are no other prohibitions in the current Land Use Ordinance and the attorney responded that even banning finfish operations outright was allowed. In addition, the work done previously on the Finfish Licensing Ordinance was questioned in terms of whether there was any way of using the material. The Planning Board response was that in the future if the Town wanted to create a separate permitting or licensing process it would be utilized. The need for addressing the usage of Artificial Intelligence in finfish culture and protecting the Town against it was discussed as were the pros and cons of permitting and licensing.

Tim Pease agreed to draft two paragraphs, consistent with the thoughts expressed by Gouldsboro residents present at the meeting and email them to Chairman Ray Jones.

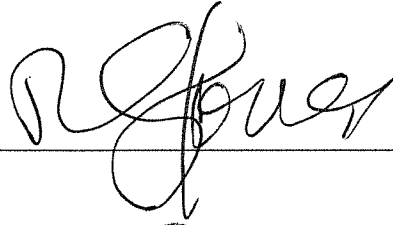
A Motion to adjourn the Public Hearing was made by Jed West and seconded by Shepsi Eaton. It was approved unanimously, and the hearing ended at 6:58.

Respectfully submitted:

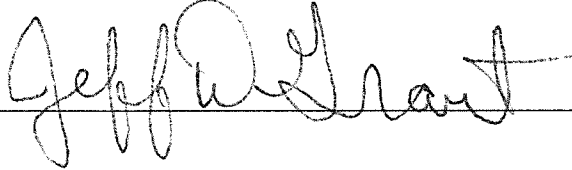

Deirdre McArdle, Secretary

March 26, 2024

Chairman, Ray Jones



Vice Chairman, Jeff Grant



A.J. Higgins



Steven Shepsi Eaton



Alternate, Deb Bisson, seated

Alternate, Jed West

