

**TOWN OF MADAWASKA
SPECIAL TOWN MEETING WARRANT**

**AROOSTOOK, SS
STATE OF MAINE**

TO: Ross Dubois, a constable in the Town of Madawaska, County and State aforementioned.

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Madawaska, in said County, qualified by law to vote in said town affairs to meet at the Madawaska Middle/High School Cafeteria on Tuesday February 21st, 2023 at 6:30 pm to act on articles 1, 2, & 3.

Article 1 To choose a moderator to preside at said meeting.

Article 2 Shall the Town of Madawaska vote to repeal the Town Ordinance entitled "Maine Uniform Building and Energy Code (MUBEC), as adopted on October 11, 2010 by the Maine Department of Public Safety's Building Codes and Standards Board, be adopted by reference, as authorized by 10 M.R.S.A., section 9724 (1-A) and 30-A M.R.S.A. section 3003? Upon adoption, MUBEC shall be effective retroactive to September 28, 2011. The penalty for violation of any provision of MUBEC shall be provided by 30-A M.R.S.A., section 4452. A copy of MUBEC of and shall remain on file with the municipal clerk and is available for public use, inspection, and examination.

EXPLANATION:

As authorized by State Law requires Town's over 4,000 in population to enforce all aspects of MUBEC. The Town's population declined below 4,000 as of the most recent census, and therefore the Town is not required by State law to enforce MUBEC. MUBEC is mandatory in terms of required building code in Town's over 2,000 in population, however there is no mandate for local enforcement unless adopted by local ordinance. Additionally, a legal opinion on the Town's 2012 MUBEC ordinance states:

"when a municipality voluntarily adopts MUBEC it adopts only the version in effect/stated at the time of local adoption."

Since MUBEC building codes constantly change, this means that the version of MUBEC that was adopted in 2012 is no longer current. The Board of Selectmen understands that MUBEC building codes for Towns with populations over 2,000 is required by State law, but the law does not require a Town to enforce the provisions of MUBEC, unless it is properly adopted into local ordinance by "reference". The Board of Selectmen, recommends the repeal of the 2012 MUBEC ordinance for these aforementioned reasons, and for practical reason not adopt a new MUBEC ordinance.

RECOMMENDED BY BOARD OF SELECTMEN

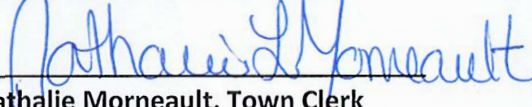
Article 3 Shall the Town of Madawaska adopt the "Municipality of Madawaska Moratorium Ordinance on Commercial Solar Farms, and Commercial Solar Gardens in the Medium Density Residential and High Residential Districts" (in the form attached hereto), which shall be in effect for a period of 180 days after the adoption. Authorized by 30-A M.R.S.A. § 4356.

RECOMMENDED BY BOARD OF SELECTMEN

The Board of Selectmen hereby give notice that the Registrar of Voters will be at the Madawaska Town Office for the purpose of registering and correcting the list of voters at the Madawaska Town Office during regular business hours from 9:00 am to 3:00 pm.

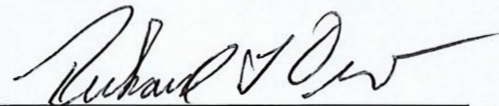
Dated and signed at Madawaska, Maine this 23thth Day of January, 2023

A TRUE AND ATTESTED COPY:



Nathalie Morneault, Town Clerk
Town of Madawaska

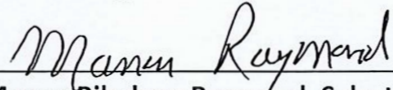
Madawaska Board of Selectmen



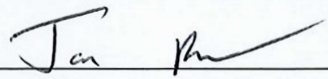
Richard J. Dionne, Chairman



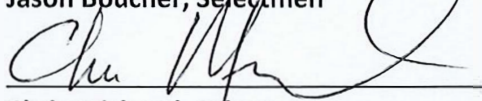
Chris Braley, Vice Chairman



Manon Bilodeau Raymond, Selectmen



Jason Boucher, Selectmen



Chris Michaud, Selectmen

OFFICERS RETURN

Aroostook, ss

State of Maine

I certify that I have notified the voters of Madawaska of the time and place of the SPECIAL TOWN MEETING by posting a true and attested copy of the within warrant at the Town Clerk's office, Twin Rivers Paper Time Office, the Madawaska Town Office,

and the St. David Post Office.

A photocopy of the within warrant will be posted at a variety of other locations throughout the community for the convenience of the public.

Dated at Madawaska this 24th day of January, 2023.

A handwritten signature in black ink, appearing to be 'R. Dubois', written over a horizontal line.

Ross Dubois, Constable

Municipality of Madawaska

Moratorium Ordinance Regarding

Commercial Solar Farm and Solar Garden Installations in Medium Density Residential and High Density Residential Districts

The TOWN OF Madawaska (Maine) adopts a Moratorium Ordinance as follows:

WHEREAS, areas of the Town of Madawaska's Medium Density Residential and High Density Residential Districts are suddenly under threat of increased development pressure from Commercial Solar Farm and Solar Garden installations; and

WHEREAS, this development pressure was unanticipated in the Medium Density and High Density Residential Districts, and has not been adequately provided for in the Town's current Land Use Ordinance; and

WHEREAS, the Town's Land Use Zones and associated Zoning Maps are severely outdated and should be reviewed and amended if necessary; and

WHEREAS, there is a strong likelihood that all Medium Density Residential and High Density Residential Districts of the Town will continue to be subjected to this development pressure due to the amount of undeveloped land, the nonexistence of any regulations or restriction on location of Commercial Solar Farm and Solar Garden installations, and the high demand for sites for such installations; and

WHEREAS, continued development of such Commercial Solar Farm and Solar Garden installations pursuant to the continued Land Use Ordinance could pose serious threats to the public health, safety and welfare of the residents of Madawaska through the over-development of parts of Town with such Commercial Solar Farm and Solar Garden installations without adequate provisions for issues of safety, and land use compatibility, public access, and visual access to view corridors; and

WHEREAS, after public hearing, there is strong support for this Moratorium Ordinance; and

WHEREAS, the Town will need at least 180 days to develop and implement the necessary amendments to zoning and land use ordinances and regulations to accommodate these development pressures; and

WHEREAS, amendments to the Land Use Ordinance require a public hearing by the Planning Board and the Board of Selectmen, and then must be voted upon at a Town Meeting; and

WHEREAS, in the Judgment of the Town, these facts create an emergency within the meaning of 30-A M.R.S.A. 4356 (1)(B) and require the following Moratorium Ordinance as immediately necessary for the preservation of the public health, safety and welfare;

NOW, THEREFORE, the Town of Madawaska hereby ordains that a moratorium is hereby imposed, effective immediately and applicable, to the maximum extent permitted by law and subject to the severability clause below, to all proceedings, applications and petitions not pending (within the meaning of M.R.S.A. Sec. 302) as of February 21, 2023, and on any new construction or use, requiring approval under the terms of the Town's zoning and land use ordinances and regulations for such Town until the effective date of the necessary amendments to the zoning and land use ordinances and regulations or until August 20, 2023;

BE IT FURTHER ORDAINED, that the Planning Board, Board of Appeals, the Building Inspector/C.E.O., all Town agencies and all Town employees shall neither accept nor approve applications, plans, permits, licenses, and/or fees for any new construction or uses governed by this Moratorium Ordinance for such Commercial Solar Farm and Solar Garden installations in all Medium Density Residential and High Density Residential Districts of the Town in for said period of time; and

BE IT FURTHER ORDAINED, that those provisions of the Town's Land Use Ordinance and regulations, and Zoning Districts which are inconsistent or conflicting with the provisions of this Moratorium Ordinance, including, without limitation, the requirements for site plan review by the Planning Board, subdivision and/or special exception review by the Planning Board, and variance appeals by the Board of Appeals, are hereby repealed to the extent that they are applicable for the duration of the Moratorium Ordinance hereby ordained, but not otherwise;

BE IT FURTHER ORDAINED, that to the extent any provision of this Moratorium Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium Ordinance shall remain is valid.

EMERGENCY CLAUSE:

In view of the emergency cited in the preamble, this Moratorium Ordinance shall take effect immediately upon passage by the Town, shall apply, to the maximum extent permitted by the law but subject to the severance clause above, to all proceedings,

applications and petitions not pending as of February 21, 2023, and shall stand repealed as of August 20, 2023.