

WARRANT FOR SPECIAL TOWN MEETING

TO: Judson Butterman, Constable, Town of Washington.

GREETINGS

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Washington, Knox County, Maine, qualified by law to vote in town affairs, to meet at the Bryant Room of the Gibbs Library, 40 Old Union Road, Washington, on Monday, April 6, 2015, at 7:00 p.m., then and there to act on Article 1 thru Article 2 as set out below, to wit:

Article 1: To choose a moderator by written ballot to preside at said meeting.

Thomas Ford was nominated and elected by ballot to the position of Moderator for the meeting. The town clerk duly swore him into office.

Article 2: Shall an ordinance entitled "Commercial Solar Energy Moratorium Ordinance" be enacted?

The TOWN OF WASHINGTON (Maine) adopts a Commercial Solar Energy Moratorium Ordinance as follows:

WHEREAS, the Village area of the Town of Washington is suddenly under threat of increased development pressure from a major commercial solar energy project; and

WHEREAS, this development pressure was unanticipated and has not been adequately provided for in the Town's current Land Use Ordinance and Site Plan Review Ordinance; and

WHEREAS, there is a strong likelihood that all areas of the Town may 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 energy projects; and

WHEREAS, continued development of such commercial solar panel projects pursuant to the current Land Use Ordinance and Site Plan Review Ordinance could pose serious threats to the public health, safety and welfare of the residents of Washington through the over-development of parts of Town with such projects without adequate provisions for issues of safety, and land use compatibility, 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 and Site Plan Review 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 Washington 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 April 6, 2015, 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 October 3, 2015; BE IT FURTHER ORDAINED, that the Planning Board, Board of Appeals, the Code Enforcement Officer., 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 energy projects for said period of time; and

BE IT FURTHER ORDAINED, that those provisions of the Town's Land Use Ordinance and regulations 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 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 April 6, 2015, and shall stand repealed as of April 15, 2016.

Ann Dean called the meeting to order at 7PM. Tom Ford was elected as moderator and sworn in. Tom introduced Scott Whittier and Gene Kirkpatrick to lead the Pledge of Allegiance.

Tom read the Warrant verbatim. Tom explained that we are here to vote on one warrant article. Tom opened the meeting up for discussion asking voters to stay on topic.

Andy Thompson asked why there wasn't a severability clause in the article. Tom explained what was read to the voters came from MMA legal office. This is the proper language for a moratorium ordinance. The severability clause is in the second to last paragraph, if in fact any part of the ordinance is deemed in valid by a court, the balance of the moratorium ordinance shall remain is valid.

Henry Chapman asked if the moratorium is voted on does the ordinance need to be completed in 180 days. Tom explained that the ordinance has a provision to extend, if needed.

Cynthia Rosen asked if the moratorium is not passed if we would be able to amend the Land Use Ordinance for any other application. Duane Vigue said we would be able to amend at a later date, if needed.

Tom Ford explained that this moratorium is specific for Commercial Solar Arrays.

Todd Bennett asked the definition of Commercial. David Martucci explained that there is nothing in the ordinance; we need to define and put perimeters. David reminded voters

about the moratorium put into effect before the cell tower was erected until an ordinance was put in place.

Karen Morgan asked if this solar array farm would benefit the residents of Washington. Duane Vigue explained that 3503 panels will be maintained to supply decreased power cost to area small businesses and supply one business fully and is a private venture.

Dan Rugowski asked about the solar arrays on Route 17. David Martucci explained that America's Wood Company was low key compared to this proposal and is not in the middle of the village.

Dan Rugowski asked if it was possible to hear from the owner, George Stone. In the interest of the voters wanting more information Tom Ford made a motion to allow Mr. Stone to speak. The majority voted to allow Mr. Stone to answer questions.

Tom Johnston as if there was an application pending. Jim Bower's, from the Planning Board, explained that the application was submitted but is not pending.

Donald Grinnell explained, if the moratorium is voted on, the Selectmen may change the Land Use Ordinance themselves, send it to the Planning Board, or set up a separate committee. When the language is changed, it goes to a public hearing for amendment, suggestions go under advisement, back to a public hearing to vote.

Tom Ford asked George Stone to give a brief summary of his proposal and where the solar array would be erected. Mr. Stone explained that the property in the proposal is 6 plus acres behind the Mason's Lodge, next to the post office which he and his wife purchased in 2012. The commercial project would take approximately 4 1/2 acres, credit nine other account's on the CMP grid, used to offset the demand at Medomak Camp, and some residential buildings with adequate capacity.

Todd Bennett, an electrical engineer, explained that it is a commercial project as the power is not used on the property. There are three phase power lines down Rt. 220 to produce enough power to create 750,000 watts to power 50 -60 homes. When power sharing or selling to CMP it becomes commercial.

Cynthia Rosen said if it is allowed it would expand the town's tax base, which she is in favor of.

Peg Hobbs asked if the moratorium doesn't go into effect does that mean other applications for solar farms would go through without a moratorium. Jim Bowers explained that there is a lot of ambiguity with an application like this and the Planning Board would struggle as there is nothing about solar in our Land Use Ordinance.

Carol Sloane stated she believed that the village is not zoned for industrial. Our industrial zone is specifically situated on Rt. 17. We could use the moratorium to clear our verbiage.

David Martucci stated that we need breathing space to figure out the down side/up side; is this a viable project?, needs to be figured out. He is a big proponent for solar but there are negative and positive effects that need to be clean.

Madelyn Kelly stated the solar array is a huge benefit, clean source of energy while CMP is coal.

Lisa Sharp agreed with Maddy and asked which small businesses would benefit from this project.

David Spahr asked who would decide which small business would benefit.

Duane Vigue requested that voters stick to the proposed project to vote on the moratorium. He explained that he has known George Stone has been dealing with solar power for 20 years and is a wealth of information.

Jeff Grinnell would like to know the plan of action from the Selectmen. Duane Vigue invited voters to attend Selectmen's meeting held each Wednesday.

Norman Casas asked Mr. Stone what he felt about the moratorium and what the risk to our community is. Mr. Stone said the project is time sensitive as he needs to apply for a grant from the U.S. Department of Agriculture by June 30 to offset the costs, he is not just doing this as an investment, it's a proposal to provide electricity to small business and the municipality. If the moratorium goes forward, he won't.

Donald Grinnell stated that George has been a good neighbor but on this large scale we would lose the uniqueness to our 19th century old village and is quaintness. Mr. Stone stated that this is not a tax exempt project it would be erected with the help of grant funding.

Deb Boko stated that if anyone is interested in 'seeing' what it may look like google Chino Valley, Arizona. She recently moved to Maine from Arizona.

Guy Bourrie reminded the voters that the comprehensive plan needed to be reviewed as it will change from rural to wide open space.

Peg Hobbs asked how long do solar panels last. Mr. Stone explained that they degrade 1/2 % a year. After 20 years they still produce 85% electricity. There would be nothing permanent on the site.

Janet Martucci asked what happens to the panels when done. The panels are recyclable.

Karen Morgan if the moratorium is enacted will the committee bring in experts to word the ordinance. Wes Daniels explained that the committee will draw anyone in to help.

Cheryl Chickowski asked Mr. Stone if the grant could be written with a contingency that a moratorium was in effect. George Stone stated that there is a certain amount of money

available and the application was due a certain day (June 30) by a certain time, there will be no additional opportunities.

Sean Donaghey asked what the process would be if the moratorium did not go into effect. James Bowers explained that the Planning Board would determine the application is complete, review it, if more information was needed ask for it, act responsibly, and ask for public input through a hearing.

Sandy Bourrie has concerns and questions. Tom Ford asked that we stick to questions regarding the moratorium.

Charlotte Henderson stated that the moratorium does not have to be in effect for a full 180-days, that's the maximum unless extended.

Al Hutchinson asked if a moratorium must be voted on for anyone wanting to build. Tom Ford explained that a moratorium is not needed each time, this is only for this specific proposal.

Duane Vigue asked George Stone to explain another project he is involved in and what the security would be for this project. Mr. Stone has a similar project, same topography in Vermont. The security used is a fence around the entire project as well as buried conduits and the panels are sealed.

Guy Bourrie stated that the Warrant was unanticipated, that we should take care and understand the ramification. Guy moved to bring the moratorium to a vote.

Article passes. **64 in favor 29 opposed**

Given under our hands on this 18th day of March, 2015:

Wesley F. Daniel

Donald L. Grinnell

Duane P. Vigue

Chairman

Selectman

Selectman

Attest:

Ann Dean, Town Clerk