

2024 SPECIAL TOWN MEETING WARRANT

State of Maine

Penobscot, ss

To: Danielle Nickerson, a resident of the Town of Carmel, in the County of Penobscot.

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Carmel, in said County and State, qualified by law to vote in Town affairs, to meet at the Golden Harvest Grange Hall, 928 Main Road, in said Town on Monday, the 22nd day of April, A.D. 2024, at six o'clock in the afternoon, then and there to act upon Article 1, by written ballot and to act on Article 2 and 4 as set out below, to wit:

ARTICLE 1. To elect a moderator to preside at said meeting and to vote by written ballot.

ARTICLE 2. Shall an ordinance entitled ***“Town of Carmel Moratorium Ordinance – Commercial Solar and Wind Facilities Legal Authority: 30-A M.R.S. § 4356”*** be enacted?" *(A copy of the proposed moratorium ordinance is available at the Town Clerk’s Office, on the Town’s website, and will be made available at the Special Town Meeting).*

Board of Selectmen Recommendation: YES

ARTICLE 3. Shall an ordinance entitled ***“Town of Carmel Board of Appeals Ordinance”*** be enacted? *(A copy of the proposed board of appeals ordinance is available at the Town Clerk’s Office, on the Town’s website, and will be made available at the Special Town Meeting).*

Board of Selectmen Recommendation: YES

ARTICLE 4. Shall an ordinance entitled ***“Town of Carmel Planning Board Ordinance”*** be enacted? *(A copy of the proposed planning board ordinance is available at the Town Clerk’s Office, on the Town’s website, and will be made available at the Special Town Meeting).*

Board of Selectmen Recommendation: YES

Given under our hands this 8th day of April 2024.

Daniel Frye

Timothy Richardson Jr.

Suzan Rudnicki

Isaac Raymond

Jared Fitts

Municipal Officers' Certification of Official Text of a Proposed Ordinance
[30-A M.R.S.A. § 3002(2)]

To the Interim Town Clerk of the Town of Carmel:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled:

“Town of Carmel Moratorium Ordinance – Commercial Solar and Wind Facilities, Legal Authority: 30-A M.R.S. § 4356”

which is to be presented to the voters for their consideration on April 22, 2024.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: April 8, 2024

Municipal Officers of Carmel

Daniel Frye

Timothy Richardson Jr. ki

Suzan Rudnicki

Isaac Raymond

Jared Fitts

Attested: _____

Interim Municipal Clerk

Town of Carmel Moratorium Ordinance – Commercial Solar and Wind Facilities
Legal Authority: 30-A M.R.S. § 4356

The TOWN OF CARMEL, MAINE, through its legislative body after a duly noticed Special Town Meeting held on April 22, 2024, adopts the following Moratorium Ordinance:

WHEREAS, as a result of the net energy billing legislation and public policies promoting alternative energy sources, developers have expressed interest in and aggressively pursued the development of Commercial Solar and Wind Facilities throughout the State of Maine, including in the Town of Carmel; and

WHEREAS, for the purposes of this Ordinance, the term “Commercial Solar and Wind Facilities” shall mean any installation of solar panels, equipment and/or buildings or structures undertaken for commercial purposes with an intention of generating power from the sun, or turbines, windmills or other structures that produce electricity from the forces of wind, and converting such power into electricity for resale to or by a third party (which does not include any individual or business that directs such produced energy back into the public grid solely to off-set their own energy consumptions). Commercial Solar and Wind Facilities specifically do not include any solar panel collection system or array or single windmills proposed to be installed by individual landowners, householders, or farmers for their own personal use or of a business owned by them on the same property; and

WHEREAS, the Town of Carmel finds that the siting, installation, and operation of Commercial Solar and Wind Facilities within the Town raises legitimate, substantial, and immediate concerns regarding the impact of such facilities on the Town, including the compatibility of such facilities with existing and permitted land uses in the Town; potential adverse environmental effects; and the lack of plans and other financial assurances that such facilities will be properly constructed and decommissioned; and

WHEREAS, the scope of uses of such activities were not contemplated in and have not been adequately provided for in the Town's current Land Use Zoning Ordinance; and

WHEREAS, there is a strong likelihood that other areas of the Town will continue to be subjected to this development pressure due to the amount of undeveloped land; the inadequacy of existing regulations, performance standards or restriction on the location of Commercial Solar and Wind Facilities; as well as the demand for sites for Commercial Solar and Wind Facilities; and

WHEREAS, development of Commercial Solar and Wind Facilities pursuant to the current Land Use Zoning Ordinance could pose serious threats to the public health, safety and welfare of the residents of Carmel through the development of said projects without adequate provision for safety, land use compatibility, environmental compatibility, and protection of all residents; and

WHEREAS, after comment presented to the Board of Selectmen and at the Special Town Meeting, there is strong support for this 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 review, draft, propose and vote on such ordinances to accommodate these developments; and

WHEREAS, one of the options available to the Town includes passage of an Ordinance with retroactive effect, notwithstanding the provisions of 1 M.R.S. § 302, subject to the restrictions of 30-A M.R.S. § 3007(6); and

WHEREAS, in the judgment of the Town, these facts create necessity within the meaning of 30-A M.R.S. § 4356, and require passage of a Moratorium Ordinance as necessary for the preservation of public health, safety and welfare.

NOW, THEREFORE, the Town of Carmel hereby finds that a moratorium is necessary and 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, including all proceedings, applications and petitions that were not pending prior to December 15, 2023, and to any new applications for uses requiring approval under the Town's zoning and land use ordinances and regulations for Commercial Solar or Wind Facilities as defined herein, that may come before the Planning Board or may otherwise be permitted by the Town.

Pursuant to 30-A M.R.S. § 3007(6), and to the maximum extent permitted by law, this moratorium shall apply retroactively to any proceeding, application, permit, proposal, construction, or consideration as to which 45 days have not elapsed since the lawful final approval of the permit.

This moratorium shall take effect immediately upon its adoption and remain in full force and effect until: (a) 180 days from date of passage; or (b) 20 days after any Regular or Special Town Meeting held within 180 days at which the recommendations of the Planning Board and/or Selectmen for ordinance proposals or revisions relating to Commercial Solar or Wind Facilities is presented as a warrant Article for consideration by the Town and approved; or (c) this moratorium is extended or repealed, whichever shall first occur.

This moratorium may be extended for successive 180-day periods by vote of the Selectmen as permitted by 30-A M.R.S. § 4356, after notice and hearing, if the Selectmen find that the problem giving rise to the need for the moratorium still exists, and that reasonable progress is being made to alleviate the problem giving rise to the need for the moratorium. The moratorium may also be extended at any duly called Town Meeting within the moratorium period and at which an Article adopting such an extension and the subsidiary findings required by law is on the warrant, and has passage.

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, act upon, nor approve applications, plans, permits, licenses and/or fees for any projects, developments, construction or uses governed by this Moratorium Ordinance for Commercial Solar or Wind Facilities so long as this moratorium is in effect.

BE IT FURTHER ORDAINED, that those provisions of the Town's Land Use Zoning Ordinance and regulations which are inconsistent or conflicting with the provisions of this Moratorium Ordinance, including, without limitation, the requirements for site plan review or conditional use permit review by the Planning Board, and appeals by the Board of Appeals, are hereby suspended in their effect 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 valid.

EMERGENCY CLAUSE:

In view of the emergent and immediate necessity of these actions, this Moratorium Ordinance shall take effect immediately upon passage by the Town, shall apply to any application that was not pending prior to December 15, 2023 and to the maximum extent permitted by the law, but subject to the severance clause above and to 30-A M.R.S. § 3007(6), to all proceedings, applications and petitions received by the Town, whether deemed complete or not.

Municipal Officers' Certification of Official Text of a Proposed Ordinance
[30-A M.R.S.A. § 3002(2)]

To the Interim Town Clerk of the Town of Carmel:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled:

“Town of Carmel Board of Appeals Ordinance”

which is to be presented to the voters for their consideration on April 22, 2024.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: April 8, 2024

Municipal Officers of Carmel

Daniel Frye

Timothy Richardson Jr.

Suzan Rudnicki

Isaac Raymond

Jared Fitts

Attested: _____

Interim Municipal Clerk

Town of Carmel Board of Appeals Ordinance

Section 1. Establishment

There is hereby established a board of appeals pursuant to 30-A M.R.S.A. §§ 2691 and 3001.

Section 2. Appointment

A. Members of the board of appeals shall be appointed by the municipal officers, who shall determine their compensation, and shall be sworn by the municipal clerk or other person authorized to administer oaths.

B. The board shall consist of five (5) regular members and two (2) alternate members.

C. Regular members shall serve three (3) year staggered terms. Alternate board members shall be appointed for three-year terms.

D. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member or when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse. The municipal officers may remove members of the board of appeals by majority vote, after providing notice and an opportunity for a hearing.

E. Neither a municipal officer nor his or her spouse may serve as a member or alternate member of the board of appeals.

Section 3. Organization, Rules, and Procedures

A. The board shall elect a chairperson and a secretary from among its full voting members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for reelection.

B. When a member is unable to act because of interest, physical incapacity, absence, or any other reason satisfactory to the chairperson, the chairperson shall designate an alternate member to sit in his or her place.

C. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

D. An alternate member may attend all meetings of the board. He/she may ask questions or offer comments only when members of the public are allowed to do so, and may make and

second motions and vote only when he or she has been designated by the chairperson to sit for a member.

E. The chairperson shall call one regular meeting each month, provided there is business to conduct. Special meetings can be called at any time by the chairperson or by a majority of the members. Notice of regular, special, and emergency meetings shall be given in accordance with the Maine Freedom of Access Act.

F. No meeting of the board shall be held without a quorum consisting of three (3) members or alternate members authorized to vote. No action shall be taken by the board without at least three (3) concurring votes on the issue before the board.

Section 4. Duties and Powers

A. The board of appeals shall adopt bylaws governing board functions.

B. The board of appeals may adopt rules and procedures for transaction of business, and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations.

C. The board of appeals shall file all bylaws, rules and procedures and subsequent revisions, and decisions with the municipal clerk.

D. The board of appeals shall perform such duties and exercise such powers as are provided by ordinance and the laws of the State of Maine.

E. The board of appeals may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose by the legislative body of the municipality.

Section 5. Severability Clause

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

Section 6. Establishment; Reestablishment.

The Town of Carmel hereby establishes a board of appeals. The board which has been acting as a board of appeals is hereby reestablished as the board of appeals. The members currently serving may continue to do so until the end of the term for which they were appointed without the need to be reappointed) or to take a new oath of office. The actions which it has taken prior to the adoption of this ordinance are hereby declared to be the acts of the legally constituted board of appeals of the Town of Carmel.

Municipal Officers' Certification of Official Text of a Proposed Ordinance
[30-A M.R.S.A. § 3002(2)]

To the Interim Town Clerk of the Town of Carmel:

We hereby certify to you that the document to which we have affixed this certificate is a true copy of the official text of an ordinance entitled:

“Town of Carmel Planning Board Ordinance”

which is to be presented to the voters for their consideration on April 22, 2024.

Pursuant to 30-A M.R.S.A. § 3002(2), you will retain this copy of the complete text of the ordinance as a public record and make other copies available for distribution to the voters, and you will ensure that copies are available at the town meeting/polling places on the day of the vote.

Dated: April 8, 2024

Municipal Officers of Carmel

Daniel Frye

Timothy Richardson Jr.

Suzan Rudnicki

Isaac Raymond

Jared Fitts

Attested: _____

Interim Municipal Clerk

Town of Carmel Planning Board Ordinance

Section 1. Establishment

Pursuant to Art. VIII, pt. 2, Section 1 of the Maine Constitution and 30-A M.R.S.A. § 3001, the Town of hereby establishes a Planning Board.

Section 2. Appointment

A. Board members shall be appointed by the municipal officers and sworn by the clerk or other person authorized to administer oaths.

B. The board shall consist of five (5) members and two (2) associate members.

C. The term of each member shall be three (3) years, staggered terms.

D. When there is a permanent vacancy, the municipal officers shall within sixty (60) days of its occurrence, appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member fails to attend four (4) consecutive regular meetings or fails to attend at least 75% of all meetings during the preceding twelve (12) month period. When a vacancy occurs, the chairperson of the board shall immediately advise the municipal officers in writing. The board may recommend to the municipal officers that the attendance provision be waived for the cause, in which case no vacancy will then exist until the municipal officers disapprove the recommendation. The municipal officers may remove members of the planning board by unanimous vote, for cause, after notice and hearing.

E. A municipal officer may not be a member or associate member.

Section 3. Organization and Rules.

A. The board shall elect a chairperson and vice chairperson from among its members. The board may either elect a secretary from among its members or hire a non-board member to serve as secretary. The term of all offices shall be one (1) year with eligibility for re-election.

B. When a member is unable to act because of interest, physical incapacity, absence, or any other reason satisfactory to the chairperson, the chairperson shall designate an associate member to sit in that member's place.

C. An associate member may attend all meetings of the board. He/she may ask questions or offer comments only when members of the public are allowed to do so and may make

and second motions and vote only when he or she has been designated by the chairperson to sit for a member.

D. Any question of whether a member is disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.

E. The chairperson shall call at least one regular meeting of the board each month, provided there is business to conduct. Special meetings may be called at any time by the chairperson or by a majority of the members. Notice of regular, special, and emergency meetings shall be given in accordance with the Maine Freedom of Access Act.

F. No meeting of the board shall be held without a quorum consisting of three members or associate members authorized to vote. The board shall act by majority vote of the members present and voting.

G. The board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

Section 4. Duties; Powers

A. The board shall perform such duties and exercise such powers as are provided by ordinance and the laws of the State of Maine.

B. The board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

Section 5. Establishment; Reestablishment

Pursuant to Art. VIII, Pt. 2, Sec. 1 of the Maine Constitution and 30-A M.R.S.A. § 3001, the Town of Carmel hereby establishes a planning board. The board which has been acting as a planning board is hereby reestablished as the legal planning board. The members currently serving may continue to do so until the end of the term for which they were appointed without the need to be reappointed or to take a new oath of office. The actions which that board took prior to the adoption of this ordinance are hereby declared to be the acts of the legally constituted planning board of the Town of Carmel.