

# Moratorium on Wind Power Development

1. For the purposes of this moratorium, “wind power development” means any wind energy facility consisting of one or more wind turbines, the purpose of which is to primarily generate electricity to supply to off-site customers, and includes substations, cables/wires, and other structures accessory to such facility.
2. Large-scale wind power development has been proposed for certain areas within the Town of Dixmont. The full impact of such proposed development in the Town of Dixmont has not yet been considered or explored adequately. The experience of other towns in areas throughout the United States points to the need to examine the issue carefully. The Town has a duty to protect the health, safety, and welfare of its citizens, and to maintain and enhance the quality of natural resources in the Town.
3. The Town of Dixmont finds that existing land use laws are inadequate to prevent serious public harm from wind power development within the Town. Inappropriate, unplanned wind power development will adversely affect the health, safety, and welfare of the Town. Suitable sites and methods for wind power development need to be reviewed and identified. Failure to carefully review and plan for wind power development will reduce options available to the Town, and may result in devaluation, blight, issues affecting public health and welfare, and environmental degradation.
4. Planning Board Action. The Town Planning Board will study wind power development and their effects on public health, safety, and welfare, and the laws and experience of other jurisdictions, and will research, develop, and recommend ordinances and amendments to existing ordinances in order to regulate wind power development in ways that will insure protection of public health, safety, and welfare. In accomplishing its work, the Planning Board may also consider and recommend zones or districts of the Town in which wind power development may most appropriately be allowed, as well as zones or districts from which they should be excluded. The Planning Board will conduct at least one public hearing in the course of its work, and will make preliminary findings and recommendations and

share them with the Board of Selectmen, who will then develop and post a warrant for a town meeting to consider ordinance enactment or other legislative action.

5. Enforcement. This Article is a “local land use ordinance” adopted pursuant to 30-A M.R.S.A. § 3001, et seq. and § 4356. It shall be enforced by the Town Code Enforcement Officer pursuant to 30-A M.R.S.A. §4452 and all civil penalties therein shall apply. No enforcement action shall be commenced with respect to violations after the effective date unless this Article is adopted at a Town Meeting.

6. Retroactivity. Notwithstanding the provisions of 1 M.R.S.A. § 302, and subject to the severability clause in Para.11 below, (1) any proceeding which is pending at the time of enactment of this moratorium shall be subject to this moratorium to the maximum extent permitted by law; (2) any permit or approval granted after November 25, 2008 which authorizes the construction of a wind power development in contravention of this moratorium shall become null and void upon the effective date of this moratorium unless construction of the wind power development was substantially commenced in good faith reliance upon such approval and permits prior to the enactment of this moratorium, and (3) this moratorium shall be applicable to the maximum extent permitted by law to any new construction or use of land for wind power development, whether or not approval is required under the terms of the Town’s land use ordinances and regulations.

7. The Town will require at least 180 days to develop and implement ordinances to respond to, and to reasonably deal with wind power development.

8. 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 enactment of this moratorium ordinance as immediately necessary for the preservation of public health, safety, and welfare.

9. There shall be a moratorium on wind power development within the Town of Dixmont pursuant to 30-A *M.R.S.A.* §4356. The location, operation, or construction of any new wind power development, or the enlargement or expansion of any existing wind power development, is prohibited after the effective date hereof. During the period of the moratorium, there shall be no receipt, processing, or acceptance of

applications for development permits or licenses pertaining to wind power development and no town board or official shall approve any application, plan, permit, license, or fee for any wind power development.

10. This moratorium shall be in effect for a period of 180 days from November 25, 2008 or until the effective date of the necessary amendments to the zoning and land use ordinance and regulations contemplated by this moratorium, whichever is earlier, unless extended by the Board of Selectmen pursuant to 30-A *M.R.S.A.* §4356.

11. Each provision of this moratorium, including its application to pending proceedings and its effect on existing permits and approvals, shall be construed liberally to address the findings and to accomplish the policies established herein. Each provision of this moratorium, including its application to pending proceedings and its effect on existing permits and approvals, shall be severable, and the invalidity of any provision of the moratorium shall not affect the validity or enforceability of the other provisions.