

DAMARISCOTTA MORATORIUM

We, the undersigned registered voters of Damariscotta, Maine, numbering more than 10% of the number of votes cast in the last gubernatorial election in the Town of Damariscotta, submit this petition to the Selectmen of Damariscotta for placement on the next Town warrant or within 60 days from the date of submission of this petition:

SHALL THE TOWN OF DAMARISCOTTA, Maine, adopt a Moratorium Ordinance as follows:

WHEREAS, the Town of Damariscotta is suddenly under threat of increased development pressure from large scale retail development; and

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

WHEREAS, continued large scale retail development could pose serious threats to the public health, safety and welfare of the residents of Damariscotta through the over-development of parts of Town with such businesses without adequate provisions for issues of safety, sewage, water, roads and land use compatibility, and visual access to view corridors; 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, the Town initiated a review process for a new land use code on June 7, 2017; 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;

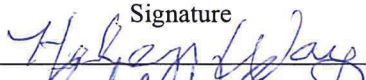
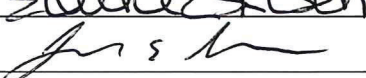

NOW, THEREFORE, the Town of Damariscotta hereby ordains that a moratorium is hereby imposed on all new structures for retail use larger than 2,500 square feet and subject to the severability clause below, to all proceedings, applications and petitions not pending (within the meaning of 1 M.R.S.A. §302) as of June 7, 2017, and on any new construction, expansion, 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 December 4, 2017, or if, by December 4, 2017, the municipality finds that (1) the issue necessitating the moratorium still exists, and (2) reasonable progress is being made to alleviate the problem, that the moratorium shall be extended to June 1, 2018; and

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 nor consider applications, plans, permits, licenses, and/or fees for any new construction or uses governed by this Moratorium Ordinance for such large retail uses for the 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, subdivision and/or special exception review by the Planning Board, and size 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 as 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 June 7, 2017, and shall stand repealed as of June 1, 2018.

Name	Signature	Address
✓ HELEN WAY		363 Bristol Rd Damariscotta ✓
✓ Pennington H. Way IV		361 Bristol Rd. Damariscotta ✓
✓ Elaine Eskesen		74 Main St. Damariscotta ✓
✓ Joe Lane		115 Elm St Damariscotta ✓