

**SPECIAL TOWN MEETING
TOWN OF ACTON, MAINE
WARRANT
TO
ROBERT ANDERSON**

A Citizen in the Town of Acton

YORK, SS

GREETINGS:

In the name of the State of Maine you are hereby requested to notify and warn the inhabitants of said Town of Acton, qualified to vote in Town affairs to assemble at the ACTON ELEMENTARY SCHOOL on WEDNESDAY, FEBRUARY 2, 2022 @ 6:00pm in the evening to act on the following Articles:

ARTICLE 1: To choose a moderator for said meeting.
Richard Nass was elected moderator by written secret ballot.

ARTICLE 2: To see if the Town will adopt the following "Moratorium Ordinance on Mineral Pits".

Moratorium Ordinance Mineral Extraction Pits

The TOWN OF ACTON (Maine) adopts a Moratorium Ordinance on Mineral Extraction as follows:

WHEREAS, areas of the Town of Acton are experiencing increased development of mineral extraction pits in close proximity to each other and to waterbodies; and

WHEREAS, continued development of mineral extraction pits pursuant to the current zoning and land use ordinances could pose serious threats to the health, safety and welfare of the residents of Acton, including but not limited to:

- (i) Increased volume of large commercial vehicles on local roads with attendant concerns regarding pedestrian and vehicular safety, deterioration of road infrastructure and increased maintenance expenses;
- (ii) Impact of additional and/or expanded mineral extraction pits in areas proximate to water bodies on water quality;
- (iii) Impact of additional and/or expanded mineral extraction pits on air and soil quality as the result of particulate pollution and erosion;
- (iv) Noise pollution;
- (v) Loss of open space and wildlife habitat.

WHEREAS, the Town's current zoning and land use ordinances lack uniform standards for mineral extraction pits sufficient to allow for mitigation of the threats to public health, safety and welfare identified above; and

WHEREAS, the Town will need at least 180 days to develop and implement the necessary

amendments to its zoning and land use ordinances to mitigate these threats; and

WHEREAS, in the judgment of the Town, these facts create an emergency within the meaning of Title 30-A M.R.S.A. §4356 (1)(B) requiring an immediate moratorium on any new or expanded mineral extraction pits, or the expansion of any conditional use permit for the preservation of the public health, safety, and welfare;

NOW, THEREFORE, the Town of Acton hereby enacts a moratorium, 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 Title 1 M.R.S.A. §302) as of February 2, 2022, seeking permits for or approval of any new mineral extraction pit or the expansion of any existing mineral extraction conditional use permit. The moratorium established hereby shall continue for a period of 180 days from the date of enactment.

No Town official, agent or employee shall accept or approve any applications, plans, permits, licenses, and/or fees relating to any uses governed by this Moratorium Ordinance during the term of this Moratorium Ordinance or any extension hereof.

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.

Warrant and Finance Committee Recommend: **Approve Article As Written 0-5**
Board of Selectmen Recommend: **Approve Article As Written 0-2**

Christopher Whitman made a motion to approve the article as written; seconded by Bernard Broder. Bernard Broder made a motion to vote on the article by written ballot; seconded by John Qua. Motion to vote on Article 2 by written ballot passed. After discussion, original motion to approve the article as written was voted and tallied by written ballot - motion failed 30-100. Article was not approved.

Motion made by Bernard Broder to adjourn the meeting at 7:34pm; seconded by Raymond Lopez, motion carried - meeting adjourned.

Signed this 19th day of January 2022

ss/David Winchell Jr.
Winchell Jr., David A.

ABSENT

Stacey-Horn, Kimberly

ss/Tom McGurty
McGurty, Tom

Acton Board of Selectmen

**Respectfully Submitted,
Jennifer Roux - Town Clerk
2/3/2022**