TOWN OF BALDWIN, MAINE
ORDINANCE ESTABLISHING A MORATORIUM
ON SUBDIVISIONS AND MULTI-UNIT RESIDENTIAL DEVELOPMENT

The Town of Baldwin, Maine ("Baldwin") hereby enacts an ordinance entitled, "Ordinance Establishing a Moratorium on Subdivisions and Multi-Unit Residential Development" as follows:

WHEREAS, the Town of Baldwin (hereafter, "the Town") adopted an updated Comprehensive Plan on September 13, 2025 at its Annual Town Meeting which reflects the Town residents' preference for limited residential growth and development in certain rural areas that are currently zoned within the Highland district and the Rural district (which rural areas are also identified in the updated Comprehensive Plan as being located within the Rural Land Based Activities district and Rural Residential district to be created as part of the Town's Future Land Use Plan);

WHEREAS, rural areas make up approximately 80% of the Town's land area and the majority of that area is currently zoned within the Highland and Rural districts;

WHEREAS, the Town has recently experienced an increase in residential development proposals and/or inquiries from parties who are interested in developing subdivisions or other multi-unit residential developments within the Highland and Rural districts at a rate exceeding historic trends;

WHEREAS, there is a strong likelihood of continued residential development pressure at unanticipated rates in the Highland and Rural districts due to the high demand for such development within the Town;

WHEREAS, Maine State statutes have recently changed in the past few years to require municipalities to implement statewide zoning and housing density mandates (including, for example, allowing accessory dwelling units ("ADUs") on any lot where a single-family home is allowed);

WHEREAS, a Baldwin Special Town Meeting rejected an update to the Town's Land Use Ordinance on September 24, 2024 that would have largely brought the Town's ordinances into compliance with State housing and zoning statutes as of that date;

WHEREAS the Town's Land Use Ordinance has not been updated to implement the goals stated in the updated Comprehensive Plan related to limitation of further residential development in rural areas in town, nor has it been updated to comply with State statutes related to housing density and zoning;

WHEREAS, The Planning Board has requested guidance from the Select Board on how to move forward with these requests for subdivisions and multi-unit residential developments and to honor the guidance provided in the Comprehensive Plan, comply with State statutes, and comply with Town ordinances,

WHEREAS, Baldwin's Select Board deems the current Ordinances to be deficient in addressing the potential serious impact of excessive residential development in the Highland and Rural zoning districts, which could pose serious threats to the public health, safety and welfare of the residents of the Town by promulgating a pattern of growth that is incompatible with the rural character of certain areas of the Town and has the potential to cause adverse impacts to the environment, municipal services (including emergency services), traffic flow, groundwater, surface water, as well as impacts from sewerage discharge;

WHEREAS, the Baldwin Select Board anticipates that studies, reports, recommendations and draft ordinances shall require at least one hundred eighty (180) days from the effective date of this moratorium to develop and implement the necessary amendments to the Land Use Ordinance, and possibly to other ordinances of the Town, to adequately address the impacts of residential development in the Town's rural areas;

NOW, THEREFORE, the voters of the Town of Baldwin, in town meeting assembled, hereby ordain that the following ordinance establishing a moratorium on subdivisions and multi-unit residential development is hereby enacted as follows:

1. **Moratorium; Scope**. The Town hereby declares a moratorium, applicable within the Highland and Rural Districts of the Town of Baldwin, on the acceptance, processing or approval of: (a) any application for a new subdivision, as defined in 30-A M.R.S. § 4401; (b) any application to amend a previously approved subdivision plan that seeks to add two or more new lots; (c) any application for a multi-unit residential development; and (d) any building or development permit or other form of regulatory approval or any other action or decision by a board, official, employee or agent of the Town related to any subdivision or multi-unit residential development. From the date of enactment and during the time this Moratorium Ordinance remains in effect, no officer, official, employee, office, administrative board or agency of the Town shall accept, process, approve, deny or in any other way act upon any application or request related to the development activities described above. The Planning Board and Town staff shall neither accept nor approve applications, plans or permits for any such proposed developments governed by this Moratorium Ordinance.

   As used in this Moratorium Ordinance, the term "multi-unit residential development" means the development of a lot or lots where three (3) or more residential dwelling units per lot are proposed.

2. **Effective Date; Duration; Extension**. This Moratorium Ordinance takes effect immediately upon its adoption by the legislative body of the Town (the "Effective Date") and shall remain in full force and effect for a period of one-hundred eighty (180) days from the Effective Date, unless extended, repealed, or modified pursuant to applicable law.

   This Moratorium Ordinance may be extended for additional 180-day periods by the Select Board, pursuant to 30-A M.R.S. § 4356(3) after proper notice and hearing, if the Board finds that: (1) the problems giving rise to the need for this Moratorium

Ordinance still exist; and (2) reasonable progress is being made to address and alleviate the problems giving rise to the need for the Moratorium Ordinance.

3. **Enforcement; Violations, Penalties**. If any activities described in Section 1 above are conducted in violation of this Moratorium Ordinance, each day of any continuing violation shall constitute a separate violation of this Moratorium Ordinance, and the Town shall be entitled to all rights available to it in law and equity, including, but not limited to, fines and penalties, injunctive relief, and its reasonable attorneys' fees and costs in prosecuting any such violations as authorized under 30-A M.R.S. § 4452. Each day a violation persists shall constitute a separate violation. All civil penalties shall inure to the benefit of the Town.

4. **Conflicts; Severability**. Any provisions of the Town's ordinances or regulations that are inconsistent with or conflict with the provisions of this Moratorium Ordinance are hereby repealed to the extent applicable for the duration of this Moratorium. Should any section or provision of this Moratorium Ordinance be declared by any court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Given under our hands this 25th day of Aug, 2026

SELECT BOARD OF THE TOWN OF BALDWIN:

James Dolloff, Chairman

Dale Miner

Robert Flint

Attest: A true copy of an ordinance entitled, "Ordinance Establishing a Moratorium on Subdivisions and Multi-Unit Residential Development," as certified to me by the municipal officers of the Town of Baldwin on the 25 day of August 2026.

Deborah Wakefield, Town Clerk, Town of Baldwin