

# Town of Cushing

## MORITORIUM REGARDING LAND USE AND GROWTH

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**WHEREAS**, the inhabitants of the Town of Cushing, Maine, after due consideration, find as follows:

- 1) A Site Plan Review Ordinance does not now exist for the Town of Cushing.
- 2) The loss of the Site Plan Review Ordinance of the Town of Cushing has exposed the Town to unregulated activities to the orderly growth of the Town.
- 3) A Comprehensive Plan does not exist for the Town of Cushing.
- 4) The Town of Cushing has only two zones, a Shoreland Zone and a Resource Protection Zone within the Shoreland Zone, which do not provide for a cohesive approach to land planning.
- 5) The Town of Cushing does not have any ordinance or regulations to address commercial, industrial or medical facilities.
- 6) The Town of Cushing has no infrastructure for water or sewer systems. The Town requires total dependence on individual subsurface waste disposal systems and individual wells. Concentration of housing units, commercial, industrial or medical facilities in certain areas could place stress upon the underground water supplies upon which the Town depends.
- 7) The Town does not own its own solid waste disposal facility.
- 8) The Town citizens have, on numerous occasions, as stated in the Comprehensive Plan surveys, expressed deep concern over the preservation of open space, farm land, forest cover, recreation areas, as well as the retention of the rural aesthetic character and appearance of the Town consisting of well spaced residential, commercial and industrial development.
- 9) That the existing land-use regulations of the Town are presently inadequate to accomplish the goals of moderate rate of development and open space preservation. In light of anticipated activity the Select Board should instruct the Ordinance Committee to work with the Planning Board to examine the land use regulations of the Town and to draft any new regulations required to provide for orderly growth and to meet the goals of the citizens of the Town.
- 10) That comprehensive revisions to the land use regulations of the Town of Cushing are needed at the earliest possible time in order to preserve the present quality of life for the residents of the Town, protect and preserve essential natural resource areas within the Town, and to preserve and protect the public's health, safety and welfare.

11) Various interest in the development of commercial, industrial and medical facilities within the Town and public awareness of possible ordinance changes could lead to premature filing of inadequately prepared building and land use plans, and could lead to accelerated filings of these plans frustrating the purposes of the anticipated changes in said land use controls and procedures.

12) The above facts create an emergency within the meaning of 30-A M.R.S.A. 4356 (1)(B) and require the Moratorium Ordinance as immediately necessary for the preservation of the public health, safety and welfare

13) This Ordinance or any Ordinance resulting from the order of the Selectmen or the voters of Cushing shall not circumvent any State or Federal Laws or Regulations

**WHEREAS**, in the judgment of the Legislative Body of the Town of Cushing, the foregoing findings and conclusions constitute an emergency requiring immediate legislative action.

**NOW THEREFORE**, be it ordained by the Legislative Body of the Town of Cushing, Maine, in Town Meeting assembled, as follows:

During the effective period of this Ordinance, no official, officer or agency of the Town of Cushing shall accept any application for approval of (a) any development or construction of a subdivision, (b) any development or construction of multiplex or attached dwelling units including condominium units, apartment buildings, multi-family dwelling units, commercial units, industrial units, medical units or other similar structures. No person shall submit an application for approval of development or construction of any of the above-described structures to any official, officer or agency of the Town of Cushing. Single family dwellings to be constructed in a subdivision which has already been approved are not affected by this Ordinance.

If any of the above stated activities are conducted in violation of the Ordinance, each day of any continuing violation shall constitute a separate violation of the Ordinance and the Town shall be entitled to all rights available to it pursuant to 30-A M.R/S.A. par.4452, including, but not limited to, fines and penalties, injunction relief, and its reasonable attorney's fees and costs in prosecuting any such violations.

This Ordinance shall become effective immediately upon its adoption and shall remain in full force and effect for a period of 180 days thereafter or until a new and revised set of land use regulations is adopted by the Town of Cushing, whichever shall first occur.

Adopted: \_\_\_\_\_

Attest: A true copy of an Ordinance entitled "Town of Cushing Moratorium Regarding Land Use and Growth" as certified to me by the municipal officers of the Town of Cushing on the 9<sup>th</sup> day of April 2018.

Lisa M. Young

Lisa M. Young  
Town Clerk  
Town of Cushing