

**RESOLUTION TO CLARIFY  
SOLAR FACILITIES MORTORIUM ORDINANCE**

KNOW ALL PERSONS BY THESE PRESENTS, THE FREEDOM SELECT BOARD HEREBY MAKES THE FOLLOWING FINDINGS:

Whereas, a Solar Facilities Moratorium Ordinance was enacted by the Freedom residents by a vote of 25 in favor and 3 opposed on November 6, 2023;

Whereas, the Town of Freedom Select Board voted unanimously to extend the Solar Facilities Moratorium Ordinance (“SFMO”) on April 26, 2024;

Whereas, a Complaint has been filed in the Waldo County Superior Court alleging that the extension of the SMFO, as approved by the Select Board was approved without sufficient notice of the required Public Hearing, and alleging that the SMFO unlawfully prohibits the installation of ground mounted solar arrays on residential property, as defined by the applicable state statute, and therefore the entire SMFO must be vacated as if never adopted by the residents;

Whereas, prior to the Complaint being filed, the Town Attorney informed the Plaintiffs’ Attorney that the Town would not enforce any unlawful provision of the SMFO, which statement did not deter the filing of the Complaint; and,

Whereas, there is a Severability clause in the SMFO, which provides that in the event any specific aspect of the SMFA is unlawful, the balance of the SMFO shall remain in effect.

NOW THEREFORE, BE IT RESOLVED BY THE FREEDOM SELECT BOARD,

AS FOLLOWS:

1. Any permit application received by the Town of Freedom for a “residential” ground or based solar array, as defined by 33 MRS 1421 and 1423 shall be processed by the Town officials pursuant to local and state law, in the normal course.
2. Notwithstanding any provision to the contrary, the SFMO shall not prohibit the right to install or use of any form of residential solar energy device on residential property as defined by 33 MRS 1421, provided, however, pursuant to 33 MRS 1423(3), the installation or use of solar energy devices on residential property in common ownership with 3<sup>rd</sup> parties or common elements of a condominium shall remain prohibited by the SFMO.
3. There is no specific time period for public notice prior to a hearing to extend a Moratorium Ordinance, and prior to the postings on April 22, 2024, the Select Board confirmed with the Maine Municipal Association and the Town Attorney that a four-

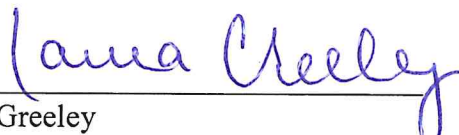
day posting was legally sufficient, based on the limited time available when the Select Board realized SFMO was due to expire, and therefore the public notice was legally sufficient.

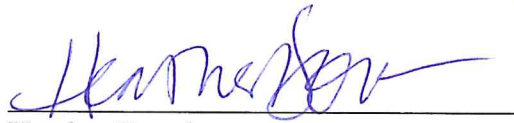
4. The many locations in which the public notices were posted clearly satisfied the Freedom of Access Act, as the posted places included: Town Office; Town Website, Town Facebook Page, Fire Station, and Town Garage.

DATED: 5/20/24

**TOWN OF FREEDOM SELECT BOARD**

  
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Ryan Willette

  
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Laura Greeley

  
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Heather Donahue