



Town of Windham

Town Offices
8 School Road
Windham, Maine

Cover Sheet

File Number: 18-033

Agenda Date: 4/24/2018

Version: 1

Status: Agenda Ready

In Control: Town Council

File Type: Order

I. Council Action Requested.

To adopt an ordinance extending a moratorium on certain development activities in the Highland Lake watershed.

II. Basis for Council Action.

Council approval of this item is required because;

- a. Pursuant to Article I, Section 2 of the Charter the town “may enact reasonable by-laws, regulations and ordinances for municipal purposes, not inconsistent with the Constitution and laws of the State of Maine,”
- b. Pursuant to Article I, Section 2 of the Charter “the administration of all the fiscal, prudential and municipal affairs of said Town, with the government thereof, except as otherwise provided by this Charter, shall be and are vested in one body of seven (7) members, which shall constitute and be called the Town Council,”
- c. Pursuant to Article II, Section 3(I) of the Charter the Council shall have the power to “exercise all the legislative, financial, borrowing and other powers now or hereafter given by statute to inhabitants of towns acting in Town Meeting except as otherwise provided herein, and also exercise all the powers now or hereafter given by statute to municipal officers of towns,” and
- d. Pursuant to Article II, Section 11(D) of the Charter and “to meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances.”

III. Issue Summary.

Please refer to the attached full text of the moratorium ordinance.

An emergency ordinance extending the moratorium first enacted September 12, 2017 (but with an applicability date of September 5, 2017) was adopted at the Council's meeting of February 27, 2018. Pursuant to Windham's Charter an emergency ordinance may be adopted without a public hearing but may only remain in effect for sixty (60) days. In order to remain in effect beyond sixty (60) days the Council is required to hold a public hearing and vote on the ordinance again within that time frame.

A copy of the moratorium language without the emergency clause and suggested

modifications also is attached. The suggested modifications are based on progress the town has made with the Highland Lake Leadership Team, amendments to its Surface Water Protection Ordinance, and amendments to the Land Use Ordinance affecting subdivision and site plan applications as well as new private roads that are making their way through the legislative process.