



Town of Windham

Town Offices
8 School Road
Windham, Maine

Cover Sheet

File Number: 18-077

Agenda Date: 4/24/2018

Version: 1

Status: Agenda Ready

In Control: Town Council

File Type: Order

Agenda Number:

I. Council Action Requested.

To adopt an emergency ordinance establishing a moratorium on new mineral extraction operations.

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(l) 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.

As part of its discussion of item CD 18-027 at the meeting of April 3, 2018 the Council heard extensive public comment about the impact of a proposed quarry near Forest Lake. A portion of the property on which the quarry would be sited falls within the Highland Lake watershed, but the discussion focused on the nature of mineral extraction operations and their appropriateness near wetlands, lakes, and residential development. During that discussion, members of the Council expressed interest in considering a moratorium on mineral extraction operations, but to expedite review of zoning and related land use ordinance regulations to determine where, and under what conditions, mineral extraction operations may be allowed.

At the time the agenda was published, the moratorium ordinance was still being drafted by the town attorney.