

# Town of Windham

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## MEMO

To : Town Council  
From : Anthony T. Plante, Town Manager   
Date : October 28, 2014  
Re : Manager's Memo - Supplement

### Update.

In addition to the memo included in the agenda materials last Friday, I wanted to update the Council on a number of other matters.

#### *Rockeries & Code Interpretation.*

At its meeting last night the Planning Board recommended amendments to the Land Use Ordinance, Chapter 140, regarding rockeries and interpretations of the code enforcement officer, with the addition of making some distinction between retaining walls and free standing rock walls.

Code enforcement director Heather McNally suggested an alternative, developed in consultation with the town attorney to avoid any concerns over exceeding municipal authority in making changes to the Maine Uniform Building and Energy Code.

When it created MUBEC, the Legislature took nearly all municipal authority to modify the code away. One opening it left was to decide at the local level what would require a permit. The alternative would result in defining rockeries in the Land Use Ordinance, Chapter 140 and then exempting them in the Building Code Ordinance, Chapter 66. This alternative would eliminate the possibility of a challenge to a modification of the definition of "structure" by the town, but

would accomplish the same end result, and does not require any further action by the Planning Board.

*Facilities Planning.*

David Mains at SMRT is working through the development of an Option "E" for the public safety building as a follow up to the Council's facilities planning discussion on September 30<sup>th</sup>. The option will detail the amount of space the option would create, identify space needs it would be able to address, and estimate its cost using the same approach as for all the other options.

*Lowell Preserve Harvest.*

In order to prepare for a timely harvest under the forest management plan adopted for the Lowell Preserve, we will be seeking proposals from loggers to conduct a harvest this coming winter. We will discuss the options with the Council before taking any further action.

*TIF Discussion/Consideration.*

WEDC and staff have been working on a development plan for a new tax increment financing (TIF) district in the Anglers Road area that we are referring to as "Gateway North A." It is one of the several possible districts discussed with the Council and the timing is right to capture some commercial development that has already taken place as well as new development and redevelopment that seems likely in the near future. A discussion of this subject has been added to the schedule for the December 9 meeting; a public hearing and vote have been put on the schedule tentatively for December 23.

Please let me know if you have any questions.