



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Legislation Details (With Text)

**File #:** 19-010      **Version:** 1      **Name:**  
**Type:** Order      **Status:** Failed  
**File created:** 1/18/2019      **In control:** Town Council  
**On agenda:** 1/29/2019      **Final action:**  
**Title:** To adopt an ordinance establishing a "Moratorium Ordinance on Subdivisions in the Farm Zone," which would prohibit the location of new subdivisions and addition of more than two lots to pending and existing subdivisions in the Farm Zone. (The request for reconsideration of the amended moratorium is sponsored by Councilor Cummings.)

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. 19-010 CoverSheet, 2. Attorney Langsdorf - Opinion on Motion for Reconsideration, 3. Moratorium on Subdivisions in Rural Zone\_2019-01-29 revised, 4. Moratorium on Subdivisions in Rural Zone, 5. TC memo\_LRPC work plan\_01-04-19, 6. Jim Cummings - Email Correspondence to Council, 7. K Grondin Correspondence to Council, 8. Interim Planning Dir. - Applications impacted by moratorium, 9. S Daigle Correspondence to Council

Date	Ver.	Action By	Action	Result
1/29/2019	1	Town Council	failed	Fail

### I. Council Action Requested.

To adopt an ordinance establishing a "Moratorium Ordinance on Subdivisions in the Farm Zone," which would prohibit the location of new subdivisions and addition of more than two lots to pending and existing subdivisions in the Farm Zone. (The request for reconsideration of the amended moratorium is sponsored by Councilor Cummings.)

### 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.

At its meeting of January 15, 2019, council approved to set a public hearing and vote to January 29, 2019. Council approved the amended moratorium language as attached, but the motion failed 3-3.