

**Town of Lamoine Moratorium Ordinance - Hotel/Motel, Glampgrounds, and Resort  
Developments**

Legal Authority: 30-A M.R.S. §§ 3001, 4356

The TOWN OF LAMOINE, MAINE, through its legislative body, adopts the following Moratorium Ordinance:

WHEREAS, a development that fits into the category of Hotel/Motel, Glampgrounds, and/or Resort has been proposed, the scale and scope of which exceeds the type of development previously seen in the Town; and

WHEREAS, Hotel/Motel, Glampgrounds, and/or Resort developments have the potential to consume vast quantities of water that may have a detrimental effect on neighboring wells and the overall Lamoine watershed; and

WHEREAS, Hotel/Motel, Glampgrounds, and/or Resort developments may produce mass quantities of septic wastewater that have the possibility of impacting on wetlands, vernal pools, and neighboring properties as well as potential spillovers into surrounding waters; and

WHEREAS, without appropriate regulation, such Hotel/Motel, Glampgrounds, and/or Resort developments could pose a threat to the quality of life and health and safety of Town residents; and

WHEREAS, without appropriate regulation, such Hotel/Motel, Glampgrounds, and/or Resort developments could cause a shortage or overburdening of public facilities such as water, roads, fire protection, and public safety; and

WHEREAS, the Town Comprehensive Plan adopted in June 2020 states that “Lamoine will continue to be recognized as a place defined by its rural character and natural beauty...” and “Lamoine will continue to facilitate the flourishing of small and home-based businesses as its economic base, recognizing that industrial development is not compatible with its rural character;”<sup>1</sup> and

WHEREAS, the Town Comprehensive Plan adopted in June 2020 recommended an amendment to the Table of Uses in the BLUO [Section 4.H.] to prohibit Hotels and Motels in the Rural and Agricultural Zone;<sup>2</sup> and

WHEREAS, the Table of Uses in the BLUO to prohibit Hotels and Motels in the Rural and Agricultural Zone has not yet been amended;<sup>3</sup> and

WHEREAS, the Town of Lamoine did not anticipate Glamping/Glampground and Resort Developments being proposed and thus has not included Glamping/Glampground and Resort Developments in its Table of Uses in the BLUO; and

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<sup>1</sup> Town of Lamoine Comprehensive Plan, Our Vision p. 8.

<sup>2</sup> Town of Lamoine Comprehensive Plan, Implementation Program, Land Use, p. 134.

<sup>3</sup> Town of Lamoine Building and Land Use Ordinance (BLUO), Part 1, Section 4, H. Table of Land Uses, p. 10.

WHEREAS, the BLUO states that “proposed development shall be in conformance with the Town’s Comprehensive Plan...”,<sup>4</sup> and

WHEREAS, the Town needs time to review its ordinances against the Comprehensive Plan to develop provisions governing Hotel/Motel, Glampgrounds, and/or Resort developments and facilities of this scale and type so as to address the concerns cited herein; and

WHEREAS, after public hearing, there is strong support for this Moratorium Ordinance; and

WHEREAS, the Town will need at least 180 days to develop and implement the necessary amendments to land use ordinances and regulations to accommodate these new development proposals; and

WHEREAS, one of the options available to the Town includes passage of an ordinance with retroactive effect, notwithstanding the provisions of 1 M.R.S. §302, subject to the restrictions of 30-A M.R.S. § 3007(6); and

WHEREAS, amendments to the Land Use Ordinance, if they are deemed appropriate, require a public hearing and report by the Planning Board, and certification by the Select Board and then must be presented for vote at a Town Meeting; and

WHEREAS, in the judgment of the Town, these facts create necessity within the meaning of 30-A M.R.S.A. §4356, and require passage of a Moratorium Ordinance as necessary for the preservation of public health, safety, and welfare; and

NOW, THEREFORE, the Town of Lamoine hereby ordains this Town of Lamoine Moratorium Ordinance - Hotel/Motel, Glampgrounds, and Resort Developments be enacted:

**I. Authority & Purpose:** This Moratorium Ordinance is enacted pursuant to 30-A M.R.S.A. §4356 and the Town of Lamoine’s home rule authority pursuant to the Maine Constitution and 30-A M.R.S. § 3001, for the purposes identified above.

**II. Definitions:** The following definitions shall be used in the interpretation and construction of this Moratorium Ordinance:

- A. “Glamping” and “Glampground” shall mean a form of camping involving accommodation and facilities more luxurious, such as beds, electricity, and access to indoor plumbing, than those associated with traditional camping.
- B. “Resort” shall mean a place that is a destination for vacations designed to provide recreation, entertainment, and accommodation especially to vacationers. A “Resort” shall mean a self-contained commercial establishment that tries to provide most of a vacationer's wants, such as food, drink, swimming, lodging, sports, and entertainment on the premises.

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<sup>4</sup> BLUO, Part 1, Section 3, A. Conformance with Other Laws and Regulations, p. 4.

- C. “Hotel/Motel” shall mean a commercial building or group of buildings built to accommodate for a fee travelers and other transient guests who are staying for a limited duration with sleeping rooms, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. A hotel may include restaurant facilities where food is prepared, and meals served to its guests and other customers.

**III. Moratorium on Hotel/Motel, Glampgrounds, and Resort Developments:** The Town hereby declares and imposes a moratorium prohibiting the development of any Hotel/Motel, Glampgrounds, and Resort developments within the boundaries of the Town of Lamoine. No person or organization shall develop or operate a Hotel/Motel, Glamping/Glampground, or Resort development within the Town of Lamoine.

**IV. Moratorium on Processing Applications:** No officer, employee, official, board or body of the Town of Lamoine, including without limitation the Town of Lamoine Planning Board, Board of Appeals, or Code Enforcement Officer, shall accept, issue, act upon or approve applications, plans, permits, licenses, certificates and/or fees for any projects, developments, construction or uses for or directly related to the development, construction, siting, or operation of a Hotel/Motel, Glampground, or Resort development.

**V. Severability:** Any provisions of the Town’s Land Use Ordinance and Site Plan Ordinance and regulations which are inconsistent or conflicting with the provisions of this Moratorium Ordinance, including, without limitation, the requirements for special use permit review by the Planning Board, and appeals by the Board of Appeals, are hereby suspended in their effect to the extent that they are applicable for the duration of the Moratorium Ordinance hereby ordained, but not otherwise. To the extent any provision of this Moratorium Ordinance is deemed invalid by a court of competent jurisdiction, the balance of the Moratorium Ordinance shall remain valid.

**VI. Effective Date, Term and Retroactivity:**

- A. This moratorium shall take effect immediately upon passage by the Town Meeting and extend for the shorter of the following periods: (a) 180 days from date of passage; or (b) immediately upon its repeal by a duly called Town Meeting.
- B. This moratorium may be extended for successive 180 day periods by vote of the Select Board as permitted by 30-A M.R.S.A. §4356, after notice and hearing, if the Select Board finds that the problem giving rise to the need for the moratorium still exists and that reasonable progress is being made to alleviate it. The moratorium may also be extended at any duly called Town Meeting within the moratorium period and at which an article adopting such an extension and the subsidiary findings required by law passes.
- C. Upon its effective date, notwithstanding the provisions of 1 M.R.S.A. § 302, this Moratorium Ordinance shall be retroactive and applicable, to the maximum extent permitted by law and subject to the severability clause above, to all filed, pending, or future applications and petitions for Hotel/Motel, Glamping/Glampgrounds, or Resort

developments including any which have not received all necessary final permits, licenses, certifications, approvals, and/or fees from the Town of Lamoine; and all proposed Hotel/Motel, Glamping/Glampground, or Resort development that was not fully operational and/or did not have all the required State permits; and, shall be applicable to any Town of Lamoine permit that has received its lawful final approval issued less than 45 days prior to the effective date of the Moratorium Ordinance, in accordance with 30-A M.R.S.A. § 3007(6).

**VII. Enforcement:** The Municipal Officers are hereby authorized to institute any and all actions, either legal or equitable, that they deem necessary or appropriate to enforce the provisions of this Moratorium Ordinance. Any violation of this Moratorium Ordinance is subject to an enforcement action under 30-A M.R.S.A. § 4452. Any violation of this Moratorium Ordinance constitutes a nuisance. Each day of violation shall constitute a separate offense. All civil penalties shall inure to the benefit of the Town of Lamoine.

**URGENCY CLAUSE:**

In view of the urgency cited herein, this Moratorium Ordinance shall take effect immediately upon passage by the Town, shall apply, to the maximum extent permitted by the law but subject to the severance clause above, to all proceedings, applications, permits, and petitions as set forth in clause VI C.

By signing below the Board of Selectpeople for the Town of Lamoine certify this is a true copy of the approved moratorium ordinance to be considered by the Inhabitants of Lamoine at a Special Town Meeting to be held on \_\_\_\_\_, 2023:

**BOARD OF SELECTPEOPLE**

\_\_\_\_\_  
S. Josephine Cooper

\_\_\_\_\_  
Nathan Mason

\_\_\_\_\_  
Gary McFarland

\_\_\_\_\_  
Kathleen Rybarz

\_\_\_\_\_  
Larissa Thomas

**ATTEST:** A true copy of an ordinance entitled “**Town of Lamoine Moratorium Ordinance - Hotel/Motel, Glampgrounds, and Resort Developments,**” as certified to me by the **municipal officers of Lamoine on the \_\_\_\_\_ day of July, 2023.**

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Stu Marckoon, Adm. Asst to the Select Board