



Lamoine Select Board

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Minutes of the Public Hearing August 1, 2023

Select Board chair Larissa Thomas called the hearing to order at 6:30 PM. Approximately 60 people were present.

Larissa said the hearing was on a proposed ordinance entitled [Town of Lamoine Moratorium Ordinance](#) – Hotel/Motel, Glampgrounds, and Resort Developments. This ordinance will be voted upon at a special town meeting on Tuesday, August 15, 2023 at the Lamoine Consolidated School. She laid out some ground rules for participating and remarked that it was good to see so many people present. The following testimony was offered. (The comments are paraphrased and not a verbatim transcript).

Amy Morley – Ms. Morley said the proposed moratorium ordinance was developed with a law firm. She cited the Comprehensive Plan of 2020 which recommended an amendment to the Building and Land Use Ordinance (BLUO) to not allow hotels and motels in the Rural and Agricultural Zone. She said no such amendment has been adopted. Ms. Morley said a resort could present health and safety hazards. She said the town needs time to develop definitions. She said if the moratorium ordinance passes it will take effect immediately and would be retroactive as stated in the ordinance.

Ms. Morley said the Planning Board serves two functions: permit processing and approval and to devise ordinances. She said the Planning Board has stated that it did not have time to develop the recommended amendment to the BLUO because it had a lot of other work to do. She said the moratorium would give the Planning Board more time. She asked for people to vote yes on August 15, 2023.

Valerie Sprague – Mrs. Sprague read from a prepared text that she supplied to the Select Board. She said she was part of the Comprehensive Planning Committee which developed the plan that passed in 2020. She said the plan tried its best to put in what residents wanted. She said that hotels and motels were not wanted. She said the desire was to maintain the rural nature of the town. She said the moratorium ordinance would give the Planning Board time to amend the BLUO, and encourage people to attend the special town meeting on the 15th.

Kathryn Gaianguest – Ms. Gaianguest also read from prepared remarks that were supplied to the Select Board. She said she was also part of the Comprehensive Planning Committee which sought input from the community. She said the town is still recovering from the pandemic. She said the moratorium would ask the Planning Board and the town to pause decision making about development and focus specifically on implementation of the Comprehensive Plan, and said the Planning Board would bring a revision back to the citizens for approval.

Mark Harris – Mr. Harris said he supports the moratorium and hopes the Planning Board would develop new ordinances to support the rural character of the town. He said the

developers of the proposal before the Planning Board have never mentioned how it would benefit the town and suggested the applicants delineate the benefits.

Amy Morley – Ms. Morley encouraged questions from the public.

Barbara Richards – Mrs. Richards said she comes from a small town in Massachusetts which is not like Lamoine. She said she is impressed with Lamoine, though she doesn't know many people. She said she would hate to see the town character change from its friendly, open space town. She said she dreads going to Bar Harbor because she is afraid to drive there. She said she doesn't want the town to not be a normal town. She said the town has a great little school. She said she loves Lamoine and intended to vote for the moratorium.

Helen Meyer – Mrs. Meyer said she has lived in Lamoine for over 30-years and currently lives on Woodcock Lane overlooking the proposed "glamping" resort. She said she opposes the application. She said Mt. Desert Island is congested and accidents happen every day on the route to Bar Harbor. She said you can't ignore change. She said the application has thrown her for a loop as she didn't expect it, and was shocked it was happening near her. She said she would hear the noise and fireworks and traffic would be impacted. She said she would vote yes on the moratorium. She said she hopes people reach out to those who are not here. She said this is a huge development. She asked if the laws in place can be changed.

Larissa Thomas – Larissa said the current application is in progress, and if the moratorium passes before Planning Board approval, it could affect this.

Amy Morley – Can the town keep renewing the moratorium if it passes?

Larissa Thomas – The moratorium could only be renewed for 180 days after the first 180 days. She said if the application is not approved, potentially it could be stopped.

Karen Davis – Mrs. Davis said she supports the moratorium and appreciates the work done to develop it. She said she doesn't like driving through Trenton. She said she loves the spirit of Lamoine. She said people have control over this. She said she doesn't want big campgrounds and encouraged people to vote.

Nils Hokansson – Mr. Hokansson asked how the moratorium would affect the applicant for the project before the Planning Board.

Larissa Thomas – Answered the Planning Board has not yet voted on the application but has found it complete.

Nils Hokansson – Asked does the moratorium affect Clear Sky Resort specifically.

Larissa Thomas – Answered if the application is not approved before voters the moratorium it could affect the application. She said the proposal before the Planning Board is on its own track.

Nils Hokansson – Asked if the Planning Board approves the application next week, how can the project be stopped.

Larissa Thomas – Answered it is the Planning Board's role to do the review and act on the application.

Kathryn Gaianguest – Ms. Gaianguest said the Planning Board meets on Monday. She said the Board delayed the review until Monday. She said there have been a few changes on the Planning Board. She encouraged people to view the agenda on the town's website. She said public attendance is always welcome at the Planning Board meeting. She said if people wish to be heard, that's the way to do it.

Amy Morley – Ms. Morley said the attorney who drew up the moratorium ordinance placed a retroactivity section in to that said if a project is approved less than 45-days before the moratorium passes, the moratorium is retroactive to that.

Barbara Richards – Mrs. Richards said she did not understand why the hearing could not address the Clear Sky application.

Larissa Thomas – Answered that this is not a forum to state why people don't like the project.

Barbara Richards – Asked how the application could be applied now.

Larissa Thomas – Answered the current application would need approval 45 days before the moratorium was approved. She said it is not the role of the Select Board to direct the Planning Board; the Planning Board has its role and will review the application independently of the moratorium.

Barbara Richards – Asked if it boils down to Planning Board action.

Nathan Mason – Answered yes, and the Maine DEP.

Nils Hokansson – Mr. Hokansson said the way he reads the moratorium is that if the Planning Board votes and approves the Clear Sky application on Monday and the town votes to impose the moratorium on August 15th, that's not 45-days prior to the moratorium, so the moratorium would apply.

Frank Donnelly – Mr. Donnelly said this hearing is part of the process. He said the proposal could be a car lot, an apartment building or anything big. He said we have no ordinance in town. He said we can't change the dates on the calendar. He said this might be putting the cart before the horse. He said Clear Sky applied in good faith.

Mark Harris – Mr. Harris said if the Planning Board approves, which he said is very unlikely, the moratorium is retroactive. He said it holds up for 180-days. He encouraged people to attend the Planning Board meeting. He said the whole point of the moratorium was to retroactively apply to the Clear Sky project.

Carolyn Cullum – Mr. Cullum said she has a concerns about water quality. She said if that's affected, her home value would suffer. She said there are no assurances in the Clear Sky application in regard to water quality. She asked what would happen if they can't drink their water.

Valerie Sprague – Mrs. Sprague thanked the Select Board for listening.

Amy Morley – Ms. Morley said the moratorium ordinance is based on Maine statutes. She said it could be challenged, though there is precedent for it.

Michael Fuller – Mr. Fuller asked what the Planning Board could work on to stop all applications.

Larissa Thomas – Answered the language in the moratorium specifies the steps.

Michael Fuller – Asked if that frees enough time up for the Planning Board to work on ordinance changes.

Helen Meyer – Mrs. Meyer said everyone is here because of a concern and she encouraged people to vote.

Amy Morley – Ms. Morley said the moratorium would prohibit hotels, motels, campgrounds and glampgrounds while it is in place. She said it's a matter of time management. She said while there was a postcard mailed out, it would not immediately prohibit such activities forever. She said it would allow time for the Planning Board to review the ordinances.

Nancy Lescynski – Mrs. Lescynski noted this was a smaller crowd than the public hearing for the Clear Sky application. She asked if this depends on a majority of the voters who show up. She said she's hoping for a larger crowd.

Iris Simon – Mrs. Simon asked how the town meeting on August 15th would work.

Stu Marckoon – Answered that it's an open town meeting much like the annual meeting in March and the school meeting in May where voters would be issued cards and hold them up or request a written ballot on the measure, and the majority rules.

Valerie Sprague – asked if the town meeting date would be on the Town Hall sign.

Stu Marckoon – Answered it would be tomorrow.

Annie Crisafulli – Asked if there will be any more work to get the word out.

Mark Harris – Answered there will be posters placed around town and another mailing. He asked about the town meeting time.

Larissa Thomas – Answered it will start at 6:30 PM.

There being no further comment, the meeting adjourned at 7:18 PM

Respectfully Submitted,

Stu Marckoon, Adm. Asst. to the Select Board