

**Town of Mount Desert  
Selectboard Minutes  
March 11, 2024**

**Selectboard Members Present:** Chair John Macauley, Rick Mooers, Martha Dudman, Geoff Wood, Wendy Littlefield

**Town Officials and Department Heads Present:** Town Manager Durlin Lunt, Tax Assessor Kyle Avila, Town Clerk Claire Woolfolk, Fire Chief Mike Bender, Public Works Director Brian Henkel

Members of the Public were also present.

**I. Call to order at 6:00 p.m.**

Chair Macauley called the Meeting to order at 6:00 p.m.

**II. Executive Session**

*A. Pursuant to 1 MRS§405(6)(E) so the Board may confer with its legal counsel concerning the Board's rights and duties in a pending matter*

MOTION: Ms. Dudman moved, with Ms. Littlefield seconding, the Board enter into Executive Session.

Motion approved 5-0.

The Board entered into Executive Session at 6:01 p.m.

MOTION: Mr. Mooers moved, with Ms. Dudman seconding, the Board leave Executive Session and return to the meeting.

Motion approved 5-0.

The Board left Executive Session and returned to the meeting at 6:40 p.m.

**III. Public Hearing(s)**

*A. Town Meeting Proposed Warrant Articles for Ordinance Amendments, and Ordinances (Note: LUZO ordinance articles had public hearings on 2/14/2024 and 02/28/2024)*

Chair Macauley stated that several Selectboard Members have identified themselves as potentially having conflicts of interest with regard to the Short-Term/Vacation Rental Licensing Ordinance. The Selectboard will therefore not make a recommendation at this time.

Chair Macauley opened the Public Hearing for the Short-Term/Vacation Rental Licensing Ordinance.

Resident Sam McGee asked the following questions:

- How many dwelling units does the town currently have?
- Of those dwelling units, how many are owned by seasonal homeowners and not being used by year-round residents?
- How do these numbers relate to the 10% cap?

1 - What was the rationale behind the 10% cap?

2 Mr. McGee stated his opposition to a cap. He worried that seasonal homeowners would rush to  
3 sign up for licenses this spring if the ordinance is approved.

4  
5 Mr. Wood explained that the town does not know exactly how many properties are used  
6 exclusively as rental properties, whether through people living in Town for only a couple months  
7 or through people who have bought them for use solely as an investment property. If a person  
8 owns a home that they occupy in the summer months, and intends to rent it, they will have to get  
9 a license to do so.

10  
11 Ms. Dudman reported that she was told there are 2,611 dwellings in the Town. The Town  
12 estimates that there are approximately 420 rental properties currently in Town. Those rental  
13 properties are a combination of what the draft ordinance terms “vacation rentals”, which are  
14 investment properties, and “short-term rentals”, which are rentals in their primary residence.  
15 10% of the 2,611 dwellings is 261. The 10% cap only applies to vacation rentals. There is no  
16 cap proposed for primary-residence rentals, or homes that can only be seasonal homes.

17  
18 Mr. Wood added that based on data the Town collected, even if 50% of the rental properties are  
19 deemed vacation rental properties, it does not reach the proposed 10% cap of 261 rental  
20 properties.

21  
22 Mr. McGee asserted that if the total is near the cap it creates an unfair situation where there are  
23 too few rental licenses and those that do not sign up quickly enough might be prohibited from  
24 renting and kept on a waiting list for years or subject to a lottery system that is arbitrary and  
25 unfair. Mr. McGee reiterated his opposition to a cap. Limiting the ability to rent will result in  
26 unfair and potentially unconstitutional outcomes where one class of property owners will benefit  
27 over another.

28  
29 Mr. Wood reported that safety issues, while valid, were not the driving force behind the  
30 development of a cap. The cap is in response to the diminishing amount of available year-round  
31 housing. A cap might keep homes from being sold to people who do not intend to live in them.  
32 It was hoped that at least the number of families currently living in Town could be maintained.  
33 More homes for year-round occupancy are needed. There are many ways to approach the  
34 housing issue. One way to address the issue is to limit the sale of homes to people with no  
35 intention of living in the community.

36  
37 Mr. McGee noted the specifics pertaining to his property. He owns two inherited properties. He  
38 was not living in the community at the time of his inheritance and if this ordinance had been in  
39 place he would have lost the properties. Instead, he was able to short-term rent the properties  
40 until he was able to move back to the community full time. He saw no point in voting for  
41 something that risks his or his children’s ability to do such a thing in the future. He did not  
42 believe this was a viable solution to protect and provide more year-round housing in the  
43 community.

44  
45 Resident Allen Kimmerly reported he is a year-round resident and lives next to a short-term  
46 rental, which has not been a positive experience. He pointed out that the Town designates a

1 hotel as providing transient lodging. If that is what a short-term rental does, then it should be  
2 allowed only in a commercial zone. He noted the elementary school is declining in numbers, and  
3 those working in Town find it difficult to find a place to live locally. He noted that dwellings  
4 could be rented by the year, instead of by the week.

5  
6 Kate Chaplin asked about the Board's research in determining the efficacy of capping rentals and  
7 how capping rentals will result in more year-round housing. Consultant Noel Musson reported  
8 this is a tool other communities have used. It's a relatively new tool; there's not a lot of historic  
9 research that can be reviewed.

10  
11 Ms. Chaplin asserted that Rockland is considering reversing its cap because that town is not  
12 seeing a positive effect. She reported a lot of research has been done in communities in the  
13 Western United States. The research there shows that limiting short-term rentals, particularly in  
14 communities that rely on tourism, has a negative impact. She stated that it does not create  
15 workforce housing or year-round housing. Mount Desert is in high demand as a vacation  
16 destination. Houses that can't be rented will have to be sold, and they likely won't be sold to a  
17 year-round resident, they will be sold to someone who does not need to rent the house, and then  
18 it will likely sit empty. Short-term renters shop and eat in Town, and support groups like FOA  
19 and the library. Short-term renters might retire to the area. They bring a boost to the economy.  
20 Limits on short-term renting will make it harder for seasonal businesses to succeed. She  
21 disagreed that short-term rental is taking over year-round housing. The reason there are short-  
22 term rentals is because people want to visit and it's expensive to live here. Most homeowners  
23 who live here or want to be here cannot afford not to rent.

24  
25 Ms. Chaplin works as a rental agent at the Knowles Company. She estimated:

- 26 - 11% of rentals in Mount Desert are owned by people who reside in the Town of Mount  
27 Desert and the rental is an inherited second property or it was purchased with the intent to  
28 rent it.
- 29 - Only a small percent live in the dwellings in the winter months and then move out for the  
30 purpose of renting them.
- 31 - 1.8% are what she would consider investment-only rentals. She acknowledged that many  
32 investment owners don't use a rental agency like Knowles. Therefore, she suggested  
33 estimating the investment rentals at triple or quadruple her 1.8% estimation.
  - 34 o Of the 1.8% she's aware of, two were inherited by the owners and they have to  
35 rent them to afford keeping them in the family.
  - 36 o A third was once used by a homeowner, but he's no longer able to use it.
- 37 - 9% of the houses she represents were removed from the year-round housing market in the  
38 past ten years, most often because the owner passed away or it was sold by the second  
39 generation or sold by elderly owners out of necessity. Those houses were sold to people  
40 who could afford to pay a higher value for them.
- 41 - 86% of homes she represents were never designed or intended to be lived in year-round.
- 42 - 56% are owned by family groups who inherited the home.

43  
44  
45 Resident Greg Dalton reported just having come from an Island Housing Trust (IHT) meeting.  
46 He noted that this draft ordinance appeared to be similar to Bar Harbor's, and IHT board

1 members have reported Bar Harbor's ordinance has done nothing to help Bar Harbor with their  
2 affordable housing issues, which is why organizations like IHT exist. He noted the ordinance's  
3 administrative challenges in Bar Harbor have been great. He felt a solution was being proposed  
4 before the Town is sure there's a problem. The Town should be mindful of trying to manage the  
5 issue in this way. Doing so did not accomplish what Bar Harbor hoped it would.

6  
7 Resident Meghan Savage reported that she may likely rent her home in the future. While paying  
8 a nominal fee might be acceptable, she's curious as to what the fees will go to. Will it cover only  
9 enforcement and management, or will it be invested in building affordable housing or other  
10 potential solutions? She objected to the concept of paying for something that would be policing  
11 what she can do with her home, while doing nothing to address the bigger problem.

12  
13 Town Manager Lunt reported the fee will be for administration and enforcement. He felt it was a  
14 conservative fee resulting in an overage of funding. If that occurs, the Town will decide what  
15 could be done about any funding overage. An overage could potentially go to things like  
16 building affordable housing or other problem solving.

17  
18 Ms. Dudman agreed with Ms. Savage that it was a good idea. The Town has discussed creating  
19 ways to do something about the problem.

20  
21 Resident Randy Merchant did not believe the fees would generate \$100,000.00 or more in  
22 administration costs. Manager Lunt disagreed. He reported that a data collection company  
23 reviewing the numbers came in at over \$400,000.00. Manager Lunt says a more conservative  
24 number is around \$250,000.00, but it could be close to double. The proposed fees are \$250.00  
25 for short-term rentals, and \$500.00 for a vacation rental.

26  
27 Mr. McGee asked for more information on the fee structure and the rationale behind the fees  
28 being charged. Has an estimate been done regarding the administrative costs? Has any  
29 consideration been given to the potential for legal opposition and litigation?

30  
31 Manager Lunt reiterated that the fee structure is based on two categories. Short-term rentals are  
32 owner-occupied rentals and will be charged \$250.00. Vacation rentals are investment properties  
33 that are not otherwise lived in and will be charged \$500.00. The Town has not incorporated into  
34 the estimates any legal costs. There's always the chance that by the following year changes will  
35 be necessary.

36  
37 Mr. McGee asked for specifics pertaining to his property. What will occur if he builds an  
38 accessory dwelling unit on his property that he rents out on a short-term basis. Mr. Wood stated  
39 such a rental would be considered a short-term rental, meaning the property on which the rental  
40 exists is occupied enough days of the year that the person occupying the property is a resident of  
41 the Town. A license would be required for each unit being rented on the property, and the fee is  
42 proposed to be \$250.00 per license. Additionally, summer rentals, those not available for year-  
43 round rental, would also fall under short-term rental. There will be no cap on short-term rentals.

44

1 Mr. Wood noted that some rentals are inherited summer homes and renting allows the  
2 homeowner to pay the taxes and keep their homes. Because no one calls such a home their  
3 residence it falls under vacation rentals.

4  
5 Ms. Dudman explained that the intent is to try to preserve as much year-round housing as  
6 possible. A home that is not winterized is likely not included in the year-round housing stock.  
7 Those rentals will not be capped.

8  
9 Ms. Savage asked what enforcement of such an ordinance will look like. Ms. Dudman explained  
10 that the Deputy Code Enforcement Officer (CEO) will oversee ordinance implementation. The  
11 Deputy CEO won't have the time to inspect each rental property. When people apply for their  
12 license, they'll be asked questions regarding the type of rental it will be. As with any licensing  
13 agreement, there must be some level of trust that people are telling the truth. If a complaint is  
14 received the Deputy CEO will then make an inspection.

15  
16 Craig Roebuck stated he worked for the U.S. Census and he recognizes the housing problem in  
17 the Town. He reported that there are many rental properties in Town, the majority of which are  
18 owned by out of state owners. He agreed some of those might be inherited properties.

19  
20 Ms. Chaplin clarified that a large majority of homeowners she represents live out of state and  
21 own because they want a vacation home on Mount Desert Island. They rent those homes out in  
22 order to afford them.

23  
24 Ms. Chaplin asserted the town was classifying three different types of houses. She stated that  
25 short-term rentals are owner occupied, meaning the owner lives in them year-round and then  
26 moves out or otherwise vacates the home, but for the majority of the year the owner is living in  
27 the house. Ms. Dudman noted such a rental is a long-standing tradition in the Town.

28  
29 Ms. Chaplin noted that a seasonal rental has been mentioned as a home that has not been  
30 winterized. She asked about the classification of the larger summer estates that were never used  
31 year-round and are not affordable by the average Mount Desert resident, but are insulated, with  
32 central heating, central air conditioning, on year-round wells, and could technically be lived in  
33 year-round.

34  
35 Mr. Wood explained that if no one considers it their primary residence, then it falls under  
36 vacation rental. Ms. Chaplin was concerned about the cap set by the Town for this type of rental.

37  
38 Ms. Dudman stated that anyone currently renting a short-term rental or a vacation rental can  
39 continue to do so under the draft ordinance, as long as they license the rental and renew the  
40 license each year.

41  
42 It was stated that questions from those on Zoom must be asked verbally. Questions in the chat  
43 function of Zoom would not be addressed.

44  
45 Renter Doug Spurling reported he does not live on Mount Desert Island. He is a professional  
46 short-term rental manager. He owns rental dwellings all over the country. He resides in

1 Kennebunkport. He asserted that the CEO in Kennebunkport resigned due to the Town's short-  
2 term rental ordinance there because they were overwhelmed with the administrative workload  
3 required to maintain the system. He believed the fees would only generate \$60-\$80,000.00. He  
4 did not believe it would cover a salary or any legal costs incurred. Austin Texas was taken to the  
5 Supreme Court which determined that renting a private property is a residential activity. Mr.  
6 Spurling asserted that Zillow has an average price in this Town of \$857,000.00 for a residence.  
7 Maine's affordable housing is approximately 20% to 30% of annual income, which equates to a  
8 monthly payment of \$1600.00. Houses like those on Zillow will have a higher monthly payment  
9 than \$1600.00. Homes that are short-term rentals are not the same as affordable housing.

10  
11 Mr. Spurling pointed out that he was not a resident but he was a taxpayer. He took issue with  
12 being treated differently.

13  
14 With regard to occupancy limits, Mr. Spurling noted the occupancy limit in the draft ordinance is  
15 stated as two people per bedroom. He suggested using septic code requirements as a way to  
16 more accurately determine occupancy limits.

17  
18 Mr. Spurling asked for clarification on the problem approving this ordinance would solve. He  
19 did not believe it would help the affordable housing situation. He warned there could be  
20 constitutional rights repercussions on a national level.

21  
22 David Short asked for specifics pertaining to his property. It is not winterized, and it is not his  
23 primary residence. Discussion seemed to imply that his property would be considered a short-  
24 term rental and not subject to a cap, but he did not believe that was how the ordinance reads. His  
25 residence is owner-occupied for most of the summer and then rented out for four or five weeks to  
26 offset the taxes and expenses. Mr. Short was opposed to a cap. If his property is a seasonal  
27 rental the difference in the fee is not fair. He did not buy this property as a commercial  
28 enterprise and should not have to pay a higher fee.

29  
30 Mr. Musson explained the three rental classifications stated in the draft ordinance.

- 31 - Short-Term rental – based on whether or not the dwelling is a primary residence for tax
- 32 purposes.
- 33 - Seasonal Vacation rental – not a year-round structure.
- 34 - Vacation rental – a year-round structure that is not a primary residence for tax purposes.

35  
36 The Short-Term rental and the Seasonal Vacation rental are treated exactly the same in the  
37 ordinance. A renter must get a license, but there is no cap. Only the Vacation rental is subject to  
38 a cap in the draft ordinance. Mr. Short suggested making that clearer in the ordinance.

39  
40 Resident Kathy Miller voiced support for the draft ordinance. She believed a cap was necessary.  
41 The Town's Economic Development Committee has been supporting it. It's always been  
42 included in the Comprehensive Plan to bring back a more robust year-round population and more  
43 affordable housing. There's been a tradition on the island of people renting out their houses.  
44 But the balance is changing. She knows of several people who've lost their year-round rental  
45 because it's now a short-term rental. It's impossible to find a place to live in Mount Desert.

1 There's been a negative impact on local businesses and the school. She believed the Town must  
2 find a balance.

3  
4 A man who did not identify himself believed more affordable housing needed to be built. He  
5 believed house prices were too high and interest rates on mortgages were too high to result in an  
6 affordable monthly payment. Ms. Dudman agreed that more affordable housing was necessary.  
7 She reiterated that this draft ordinance was intended as one piece of a complicated puzzle.  
8 Suggestions and ideas coming up at this meeting can be incorporated into the draft ordinance.

9  
10 Resident Laura Smallidge asserted the draft ordinance oversteps the Bill of Rights, is  
11 unconstitutional, and a violation of the 10<sup>th</sup> Amendment. The town cannot dictate how many  
12 people can stay in a house or what the house can be used for. She believed year-round housing  
13 was historically a problem on the island. She stated any fees charged should be a flat fee. She  
14 suggested tabling the entire ordinance.

15  
16 Chair Macauley clarified that the Town's residents will vote on whether or not to enact the  
17 ordinance, not the Selectboard.

18  
19 Jennifer Feltwell asked for specifics pertaining to her property. She and her husband are in the  
20 military and hope to retire to their home in Otter Creek, but rent it out to be able to afford it.  
21 This is the only home they own. She would like to pass it along to her children. She wants them  
22 to be able to rent it out so they can afford to keep it. She asked if her home was considered their  
23 primary residence. If they move out to rent it out, is a permit required?

24  
25 Mr. Musson explained that if the house is their primary residence for tax purposes, then it would  
26 be considered a short-term rental. Mr. Wood noted that military personnel have different options  
27 as far as maintaining their residence because they are required to move. If this home is Ms.  
28 Feltwell's legal residence, then it would be considered a short-term rental. It was reiterated that  
29 there are no caps on short-term rentals. A license would be required. If the home becomes Ms.  
30 Feltwell's children's primary residence, then there is no cap and a license would be required.  
31 Mr. Musson stated there is a process in the ordinance for those rentals considered vacation  
32 rentals that allow an owner to transfer their license to their children. Even if the cap were  
33 exceeded at that time, the license would be grandfathered. As long as such a license was  
34 renewed every year, the license remains in place. If the new owners fail to license the rental by  
35 the deadline, the license would no longer be valid.

36  
37 Ms. Feltwell inquired whether the Town had considered changing additional dwelling unit  
38 requirements to increase housing. She asserted she was not allowed to build another dwelling  
39 unit on her property because of the zoning laws. Mr. Musson stated the Town is working on  
40 density. There are provisions that will be addressed at the Town meeting that will allow most  
41 lots in Town to have an accessory dwelling unit on it. The Shoreland Zone density is controlled  
42 by the State and not the Town.

43  
44 Voting will take place at Town Meeting May 7, 2024.

45

1 Joyce Morrissey asked for specifics pertaining to her property. She owns a seasonal rental rented  
2 spring through fall. She does not live in the rental. If she were to sell the rental, would a license  
3 transfer to the buyer. Mr. Musson explained that the way the draft ordinance is written, if the  
4 property is not a primary residence, it would be considered a vacation rental. There is a cap on  
5 vacation rentals. If there are more vacation rentals than the number of permits allowed at the  
6 time of ordinance implementation, the rental will be issued a license if the renter applies for a  
7 permit. That license will continue to be honored as long as the renter registers for their license  
8 ever year. If the renter fails to register for their license, or misses the deadline for registering,  
9 then the renter will lose their license. There is a transferability clause in the draft ordinance  
10 which allows a vacation rental property owner to transfer their property if it's sold to their  
11 children, or if it's put in a trust or the framework of ownership changes. If the property is sold to  
12 someone who does not fit into the definition in the draft ordinance then the license cannot be  
13 transferred. The license would be honored that year.

14  
15 Todd Mydland asked about the parking restrictions in the draft ordinance. The draft states the  
16 owner must provide sufficient offstreet parking for all overnight guests' vehicles. Garage  
17 parking spaces are not allowed for short-term rental or vacation rental guests. Mr. Mydland  
18 asked for specifics pertaining to his property. He has one vacation rental with no offstreet  
19 parking and only garage parking. He has another vacation rental with two parking spaces. Per  
20 the ordinance, that rental could be rented to a higher number of people. He felt there needed to  
21 be clarification for those renters with limited offsite parking or no non-garage onsite parking  
22 availability. He has a rental with a short driveway, but no additional room for parking unless the  
23 garage is allowed. He requested the issue be revisited to allow maximum flexibility for onsite  
24 parking.

25  
26 A technical malfunction interrupted the meeting, and work ensued to repair it. The Zoom  
27 function was temporarily offline and those participating remotely were unable to hear.

28  
29 Robert Zelinsky asserted that there were no legitimate concerns being addressed. The draft  
30 ordinance would not fix the problem with affordable housing. He asked what the Town was  
31 trying to fix by implementing this ordinance.

32  
33 Mr. Kimmerly noted that living next to a short-term rental can be unpleasant. Additionally, there  
34 is a loss of neighborhood community environment.

35  
36 Resident Gail Marshall noted this type of rental is a completely unregulated market. No system  
37 works well without some sort of regulation. The Town has suffered a loss of community. The  
38 Town struggles to put children in their school, there are no places for people working in this  
39 community to live in Town. Thousands of people drive to the island to provide for those living  
40 here. Those are the people that need this ordinance. There is no single solution that will solve  
41 the problem. The Town is working to create affordable housing and there was opposition to the  
42 attempt. There's been a lot of concern about each person's personal situation, and it's important  
43 to hear those concerns, but in the end, the Town must try to make decisions that are in the best  
44 interests of the community. Ms. Marshall read the Maine Municipal Association's legal advisory  
45 on short-term rental regulations for those in attendance concerned with the Town potentially



1 overstepping their oversight. The legal advisory stated in summary that Towns are within their  
2 right to create short-term rental ordinances.

3  
4 The affordability problem in Town has changed dramatically in the past 10 to 20 years. Whole  
5 neighborhoods that were once year-round housing are now empty. It's a multi-faceted problem  
6 and not just the fault of short-term rentals. The Town needs to use all the tools they have at their  
7 disposal to restore and maintain a sense of balance in the community.

8  
9 Resident Katrina Carter pointed out that a prior draft ordinance was brought before the Town for  
10 inclusion in the Town Warrant and it was pulled because it was felt the draft was not ready and  
11 did not have the support of the Town. She felt the Town is in the same position, with a draft  
12 ordinance opposed by people in Town. The Board cannot make a recommendation due to  
13 possible conflicts of interest among the Board. She inquired whether this draft ordinance would  
14 go to Town Meeting or be pulled.

15  
16 Ms. Dudman felt a lot of ideas and questions have been shared at this meeting, but questions  
17 would likely remain. Ms. Dudman hoped that the Town would continue to work on the draft.  
18 This public hearing discussion would be continued to the Monday, March 18, 2024 meeting.  
19 Some further revisions will be made based on comments heard at this meeting. Because of the  
20 potential for conflict of interest among the Selectboard, they will not make a formal  
21 recommendation regarding the draft ordinance. However, the draft ordinance can be placed on  
22 the Warrant for discussion and vote at Town Meeting.

23  
24 Ms. Carter stated that she was on the Warrant Committee, and she could potentially have a  
25 conflict of interest, and there may be other Warrant Committee members that also have a  
26 potential conflicts of interest. She asked how much time the Town has to consider revising the  
27 draft ordinance. March 21, 2024 was the deadline for making changes and revisions to the draft  
28 ordinance.

29  
30 Tim Ford voiced concern regarding the discussion. The draft ordinance is not a solution to  
31 affordable housing. He believed it would create a wedge between year-round residents and  
32 seasonal residents. He proposed creating a committee of year-round residents and seasonal  
33 residents. He believed the seasonal residents were an important part of the community.

34  
35 Mr. Spurling suggested a flat fee for renting a property for all renters, and a requirement that  
36 safety requirements are met, and in the first year the Town might gain a better idea of how many  
37 rentals there are in Town. He did not understand the need to separate out those whose primary  
38 residence is in Town and those not living here. With regard to his rentals, he has noise  
39 monitoring at every property, rental agreements, security deposits, and the average age of his  
40 renters are in their 50s. He rents as his full-time job and would argue that from a technical and  
41 systems standpoint he has his renting operation in better control than anyone else at the meeting.  
42 He noted that regardless of what the Maine Municipal Association's legal opinion might be there  
43 is a growing number of lawsuits pushing back on rental rules across the country. He asserted  
44 there are no Towns where setting a cap has been successful.

45

1 Elizabeth Escardo did not believe there was any purpose or validity to creating such an  
2 ordinance. She opined that the ordinance should be thrown out completely. She took exception  
3 to being told what can and cannot be done on her property. She asserted that no studies have  
4 been done to back up what is stated as the purpose of the ordinance. If a resident is having issues  
5 with a neighbor, then it's an occasion to call the police.  
6

7 Resident Isaac Iverson suggested the Town look at past Land Use Zoning Ordinance rules. He  
8 asserted that mobile home parks were once allowed. Mobile homes are one of the most  
9 affordable home options and allow for more occupancy on a lot. He believed that the money in  
10 the community should stay in the community. Rentals that are not owned and managed by local  
11 people take money outside of the community.  
12

13 Chair Macauley stated it was the beginning of a long process. He reiterated that the Selectboard  
14 would not be passing this draft ordinance into existence. Town residents will vote on whether to  
15 approve or not the draft ordinance.  
16

17 In reply to Mr. Iverson, Mr. Musson noted that there is one zone in Town where mobile homes  
18 are allowed. The comprehensive plan is being reviewed and revised, and it's an opportunity to  
19 consider issues like mobile homes.  
20

21 Mr. Musson suggested creating a bullet point list of where the draft ordinance stands, and what  
22 the Town is considering changing, and how it will get to Town Meeting.  
23

24 Mr. Wood asked if Mr. Musson could speak to the State law changes to the local occupancy tax.  
25 Mr. Musson stated there is a need to have something in the State of Maine that keeps the tax  
26 revenues to some extent in the community. Taxes for overnight accommodation currently goes  
27 to the state and does not stay with the community.  
28

29 Ms. Littlefield reiterated that the Board cannot vote to recommend the draft ordinance. She  
30 noted the Warrant Committee may be in a similar situation, depending on how many committee  
31 members might have a conflict of interest. She asked what the procedure would be in that case.  
32 Ms. Carter noted that the Warrant Committee vote count is included in the Warrant that goes to  
33 Town Meeting. The number of abstentions would be included in that information as well.  
34

35 Warrant Committee Co-Chair Phil Lichtenstein explained that if the draft ordinance is put before  
36 the Town, the article will be worded in the positive. Discussion of the article will ensue. The  
37 draft ordinance is simply put on the warrant for discussion by the public. The Warrant  
38 Committee does not have to make a recommendation. The draft ordinance will be brought to the  
39 Town Meeting floor for public discussion and a vote. Mr. Lichtenstein reiterated that the voters  
40 will decide whether or not to pass the draft ordinance at the Town Meeting. Mr. Lichtenstein  
41 added that those whose primary residence is in the Town of Mount Desert and voters are often  
42 the same people.  
43

44 Ms. Littlefield noted the Board has listened to what has been said, taken notes, and recorded the  
45 meeting. Work on the draft ordinance will continue at the next meeting, potentially with a  
46 revised draft ordinance. She noted that, as Ms. Carter suggested, it may end up that an ordinance

1 is not ready. The Board will do their best to incorporate what is best for the community into the  
2 draft ordinance. Ms. Littlefield noted there is a 45-day window between Town Meeting and the  
3 point at which a draft such as this can no longer be changed.  
4

5 Ms. Smallidge pointed out that the draft ordinance makes no mention of renting seasonally to  
6 workforce housing. She took issue with renters paying for a license to assist the community by  
7 providing workforce housing. Mr. Musson noted that if someone is renting for a timeframe of  
8 more than 28 days, it is not a short-term rental. If someone is renting to a single person for a  
9 period of weeks or months, it is not a short-term rental. If someone were renting in a combined  
10 way, weekly rental for a few weeks, and rental to a renter for a longer period of time, it would be  
11 a short-term rental. Ms. Carter did not feel the draft ordinance made this clear.  
12

13 Resident Jerry Miller reported that those attending online via Zoom are having difficulty hearing  
14 the conversation. He suggested ending the discussion and reconvening at a time when all can  
15 hear. Sound could not be improved due to technical issues with the video equipment.  
16

17 MOTION: Mr. Wood moved, with Ms. Littlefield seconding, to continue the Public Hearing to  
18 Monday, March 18, 2024 at 6:30 p.m.  
19 Motion approved 5-0.  
20

#### 21 **IV. Post Public Hearing**

##### 22 *A. Action if necessary*

23 Per discussion on Agenda Item III.A, no action was taken by the Board at this time.  
24

#### 25 **V. New Business**

##### 26 *A. Municipal Officer's Certifications of Official Text of Proposed Ordinances and 27 Amendments (order that they appear on the ATM warrant)*

##### 28 *1. Alewife Ordinance*

29 MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, acknowledgement of  
30 Municipal Officer's Certification of Official Text of Proposed Ordinances and Amendments,  
31 Item 1. Alewife Ordinance, as presented.  
32 Motion approved 5-0.  
33

##### 34 *2. Amendment to the Town of Mount Desert Consumer Fireworks Ordinance*

35 MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, acknowledgement of  
36 Municipal Officer's Certification of Official Text of Proposed Ordinances and Amendments,  
37 Item 2. Amendment to the Town of Mount Desert Consumer Fireworks Ordinance, as  
38 presented.  
39 Motion approved 5-0.  
40

##### 41 *3. Amendment to the Town of Mount Desert Disbursement Warrant Ordinance*

42 MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, acknowledgement of  
43 Municipal Officer's Certification of Official Text of Proposed Ordinances and Amendments,  
44 Item 3. Amendment to the Town of Mount Desert Disbursement Warrant Ordinance, as  
45 presented.  
46 Motion approved 5-0.

1       4. *Amendment to the Town of Mount Desert Special Amusement Permit Ordinance*  
2       MOTION: Mr. Mooers moved, with Ms. Littlefield seconding, acknowledgement of  
3       Municipal Officer's Certification of Official Text of Proposed Ordinances and Amendments,  
4       Item 4. Amendment to the Town of Mount Desert Special Amusement Permit Ordinance, as  
5       presented.

6       Motion approved 5-0.  
7

8       5. *Amendments to the Town of Mount Desert Land Use Zoning Ordinance*

9       a. *Land Use Zoning Ordinance Article Section 6 Connections to Sewer*

10      b. *Land Use Zoning Ordinance Article Section 3 Little Echo Lake Setback*

11      c. *Land Use Zoning Ordinance Article Section 6 Individual Private Campsites*

12      d. *Land Use Zoning Ordinance Article Section 3 Residential Dwellings*

13      e. *Land Use Zoning Ordinance Article Section 5 Conditional Use Application Notices*

14      f. *Land Use Zoning Ordinance Article Section 6 Residential and Accessory Dwellings*

15      g. *Land Use Zoning Ordinance Article Section 7 CEO Permit Review Timeline*

16      h. *Land Use Zoning Ordinance Article Section 7 Certificates of Occupancy Approval*

17      i. *Land Use Zoning Ordinance Article Section 6 Lot Access*

18      j. *Land Use Zoning Ordinance Article Section 8 Additions and Revisions to Definitions*

19      k. *Land Use Zoning Ordinance Article Section 5 Subdivision Ordinance Amendments*

20      l. *Land Use Zoning Ordinance Article Section 3.4 Clarification on Marine and*  
21         *Freshwater Structures*

22      m. *Land Use Zoning Ordinance Article Section 4 Revisions to the non-conforming*  
23         *section of the LUZO*

24      n. *Land Use Zoning Ordinance Article Section 3.3 Map 10 Zone Change*

25       MOTION: Mr. Wood moved, with Ms. Littlefield seconding, acknowledgement of  
26       Municipal Officer's Certification of Official Text of Proposed Ordinances and Amendments,  
27       Item 5. Amendments to the Town of Mount Desert Land Use Zoning Ordinance, Items a  
28       through n, as presented.

29       Motion approved 5-0.  
30

31       5. *Short-Term/Vacation Rental Licensing Ordinance*

32       Discussion was held under Agenda Item III. A.  
33

34       **VI. Other Business**

35       A. *Such other business as may be legally conducted*

36       There was no Other Business.  
37

38       **VII. Adjournment**

39       MOTION: Mr. Mooers moved, with Mr. Wood seconding, to adjourn.

40       Motion approved 5-0.  
41

42       The Meeting adjourned at 8:35 p.m.  
43  
44

45       Respectfully submitted,

46         
47       Geoffrey Wood  
48  
49