

MEETING NOTICE

The regular monthly meeting of the Ellsworth City Council will be held on Monday, August 17, 2026, at 6:00 PM in the Ellsworth City Hall Council Chambers

Meetings will be broadcast live on:

YouTube: <https://www.youtube.com/@CityofEllsworthMaine>

Public Access/Spectrum Channels 5 and 7

AGENDA

1. Call to Order.
2. Pledge of Allegiance.
3. Rules of Order.
4. Adoption of the Ellsworth City Council minutes from the following meeting:
 - July 20, 2026, Special Meeting
5. Presentation of Awards.
 - Frank Pierson – 30 years of service on the Harbor Commission
 - Chad Wilmot – 25 years of service
 - Joshua Steward – 10 years of service
6. City Manager's Report.
7. Committee Reports.
 - Arbor Commission: Request to appoint Danielle Gift as a member of the commission with a term expiring 6/30/2027.
 - Solid Waste Committee: Request to appoint Andrew McCullough, Kert Clark and Amanda Dioszeghy, recommended by the Public Works Director.
8. Citizen's Comments.
9. Councilor Comments.

UNFINISHED BUSINESS

CONSENT AGENDA

CONSENT AGENDA: All items with an asterisk (*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

10. Council Order #0802600, Request of the Deputy City Clerk to hold a City of Ellsworth General Municipal Election on November 3, 2026.

NEW BUSINESS

11. Public Hearing and action on the application(s) for renewal for the following license(s):
 - Jennifer Wing Goodrich d/b/a Pepper's Pub, 20 Water Street, for renewal of a City Class B License (Amusement, Victualer & Liquor) and renewal of a State Class A Restaurant/Lounge Liquor License.
 - Aargh Inc d/b/a Pat's Pizza, 396 High Street, for renewal of a City Class B License (Amusement, Victualer and Liquor) and renewal of a State Restaurant (Class I, II, III & IV) Malt, Spirituous and Vinous Liquor License.
 - Wal-mart Stores East, LP #1932 d/b/a Walmart #1932, 17 Myrick Street, for renewal of a City Class C License (Victualer and Liquor) and renewal of a State Off-Premise Beer & Wine License.
12. Council Order #082601, Public Hearing and potential action on a moratorium on RV Parks in the City of Ellsworth (Sponsored by Councilor White).
13. Council Order #082602, City Seal update.
14. Council Order #082603, Public Hearing and potential action on a moratorium on Data Centers in the City of Ellsworth.
15. Executive Session for consultation with attorney regarding City's legal rights and duties under 1 MRS sec 405(6)(E).
16. Adjournment.

City of Ellsworth Regular Council Meeting Minutes

Date: July 20, 2026

Time: 6:00 PM

Location: City Hall Council Chambers

1. Call to Order: Councilor Lyons called the regular monthly meeting of the Ellsworth City Council to order at 6:00 PM.

2. Pledge of Allegiance: The Pledge of Allegiance was recited.

3. Rules of Order: The Council proceeded under the previously adopted Robert's Rules of Order.

4. Adoption of Minutes: The Council reviewed the minutes from the June 15, 2026, Regular Meeting and the July 7, 2026, Special Meeting.

- **Motion:** To accept the minutes as written.
- **Moved by:** Councilor N. Smith; **Seconded by:** Councilor White.
- **Result:** Passed Unanimously.

5. Presentation of Awards

- **Frank Pierson:** Recognition for 30 years of service on the Harbor Commission was postponed due to illness.
- **EL Shea Proclamation:** State Senator Nicole Grohoski and State Representative Russ White presented a state proclamation recognizing the 100th anniversary of EL Shea. The City Council read and presented a city proclamation honoring the company's century of service and investment in Ellsworth.

6. City Manager's Report: Deputy City Manager Sara delivered the report on behalf of Charlie, who was traveling. Key highlights included:

- Growth in housing, hotels, and businesses.
- Completion of the Hancock Judicial Center groundbreaking and new courthouse road.
- The splash pad opened on schedule; tax bills are on track to be mailed early.
- Introduction of Chris Nemeth as the new Finance Director.
- Acknowledgment of delays in cemetery mowing and crosswalk striping.
- Clean-up of a two-gallon oil release near the Branch Lake Watershed is complete.
- Nomination papers availability starting July 23rd.
- Customer-facing services are being relocated to the first floor of City Hall for better accessibility.

7. Committee Reports: Councilor M. Smith reported vacancies on the Recreation Commission and the Harbor Commission, encouraging residents to get involved.

8. Citizen's Comments:

- **Dottie Vachon:** Updated the Council on the newly formed Cemetery Commission, including work on a new ordinance, scanning records, and the maintenance of Juniper Cemetery.
- **Kelvin Mote:** Shared his personal experience regarding a tragedy on Graham Lake and urged the Council to approve the fire department's request for a boat.
- **Dr. Ruth Moore:** Expressed concerns regarding the vetting of the new Finance Director, property tax assessments for veterans, and the residency of the City Manager. She called for the resignation of leadership due to city mismanagement. (Chair Lyons ended her comments at five minutes).

9. Councilor Comments:

- **Councilor M. Smith:** Reflected on a challenging first year in office and reaffirmed her commitment to serving residents.
- **Councilor O'Halloran:** Suggested holding a "free citizens night" workshop in October to allow for more dialogue between the Council and residents.
- **Councilor N. Smith:** Elaborated on the Cemetery Commission's work, including map confirmation and updating veterans' grave lists.
- **Councilor Shea:** Emphasized the need for the city to focus on "pumping the brakes" on new ideas to focus on maintenance and public safety.
- **Councilor Martineau:** Addressed misinformation regarding her role in historic preservation and expressed openness to a workshop format if it avoided "muddying the waters".
- **Councilor Lyons:** Addressed the failed recall efforts, citing them as a waste of city resources based on misinformation. He called for a return to civility and respect in community discourse.

Unfinished Business:

10. Council Order #062603, Recreation Commission Presentation: Eric Marichal was unable to attend; the matter was tabled.

- **Motion:** To table the presentation.
- **Moved by:** Councilor N. Smith; **Seconded by:** Councilor Martineau.
- **Result:** Passed Unanimously.

11. Council Order #062611, Grader Repairs: Public Works Director Mike Harris and Highway Superintendent Brian Moon discussed repairing the city's 2009 grader. While a new grader was discussed, staff recommended a full rebuild to gain another 10 years of use.

- **Public Comments:** None.

- **Motion:** Authorize the City Manager to execute repairs by Chadwick-BaRoss in an amount not to exceed \$157,585.39, funded through equipment reserves and the highway budget.
- **Moved by:** Councilor Shea; **Seconded by:** Councilor M. Smith.
- **Result:** Passed 6-1 (Councilor O'Halloran opposed).

12. Business License Renewals: Renewals for Lakeside Cedar Cabins, Ellsworth Lodge of Elks #2743, Taste Jamaica, LLC, Helen's Restaurant, and Fogtown Brewing Company.

- **Public Comments:**
 - **Dr. Ruth Moore:** Raised safety concerns about watercraft at Lakeside Cedar Cabins and recommended specific sonar equipment for the new fire boat.
 - **Raymond Williams:** Opposed Fogtown Brewing's license, arguing it required a "special amusement permit" under specific ordinances.
- **Council Discussion:** Staff clarified that all inspections were signed off and that the licenses were consistent with historical issuance since 2017.
- **Motion:** To approve the business license renewals as presented.
- **Moved by:** Councilor N. Smith; **Seconded by:** Councilor Martineau.
- **Result:** Passed Unanimously.

13. Council Order #072600, Capital Improvement Plan (CIP) Discussion: Deputy City Manager Sara presented the FY27 Phase 1 priorities, including core network switches, local road improvements (Maple St, Gary Moore Rd, etc.), the courthouse road, and sidewalk repairs. Discussion followed regarding the City Hall seal and the long-term funding strategy involving bond packages.

- **Motion:** No action taken; discussion only.

14. Council Order #072601, Maine Office of Tourism (MOT) Grant Presentation: Cara Romano (Heart of Ellsworth) and Twila Fisher (Economic Development) presented the completed "Discover Ellsworth" project, which produced a website, branding, and a wayfinding framework. They discussed a potential Phase 2 grant for signage and a tourism development district.

15. Council Order #072602, Tax Assessment Update: Larry Gardner and Josh Barry (Municipal Consulting Group) reported that final values were reached on July 13. Waterfront values remained stable, and a 3% across-the-board increase was applied to all properties. The new tax rate is set at 16.25.

16. Council Order #072603, Tax Increment Financing (TIF) Redesign Report: Consultant Reagan LaRoche presented recommendations to maximize TIF revenue by offsetting general fund costs and extending the Leonard Lake TIF to 30 years to support Knowlton Park and Moore Center projects.

17. Council Order #072604, Tax-Acquired Properties Discussion: Tax Collector Sue McLean presented a list of foreclosed properties to be listed with a realtor as required by state law. Council discussed holding 16 Central Street for potential use as a park.

- **Motion:** Authorize staff to proceed with listing the identified properties with Better Homes and Gardens Real Estate the Masiello Group.
- **Moved by:** Councilor Lyons; **Seconded by:** Councilor Martineau.
- **Result:** Passed Unanimously.

18. Council Order #072605, Appointment of Finance Director: Deputy City Manager Sara Devlin addressed concerns from public comments, clarifying that 64 applicants were vetted and no CPAs with municipal experience applied. Staff unanimously supported Chris Nemeth.

- **Motion:** To appoint Chris Nemeth as Finance Director effective July 31, 2026.
- **Moved by:** Councilor N. Smith; **Seconded by:** Councilor Martineau.
- **Result:** Passed 6-1 (Councilor O'Halloran opposed).

19. Council Order #072606, Fire Department Replacement Boat: Chief Scott Guillerault requested \$85,000 for a rescue boat, noting the current boat has been out of service since September 2025 and delays in response times have occurred.

- **Public Comments:** None.
- **Motion:** Authorize the purchase of a rescue boat and associated equipment through Sourcewell in an amount not to exceed \$85,000.
- **Moved by:** Councilor M. Smith; **Seconded by:** Councilor O'Halloran.
- **Result:** Passed Unanimously.

20. Council Order #072607, Appointment of Tree Warden: The Council discussed reassigning the role to Roddy Ehrlenbach.

- **Motion:** To approve the reassignment of the Tree Warden role to Roddy Ehrlenbach.
- **Moved by:** Councilor White; **Seconded by:** Councilor N. Smith.
- **Result:** Passed Unanimously.

21. Council Order #072608, August City Council Meeting Date: Councilor Lyons proposed moving the August 17 meeting to accommodate travel, but Councilors Shea and O'Halloran noted scheduling conflicts with the proposed alternatives.

- **Result:** No motion made; the meeting will remain on August 17.

22. Council Order #072609, Proposed Anchor In Campground: City Planner Brittany Merrill provided a status update on the 28-site RV campground proposal on Bayside Road.

- **Public Comments:**

- Kelly Brackett, Wyatt Braun, Amy Faber, Tim Mangan, Casey Stofflet, Patty Kelly, Kim Smallidge, Glenn Smallidge, Michael Kintos, Kristen Braun, Alfred Faber, and Clark Harris spoke in opposition.
- Concerns included compatibility with the rural neighborhood, traffic safety on Bayside Road, groundwater impacts, and a lack of buffering. Many residents requested a moratorium until city ordinances are aligned with the new Comprehensive Plan.
- **Council Discussion:** Councilor Lyons confirmed there was no action for the Council tonight, as the matter is before the Planning Board for a September 2 meeting. Staff will explore reconvening the Comprehensive Plan Steering Committee.

23. Adjournment:

- **Motion:** To adjourn.
- **Moved by:** Councilor Martineau; **Seconded by:** Councilor Shea.
- **Result:** Passed Unanimously.



MEMORANDUM

CITY OF ELLSWORTH, MAINE

Arbor Commission

TO: City Council

FROM: Arbor Commission

DATE: August 17, 2026

SUBJECT: Appointment of Danielle Gift to the Commission

SUGGESTED MOTION:

Move to approve the request of the Arbor Commission to appoint Danielle Gift as a member of the commission with a term expiring 6/30/2027.

BACKGROUND

The Arbor Commission has a vacancy and would like to recommend adding Danielle Gift as a new member. Her appointment would be until 6/30/2027 to be in line with all the current terms, until the commission sets their membership guidelines.

Here is a note from Danielle:

Dear City Council Members,

I am writing to express my interest in being appointed to the Ellsworth Arbor Commission. As a forestry professional with extensive experience in urban and community forestry, I am passionate about promoting healthy, resilient tree canopies and supporting the many environmental, economic, and community benefits that trees provide.

I would welcome the opportunity to contribute my expertise and collaborate with fellow commission members to advance Ellsworth's tree-related goals and enhance the quality of life for residents.

Thank you for your consideration. I would be honored to serve the City of Ellsworth in this capacity.

Sincerely,
Danielle Gift

MEMORANDUM

CITY OF ELLSWORTH, MAINE



TO: Ellsworth City Council

FROM: Mike Harris, Public Works Director

DATE: August 6, 2026

SUBJECT: Appointment to the Solid Waste Committee

SUGGESTED MOTION:

Move to approve the appointments of Andrew McCullough, Kert Clark, and Amanda Dioszeghy to the Solid Waste Committee.

BACKGROUND

I respectfully request that the City Council appoint the following individuals to serve on the Solid Waste Committee:

- Andrew McCullough
- Kert Clark
- Amanda Dioszeghy

These appointments will help support the work of the Solid Waste Committee and ensure continued community participation in matters related to solid waste management.

Thank you for your consideration.

Mike Harris

Public Works Director

Attachments: n/a

CC: n/a



MEMORANDUM

CITY OF ELLSWORTH, MAINE

Social Services, thowes@ellsworthmaine.gov

TO: City Council

FROM: KaTina Vanadestine

DATE: 07/20/2026

SUBJECT: Date Proposal for the City of Ellsworth General Municipal Election

SUGGESTED MOTION:

Resolved to approve the request of the Deputy City Clerk to hold a City of Ellsworth General Municipal Election November 3rd, 2026.

SUMMARY / PURPOSE

I am writing to propose the scheduling of the General Municipal Election for the City of Ellsworth, in accordance with the city's charter.

The proposed date is strategically chosen to align with state elections and to maintain consistency with past practices. This timing will help ensure greater efficiency in the voting process, maximize voter participation, and streamline the use of resources.

Attachments:

CC: Charles Pearce, City Manager

MEMORANDUM



CITY OF ELLSWORTH, MAINE

City Clerk's Office

TO: City Council Members

FROM: Ebony Kramp-Dowling, Deputy City Clerk

DATE: August 17, 2026

SUBJECT: Business License Renewals

SUGGESTED MOTION:

Move to approve the Business License renewals as presented.

BACKGROUND

Before Council approval, each business owner must pay the renewal fee, settle all applicable personal property taxes, and complete inspections by Code Enforcement and the Fire Inspector. If any requirement is unmet, the license is postponed until the following month.

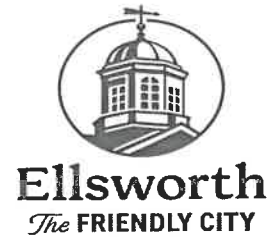
All licensing fees have been paid, inspections done and licensed signed off on by all required departments.

City of Ellsworth

One City Hall Plaza
Ellsworth ME 04605

Business License Renewal Form

PEPPERS PUB
JENNIFER A WING GOODRICH
20 WATER STREET
ELLSWORTH ME 04605



Please review the information we have on record, for your business. Make note of any changes or corrections, return the signed application, along with your payment to the City Office (address shown above) as soon as possible for quick processing and to avoid lapse in license. If you have any questions call 207-669-6680.

If you are no longer in business, please check this box and return the form. ☐

Account Number: 95

Business Name: ~~JENNIFER A WING GOODRICH~~ *Jewett*

DBA: PEPPERS PUB

Business Address: 20 WATER STREET

Business Phone: [REDACTED]

Business Email: [REDACTED]

Mailing Address: 20 WATER STREET, ELLSWORTH ME 04605

Owner Name: ~~WING GOODRICH JENNIFER A~~ *Jewett*

Owner Phone:

Owner Address: 20 WATER STREET, ELLSWORTH ME 04605

Fees	Fee Based On	Quantity	Amount
\$95.00 per year			\$ 95.00
\$100 Public Hearing Notice Fee			\$ 100.00
Total License Fees:			\$ 195.00

Fees are due upon receipt. Payments can be made via cash or check, or by using a credit or debit card. Use of credit or debit will incur a consumer fee. You can mail your renewal and fees to City Clerk, 1 City Hall Plaza, Ellsworth, ME 04605.

Fees due before new license will be issued Current License expires on 08/31/2026

All applications and remittances are accepted subject to audit and approval and do not constitute a license to do business. The foregoing information is correct to the best to my knowledge. The applicant hereby acknowledges his responsibility to maintain the business in compliance with all applicable laws and ordinances.

Signature

Print Name

Date

Please return signed application and payment to the City of Ellsworth

Office Use Only:

Date Received:

8/13/26

Receipt No:

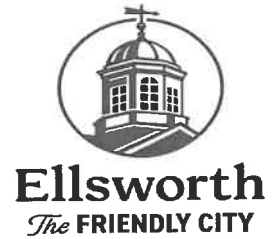
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City of Ellsworth

One City Hall Plaza
Ellsworth ME 04605

Business License Renewal Form

PATS PIZZA
AARGH INC
PO BOX 1016
ELLSWORTH ME 04605



Please review the information we have on record, for your business. Make note of any changes or corrections, return the signed application, along with your payment to the City Office (address shown above) as soon as possible for quick processing and to avoid lapse in license. If you have any questions call 207-669-6680.

If you are no longer in business, please check this box and return the form. ☐

Account Number: 104

Business Name: AARGH INC

DBA: PATS PIZZA

Business Address: 396 HIGH STREET

Business Phone: [REDACTED]

Business Email: [REDACTED]

Mailing Address: PO BOX 1016, ELLSWORTH ME 04605

Owner Name: NASBERG GERALD A TRUSTEE

Owner Phone:

Owner Address: PO BOX 1016, ELLSWORTH ME 04605

Fees	Fee Based On	Quantity	Amount
\$95.00 per year		1	\$ 95.00
\$100 Public Hearing Notice Fee		1	\$ 100.00

Total License Fees: \$ 195.00

Fees are due upon receipt. Payments can be made via cash or check, or by using a credit or debit card. Use of credit or debit will incur a consumer fee. You can mail your renewal and fees to City Clerk, 1 City Hall Plaza, Ellsworth, ME 04605.

Fees due before new license will be issued Current License expires on 08/31/2026

All applications and remittances are accepted subject to audit and approval and do not constitute a license to do business. The foregoing information is correct to the best to my knowledge. The applicant hereby acknowledges his responsibility to maintain the business in compliance with all applicable laws and ordinances.

[REDACTED SIGNATURE]

GERALD NASBERG

7/20/26

Signature

Print Name

Date

Please return signed application and payment to the City of Ellsworth

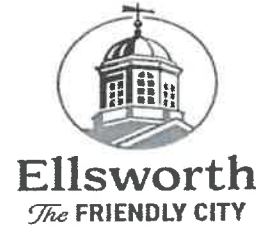
Office Use Only: Date Received: 7/27/26 Receipt No: 32.000000414

City of Ellsworth

One City Hall Plaza
Ellsworth ME 04605

Business License Renewal Form

WALMART #1932
WAL-MART STORES EAST, LP #1932
ATTN: JULENE STOUT
702 SW 8TH STREET
BENTONVILLE AR 72716-0500



Please review the information we have on record, for your business. Make note of any changes or corrections, return the signed application, along with your payment to the City Office (address shown above) as soon as possible for quick processing and to avoid lapse in license. If you have any questions call 207-669-6680.

If you are no longer in business, please check this box and return the form. ☐

Account Number: 100

Business Name: WAL-MART STORES EAST, LP #1932 DBA: WALMART #1932

Business Address: 17 MYRICK STREET

Business Phone: Business Email:

Mailing Address: ATTN: JULENE STOUT, BENTONVILLE AR 72716-0500

Owner Name: WALMART REAL ESTATE BUSINESS TRUST Owner Phone:

Owner Address: PO BOX 8050, BENTONVILLE AR 72716-0555

Fees	Fee Based On	Quantity	Amount
\$150.00 per Year		1	\$ 150.00
\$100 Public Hearing Notice Fee		1	\$ 100.00

Total License Fees: \$ 250.00

Fees are due upon receipt. Payments can be made via cash or check, or by using a credit or debit card. Use of credit or debit will incur a consumer fee. You can mail your renewal and fees to City Clerk, 1 City Hall Plaza, Ellsworth, ME 04605.

Fees due before new license will be issued Current License expires on 08/31/2026

All applications and remittances are accepted subject to audit and approval and do not constitute a license to do business. The foregoing information is correct to the best to my knowledge. The applicant hereby acknowledges his responsibility to maintain the business in compliance with all applicable laws and ordinances.

Signature: Sarah Little, Assistant Secretary Date: July 30, 2026 | 13:17 PDT

Please return signed application and payment to the City of Ellsworth

Office Use Only: Date Received: 8/4/26 Receipt No: 32.000000433

MEMORANDUM



CITY OF ELLSWORTH, MAINE
OFFICE OF THE CITY MANAGER

TO: Ellsworth City Council

FROM: Charlie Pearce, City Manager

DATE: August 13, 2026

SUBJECT: Anchor In Campground Application and Potential Moratorium on RV Campgrounds

Purpose and Recommendation

The purpose of this memorandum is to provide the City Council with an update regarding the proposed Anchor In Campground at 566 Bayside Road; summarize the concerns raised by neighboring residents and the discussion that occurred at the Council's previous meeting; outline the legal framework governing a potential municipal moratorium; and recommend a process for Council consideration going forward.

My recommendation at this time is that the Council continue to listen carefully to residents and receive information regarding a potential moratorium, but take no legislative action intended to affect this particular application until the Planning Board completes its pending review.

The Planning Board is an independent municipal reviewing authority charged with applying the ordinances currently in effect to the application before it. The City Council establishes those ordinances as the City's legislative body, but it should be cautious about inserting itself into the adjudicatory review of an individual application while that process remains underway. The Planning Board should be permitted to make its decision on the record before it, without actual or perceived direction from the Council regarding the outcome.

That does not mean the concerns raised by residents should be deferred or minimized. To the contrary, the questions raised through this proposal warrant serious Council consideration about whether Ellsworth's campground regulations and rural zoning continue to reflect the City's broader land-use objectives. There is, however, an important distinction between deciding whether this pending project satisfies today's ordinances, which is presently the Planning Board's responsibility, and deciding whether those ordinances remain appropriate for Ellsworth going forward, which is properly a legislative question for the Council.

If the Planning Board denies the application, there would be no immediate reason for the Council to adopt a moratorium for the purpose of stopping this project, although the broader ordinance questions could still be considered through the City's normal land-use amendment process.

If the Planning Board grants final approval, I recommend that the Council immediately begin an expedited but deliberate process to determine whether the statutory requirements for a moratorium are satisfied and whether adopting one is ultimately in the City's best interest.

Background and Status of the Application

Superior Realty Inc. submitted an application in May 2026 for a Major Use Site Development Plan for the proposed Anchor In Campground, a 28-site recreational vehicle campground at 566 Bayside Road. The approximately 52-acre property is located in Ellsworth's Rural Zoning District. The proposal calls for full-service RV sites as well as reuse of existing buildings on the property. There is an anticipated project cost of approximately \$650,000, with construction initially anticipated to begin in fall 2026 and completion targeted for summer 2027.

The project most recently appeared before the Planning Board on July 1. At that meeting, the Board reviewed the preliminary application, heard from residents, questioned the applicant, and determined that the application was complete for purposes of proceeding to the next phase of review. As City Planner Brittany Merrill explained to the Council at the last meeting, Major Use Site Development Plans require two appearances before the Planning Board; the second is the point at which the Board determines whether the application satisfies the applicable approval criteria and should be approved or denied.

The Planning Board subsequently conducted a site visit on July 21. The applicant has now submitted for their final review and is likely to be placed on the agenda for September 2nd agenda will go out on Monday. At that meeting the Planning Board may request any additional information it believes is necessary before reaching its decision. The City has also publicly noticed the July site visit as involving the proposed 28-site campground on the 52-acre parcel at 566 Bayside Road.

Previous Council Discussion and Public Comment

At the Council's previous discussion, a substantial number of residents from Alton Avenue, Marian Way, Bayside Road and the surrounding area appeared and requested that the Council consider a temporary moratorium on new campground development in the Rural District.

The central argument presented by the residents was not that Ellsworth should prohibit tourism or development generally. Speakers repeatedly acknowledged the importance of growth and tourism to the community. Their argument was instead that a high-density, transient commercial use immediately adjacent to an established residential neighborhood is fundamentally different from the campground development contemplated when the City's existing regulations were adopted.

Several themes emerged from their testimony.

Neighborhood character and compatibility. Residents described the Alton Avenue area as an established neighborhood of approximately 50 homes occupied by year-round families. They argued that the daily arrival and departure of RVs, visitor turnover, commercial activity, lighting and associated noise are fundamentally different from the low-density residential character of the surrounding area.

Consistency with the Comprehensive Plan. Numerous speakers relied heavily on Ellsworth's recently adopted Comprehensive Plan. They cited its emphasis on preserving rural character and natural resources, directing more intensive development toward appropriate growth areas, reducing infrastructure and traffic impacts, and balancing tourism with the quality of life of year-round residents. Their position is that the City's policy direction has changed through adoption of the Comprehensive Plan while portions of the City's land-use ordinance have not yet been updated to implement that direction.

Residents therefore argue that a temporary moratorium would provide time for the City to determine whether its campground and rural-zone regulations should be revised before another project becomes established under the existing standards. One speaker described the issue as one of precedent: if an RV campground is appropriate in this

rural neighborhood under the existing ordinance, similar projects could potentially occur in other rural residential areas.

Adequacy of the existing campground ordinance. Residents specifically questioned whether Chapter 56's campground provisions were written with modern full-service RV parks in mind. They argued that the City's campground ordinance focuses significantly on conditions experienced by campground users but provides less specific protection for neighboring properties. Residents contrasted those provisions with standards applicable to mobile-home parks, including more explicit buffering, screening and lighting protections.

Recent reporting has similarly described the group's broader request as involving both the City's single Rural District and the treatment of primitive campgrounds and full-service RV campgrounds under the same regulatory framework.

Traffic and road safety. Speakers described Bayside Road as a relatively narrow roadway that is increasingly used as an alternative travel route toward Trenton and Mount Desert Island. Particular concerns included large RVs and trailers, towing vehicles, visibility, lack of shoulders, cyclists and pedestrians, and additional seasonal traffic.

Fire and emergency access. Residents raised concerns about RV and propane fires, particularly because portions of the adjacent neighborhood have limited access. Recent reporting has also documented the residents' concern that an emergency near the campground entrance could affect access into or out of the neighborhood.

Water, environmental impacts and completeness of the record. Residents questioned groundwater capacity, potential impacts on neighboring wells, clearing and wetlands, lighting, traffic information and other technical components of the application. Some speakers expressed concern that information they believe is necessary for final approval had not yet been supplied. These questions properly remain before the Planning Board, which may require additional information as part of its final review.

Following the public hearing, Council members discussed the status of the application but took no action. The City Planner reiterated that the July review represented the preliminary stage and that the final decision would occur when the application returned to the Planning Board. Councilors also encouraged residents to continue providing information which the residents have helpfully done.

The Council also discussed the residents' suggestion that the City's Comprehensive Plan steering process be reconvened or continued as the City enters the next phase of implementing the Comprehensive Plan through ordinance changes.

Maine Law Governing Municipal Moratoria

Municipal development moratoria are principally governed by 30-A M.R.S. §4356.

A moratorium on the processing or issuance of development permits or licenses must be necessary either:

1. to prevent a shortage or overburdening of public facilities that would otherwise occur or is reasonably foreseeable because of proposed or anticipated development; or
2. because existing comprehensive plans, land-use ordinances, regulations or other applicable laws are inadequate to prevent serious public harm from development in the affected geographic area.

A moratorium must have a definite duration of no more than 180 days. It may subsequently be extended for additional periods of up to 180 days if the municipality determines both that the underlying problem still exists and that reasonable progress is being made toward resolving it.

This is important because a moratorium cannot legally be based simply on opposition to a particular project or a general desire for additional time. The Council would need to make supportable legislative findings satisfying the statutory standard.

There is a second statute particularly relevant to the timing of this matter. Under 30-A M.R.S. §3007(6), a municipality may not nullify or amend a municipal land-use permit through a subsequent ordinance enactment, amendment or repeal after 45 days have passed following lawful final approval of the permit and the required public hearing. The statute expressly includes site-plan approval among the municipal land-use permits covered by this protection.

Accordingly, if the Planning Board grants final approval on September 2, the City does not simply have an unrestricted 45-day statutory period in which it may automatically undo that approval. Rather, the statute creates a 45-day period after final approval before the statutory protection against subsequent municipal nullification attaches.

Additionally, §3007(7) provides that a municipality may not enforce or apply a land-use ordinance retroactively unless the ordinance expressly states that it has retroactive application.

Therefore, if Council ultimately wished a subsequently enacted campground moratorium to apply to an already-approved Anchor In Campground permit, the language, findings, procedure and timing of that ordinance would need to be carefully reviewed by the City Attorney. Assuming lawful final approval occurs September 2, 45 days thereafter would fall on approximately October 17, 2026. Any Council strategy premised upon affecting that approval should therefore be completed well before that date rather than treating October 17 as a target date.

Why I Recommend No Council Action Before the Planning Board Decision

I believe there are strong institutional reasons for allowing the current Planning Board process to conclude.

The Planning Board has a specific job: determine whether this application complies with the ordinances currently enacted by the City Council. Council's job is different: establish the broader policy and ordinances under which development is regulated.

Taking legislative action specifically designed to halt a pending application while the Planning Board is actively evaluating it risks blurring those roles and creating the appearance that the Council is attempting to influence the outcome of a matter assigned to another City board.

There is also no procedural necessity to do so at this point.

If the Planning Board concludes that the application does not meet existing standards and denies it, the immediate issue presented by this particular application is resolved. Council could then consider any campground ordinance changes through the ordinary Comprehensive Plan implementation process without the same time pressure. If the application is not approved - the applicant has to wait 6 months before they can reapply with the same project

If the Planning Board approves the application, the Council can then confront the moratorium question directly, with the benefit of the Planning Board's findings, the complete application record, the residents' proposed language and legal arguments, the applicant's position, and advice from the City's attorney.

The Policy Question if the Project Is Approved

If the application is approved, Council will face a difficult question on which reasonable people can reach different conclusions.

On one side is the legitimate interest of an established neighborhood in maintaining its residential and rural character. Residents purchased homes in an area they experience as quiet, low-density and residential. The fact that an activity may technically be permitted under existing zoning does not eliminate legitimate questions about traffic, safety, buffering, noise, compatibility and whether the existing regulations adequately protect surrounding properties.

The Comprehensive Plan further complicates that question. Ellsworth recently undertook a substantial community process to establish a vision for future growth, and the City's ordinances are still being evaluated and updated to

implement portions of that vision. It is reasonable to ask whether the Anchor In proposal has exposed a gap between the City's current regulatory language and the community's newly articulated land-use goals.

On the other side is an equally significant principle: property owners and investors should generally be able to rely upon the laws the City has adopted when deciding whether and how to invest in property.

The proposed developer purchased or controls property where the City's existing ordinance allows campground development and has proceeded through the City's established application process. If a project complies with the rules the City itself adopted, changing those rules late in the approval process raises important questions of fairness and predictability.

That concern extends beyond this campground.

Ellsworth needs substantial expansion of its residential and commercial tax base. The City's recently reconstituted ten-year Capital Improvement Plan identifies significant deferred investment in roads, facilities, equipment and other depreciating municipal assets. An internal analysis estimates that new construction and business/residential development are currently adding approximately \$500,000 annually in new taxable value, excluding appreciation in existing residential and commercial properties. At that rate, new tax-base growth alone is vastly insufficient even to absorb annual increases in major municipal service costs and infrastructure needs without additional tax base growth.

Council therefore needs to consider not only whether a moratorium would improve campground regulation and zoning appropriateness, but also the broader signal sent when municipal development rules are changed after a property owner has invested substantial time and resources pursuing a project permitted by existing law.

Developers considering housing, commercial investment, lodging, manufacturing or other tax-base-expanding projects observe how municipalities treat applicants already in the development pipeline. A pattern (or even a perception) that otherwise permissible projects can cause the rules to change once an application becomes controversial could have a chilling effect on investment far beyond RV campgrounds.

That does not mean that ordinances should never change or that a moratorium is necessarily inappropriate. Municipalities must respond when experience demonstrates that existing regulations are inadequate. It does mean that Council should be conscious of both sides of the precedent it establishes.

The question before Council, therefore, should not be framed simply as "Are we for or against this campground?"

The more appropriate questions are:

Has this application exposed a genuine inadequacy in Ellsworth's existing land-use regulations significant enough to create the serious-public-harm finding required by Maine law? If so, is a temporary moratorium necessary to correct that deficiency before additional campground development proceeds? And do the benefits of that intervention outweigh the effects on property rights, regulatory predictability, and Ellsworth's broader need for responsible economic growth?

Proposed Process Following a Planning Board Decision

The neighborhood group and its attorney are currently preparing proposed moratorium language and supporting information for Council consideration. They have indicated an intention to provide that material to the Council. As of the preparation of this memorandum, neither City staff nor the City Attorney has had sufficient opportunity to review that proposed ordinance or its legal analysis. Though we will both attempt to do so prior to the council meeting and voice additional thoughts and comments for consideration on Monday.

Currently, I recommend that Council accept those materials into the record but reserve judgment until the Planning Board acts.

If the Planning Board denies the application on September 2, I recommend no emergency or expedited moratorium proceedings. Staff should instead incorporate the issues identified through this process into the City's ongoing Comprehensive Plan implementation and ordinance review.

If the Planning Board approves the application, I recommend the following expedited process:

September 14 – Special Council Workshop: Neighborhood and Moratorium Proponents

This meeting would be devoted primarily to the residents requesting the moratorium and their attorney. Unlike a standard three-minute public-comment format, the group would have sufficient time to present its proposed ordinance, legal argument, Comprehensive Plan analysis, concerns regarding the existing campground ordinance, and evidence regarding traffic, public safety, environmental impacts, neighborhood compatibility and other alleged public harms.

Councilors could then question the presenters in detail.

September 28 – Special Council Workshop: Applicant, Property Rights, City Staff and Legal Review

The applicant/property owner should be provided an equivalent opportunity to explain the project, its reliance upon existing zoning, investments already made, proposed mitigation measures, and the consequences of applying a new ordinance or moratorium to the project after Planning Board approval.

The City Attorney should also provide Council with an analysis of the proposed moratorium, including the findings necessary under 30-A M.R.S. §4356, the implications of §§3007(6) and (7), procedural requirements for adoption, potential retroactivity, and litigation risk.

Planning, Code, Public Works, Fire, Police and other appropriate staff could address technical questions within their respective areas without advocating for either outcome.

The discussion should also include the broader policy implications for economic development, housing and confidence in Ellsworth's permitting environment.

Following those two meetings, the Council should hold whatever formally noticed public hearing and legislative meeting City Council determines is required, sufficiently in advance of approximately October 17 to permit lawful adoption and implementation if Council determines that a moratorium is warranted.

Conclusion

The residents who have organized around this proposal have raised substantial and thoughtful questions that deserve more than a three-minute exchange at a Council meeting. They have identified issues regarding neighborhood compatibility, traffic and emergency access, rural character, the distinction between modern RV parks and traditional campgrounds, and the relationship between Ellsworth's newly adopted Comprehensive Plan and ordinances written before that plan was completed. Those questions deserve a full hearing.

The applicant and property owner are entitled to equal consideration. They have proceeded under ordinances enacted by the City that currently permit campground development in the Rural District. The Council must therefore consider the implications of changing those rules during or immediately following an active permitting process and what that could communicate to other property owners, housing developers and businesses considering investment in Ellsworth.

The Planning Board should first be allowed to perform the responsibility assigned to it.

After that decision, if the application is approved, Council will still have an opportunity (subject to the statutory requirements and timelines described above) to determine whether this proposal has revealed a regulatory problem sufficiently serious to justify the extraordinary step of a temporary development moratorium.

My recommendation is therefore not to prejudge either the campground application or the proposed moratorium today, but to protect the integrity of the Planning Board process, continue listening to all parties, and, if final approval occurs September 2, immediately commence the structured and expedited Council process outlined above.

That approach gives the affected neighborhood a meaningful opportunity to make its case; affords the property owner and developer the same opportunity; provides Council with independent legal and professional advice; and allows the Council ultimately to make this significant decision based on a complete record and with consideration of both the neighborhood interests immediately at stake and the long-term interests of the City of Ellsworth.

Attachments: n/a

CC: n/a

PROPOSED ORDINANCE

City of Ellsworth Moratorium Ordinance – Recreational Vehicle Park Developments

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

The CITY OF ELLSWORTH, MAINE, through its legislative body, adopts the following Moratorium Ordinance:

WHEREAS, a development that fits into the category of a RV Park development has been proposed, and is served by a municipal road that is insufficiently built for the traffic to be caused by the development;

WHEREAS, RV Park developments may produce mass quantities of septic wastewater that have the possibility of impacting wetlands, vernal pools and neighboring properties as well as potential spillovers into surrounding waters; and

WHEREAS, RV Park developments have the potential to adversely impact traffic congestion and road safety; and

WHEREAS, the noise and light pollution generated by RVs and RV Park activities can disrupt wildlife habitats, causing stress and disturbances to local fauna; and

WHEREAS, RV Park developments have the potential to generate a significant amount of trash, including plastic waste, and inadequate waste management can result in harm to the environment; and

WHEREAS, without appropriate regulation, such RV Park developments could pose a threat to the quality of life, health and safety of City residents; and

WHEREAS, the City of Ellsworth did not anticipate RV Park developments being proposed and thus has not included RV Park developments in its Table of Use Regulations in the Unified Development Ordinance; and

WHEREAS, the City's current Unified Development Ordinance does not contain standards specifically governing RV Park developments, including standards relating to traffic impacts, infrastructure capacity, wastewater management, environmental protection, density, setbacks, and compatibility with surrounding land use; and

WHEREAS, the Unified Development Ordinance does not currently differentiate between RV Park developments and Campgrounds; and

WHEREAS, the Unified Development Ordinance's definition of "Campground" was not intended to include sites exclusively dedicated to Recreational Vehicles; and

WHEREAS, unlike Campgrounds, RV Park developments require access to utilities including water, electricity, and sewage systems, which can disrupt local ecosystems and natural landscapes and burden municipal resources;

WHEREAS, RV Park developments have the potential to cause land degradation, soil erosion and damage to local vegetation due to the continuous wear and tear caused by Recreational Vehicles; and

WHEREAS, there is a strong likelihood that the City will continue to be subjected to this type of development due to the amount of undeveloped land, relatively low land prices, proximity to Mount Desert Island, and high demand for sites for such development; and

WHEREAS, Campgrounds are currently permitted throughout the Rural (R) Zoning District, which makes up the majority of the City's land area (exclusive of water bodies and wetlands identified in the National Wetlands Inventory); and

WHEREAS, the Unified Development Ordinance currently provides for only one rural district, the Rural (R) Zoning District, despite encompassing the majority of the City's land area, including areas with vastly different characteristics and typical land uses; and

WHEREAS, the City Comprehensive Plan adopted in 2024 recommended an amendment to the Unified Development Ordinance to create more than one rural zone including Rural, Rural Conservation, and Rural Village, each with its own land use regulations designed for the area's unique characteristics; and

WHEREAS, the City Comprehensive Plan adopted in 2024 prioritizes the reduction of traffic congestion and mitigation of traffic volumes; and

WHEREAS, the City Comprehensive Plan adopted in 2024 recommends coordination with other municipalities in the region on issues implicated by this type of development, including transportation, water quality protection, and sustainability and resiliency; and

WHEREAS, the Unified Development Ordinance has not yet been amended to align with the goals articulated in the City Comprehensive Plan adopted in 2024; and

WHEREAS, the City Council believes that the current Unified Development Ordinance contains insufficient provisions to ensure that RV Park development in the Rural (R) Zoning District protects the rural character and environmental attributes of those areas and is supported by adequate infrastructure and transportation systems; and

WHEREAS, the City needs at least 180 days to evaluate the concerns raised in regard to anticipated or proposed RV Park developments, to determine the adequacy of existing land use ordinances and regulations; and

WHEREAS, during the effective period of this Moratorium, City staff and the Planning Board will work to develop appropriate zoning and regulations for the development of RV Park

developments to provide adequate protection for the property, health, welfare, and safety of the City of Ellsworth's residents; and

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

WHEREAS, in the judgment of the City, these facts establish that a Moratorium Ordinance in accordance with 30-A M.R.S. 4356 (1) is immediately necessary for the preservation of the public health, safety, and welfare.

NOW, THEREFORE, the City of Ellsworth hereby ordains this City of Ellsworth Moratorium Ordinance – Recreational Vehicle Park Developments be enacted:

I. Authority & Purpose: This Moratorium Ordinance is enacted pursuant to 30-A M.R.S. §4356 and the City of Ellsworth'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. "Recreational Vehicle Park" and "RV Park" shall mean a business, public or private establishment operated as a recreational site for Recreational Vehicles.
- B. "Recreational Vehicles" shall mean vehicles or vehicular attachments designed for temporary sleeping or living quarters for one or more persons, including, without limitation, pickup campers, travel trailers, tent trailers, motor homes, or converted vans or trucks.

III. Moratorium on RV Park Developments: The City hereby declares and imposes a moratorium prohibiting the development of any RV Park developments within the boundaries of the City of Ellsworth. No person or organization shall develop or operate a RV Park development within the City of Ellsworth.

IV. Moratorium on Processing Applications: No officer, employee, official, board or body of the City of Ellsworth, including without limitation the City of Ellsworth 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 RV Park development.

V. Severability: Any provisions of the City's Unified Development 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 Ellsworth City Council and extend for the shorter of the following periods: (a) 180 days from the date of passage; or (b) immediately upon its repeal by a duly called City Council meeting.
- B. This moratorium may be extended for successive 180 day periods by vote of the City Council as permitted by 30-A M.R.S. §4356, after notice and hearing, if the City Council 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 City Council 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 RV Park developments, including any which have not received all necessary final permits, licenses, certifications, approvals, and/or fees from the City of Ellsworth; and all proposed RV Park developments that were not fully operational and/or did not have all the required State permits; and, shall be applicable to any City of Ellsworth 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).

VI. 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. §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 City of Ellsworth.

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

By signing below the Ellsworth City Council certifies that this is a true copy of the approved moratorium ordinance to be considered by the inhabitants of Ellsworth at a Special City Council Meeting to be held on _____, 2026:

CITY COUNCIL

Carol Patterson-Martineau

Patrick Shea

Marinna Smith

Nancy Smith

Steven E. O'Halloran

Patrick Lyons

Tabatha White



MEMORANDUM

CITY OF ELLSWORTH, MAINE

TO: Ellsworth City Council

FROM: Roddy Ehrlenbach, Director – Parks, Recreation & Facilities

DATE: August 11, 2026

SUBJECT: Development of RFP – City Hall Seal Pediment Assessment, Removal, and Restoration and Establishment of a Taskforce

Recommendation

I recommend that the City Manager proceed with the development and issuance of a Request for Proposals (RFP) for the professional assessment, controlled removal, stabilization, conservation, and eventual restoration of the City Hall Seal, to be presented at the October City Council Meeting for approval.

The proposed RFP would utilize a two-phase approach, with Phase 1 focused on assessment, documentation, controlled removal, stabilization, and temporary storage, and Phase 2 focused on conservation, restoration, and reinstallation based on the findings of the Phase 1 assessment.

This approach allows the City to address the immediate preservation risk while maintaining appropriate fiscal and project controls. Most importantly, it allows the City to make the eventual restoration decision based upon professional assessment of the Seal's actual condition rather than assumptions about what may be required.

Purpose of the RFP

The purpose of the RFP is to engage a qualified historic preservation contractor and architectural conservator with the specialized experience necessary to safely remove, assess, and preserve the Seal.

This is not conventional construction or carpentry work. The Seal's condition, size, elevation, and historic significance require specialized expertise in historic wood conservation, architectural rigging, controlled disassembly, documentation, transportation, and environmental stabilization.

The RFP will establish minimum qualifications for firms and project teams, including demonstrated experience with historic wood conservation and elevated architectural removals. Bidders will also be required to submit detailed methodologies for rigging, debris containment, extraction, labeling, crating, transportation, and controlled drying and storage.

Why Proceed Now?

The Seal is understood to be in a severely deteriorated condition, and continued exposure to the elements increases the potential for further loss of historic material. The City cannot fully understand the extent of deterioration or develop an appropriate restoration plan until the Seal is removed and assessed. In an attached memo, from a recent workshop,

Councilor Martineau encourages something to be done to save the decaying seal before the damage is completely irreparable.

Proceeding with Phase 1 in the near term does not commit the City to a particular restoration treatment or to the full cost of Phase 2. Rather, it allows the City to:

- Protect the Seal from continued exposure and deterioration;
- Preserve and document existing historic material;
- Obtain a professional assessment of its actual condition;
- Develop a realistic scope and cost for restoration; and
- Make an informed decision regarding the appropriate level of restoration.

Delaying the assessment does not eliminate the eventual need to address the Seal; it simply leaves the City without the information necessary to determine the appropriate course of action while deterioration may continue.

Why a Phased Approach?

A phased approach is recommended because the full condition of the Seal cannot be accurately determined while it remains installed and exposed to the elements.

Phase 1 – Assessment, Removal & Stabilization

Phase 1 would include:

- Pre-removal documentation and photography;
- Rigging and removal planning;
- Controlled disassembly and removal;
- Component and fragment identification and mapping;
- Protective crating and transportation;
- Climate-controlled storage and gradual drying;
- Professional condition assessment; and
- A comprehensive Condition & Assessment Report with recommendations for Phase 2.

The Seal would be stored in a controlled environment to allow gradual moisture equilibration before the condition assessment is finalized. The project materials anticipate approximately three to six months of climate-monitored storage and controlled drying.

Phase 2 – Conservation, Restoration & Reinstallation

Once the Seal has been removed, dried, and assessed, the City will have the information necessary to develop a responsible restoration scope and budget. Potential work could include wood consolidation, Dutchman repairs, structural repairs, treatment or replacement of deteriorated components, appropriate paint systems, anchoring repairs, reassembly, and reinstallation.

Phase 2 would be subject to City and Ellsworth Historic Preservation Commission review and approval. The City would retain a decision point between the two phases rather than committing now to an undefined restoration scope and cost.

Anticipated Timeline

The project should be viewed as a multi-year preservation effort. A realistic schedule from RFP issuance through completion is approximately 15–24 months, depending on procurement, preservation review, the condition discovered following removal, and the extent of restoration ultimately required.

Anticipated Timing	Activity
Fall 2026	Issue RFP, receive and evaluate proposals, select contractor, and approve at October Council Meeting
Late 2026 / Early 2027	Finalize removal plans and preservation approvals
Spring 2027	Remove, document, crate, and transport Seal; provide temporary building-envelope protection
Spring–Summer 2027	Controlled drying and stabilization
Summer/Fall 2027	Condition assessment and Phase 2 treatment recommendations
Fall 2027	City/EHPC review and development of final restoration scope and cost
Late 2027/Early 2028	Phase 2 authorization and preparation
Winter–Spring/Summer 2028	Conservation, restoration, reassembly, and reinstallation

The schedule is intentionally conservative given the need for controlled drying and the possibility that the condition assessment may reveal additional deterioration requiring more extensive restoration.

Financial Considerations

A definitive restoration budget cannot be established until the Seal is removed and professionally assessed.

For planning purposes, the preliminary Phase 1 estimate identified in the project materials is approximately \$13,000–\$28,000, including removal, specialized labor, protective crating, transportation, temporary storage, and contingency.

The RFP will require actual Phase 1 pricing from qualified contractors. Phase 2 costs will be developed after completion of the assessment and will return to the City for consideration before restoration work proceeds.

Grant Funding Opportunity

The City has also recently been made aware of a potential funding opportunity that could significantly offset the cost of the project. The Maine Downtown Center has opened a new round of REvitalizeME Downtown Grants, offering \$50,000–\$200,000 for historic preservation projects in designated Main Street communities such as Ellsworth. The program supports projects that preserve historic resources while enhancing their civic and community value and requires a 20% local match.

The application deadline is October 14. Based on the program's stated objectives, the restoration of the City Seal appears to be a strong potential fit and is an opportunity worth exploring.

The timing of this grant opportunity further supports moving forward with the RFP and Phase 1 work in the near term. While the City cannot establish a final restoration budget until the Seal has been removed and assessed, beginning that process now will provide the information necessary to better define the overall project, develop a credible funding request, and position the City to pursue outside funding for Phase 2.

Heart of Ellsworth has offered to assist the City with development of the grant narrative, provided they are notified as soon as possible so they can allocate time to support the application.

Given the potential scale of the funding available relative to the anticipated project cost, staff believes this opportunity warrants further consideration as part of the City's overall strategy for financing the Seal's restoration.

Attachments: Memo from Councilor Martineau

CC: n/a

Workshop Discussion: Rehabilitation / Restoration of City Hall Seal Pediment

August 3, 2026

The iconic hand-carved pediment on the front gable-end of Ellsworth City Hall is now 91 years old. It is the largest representation of the State Seal in Maine and the only municipal architectural embellishment of its kind in the United States. This is the *third time* in its 91 years that the Seal has been left to the decay of wind and weather, thaw and freeze: not for months or for years, but for *decades* at a time. Even as pieces broke off and fell to the sidewalk, it went without so much as routine inspections, much less preventative maintenance and repair. When remediation became unavoidable and the Seal finally removed – first in 1985 and then again in 1998 – the repairs, however well-intentioned and carefully carried out - very significantly compromised the historical integrity of the pediment.

We now face, what may well be, the last opportunity to preserve, for future generations, this historic symbol of community that defines our most important municipal building. But this will not happen if we repeat past mistakes, cut the same familiar corners, and engage in the political posturing that divides our community. Proposing what will undoubtedly be a lengthy, complex, and expensive project in these financially challenging times is daunting. But for a short time, each generation becomes the stewards of its own history. How we respond to the challenge becomes our collective legacy.

Respectfully



Carol Patterson-Martineau PhD

Chair, Ellsworth Historic Preservation Commission

Ellsworth City Councilor

The City Council should authorize the City Manager to create a Pediment Seal Task Force. This should be chaired by the City Manager (or the Assistant City Manager) and also include the Head of Public Works, representatives from the Ellsworth Historic Preservation Commission and the Ellsworth Historical Society, as well as community volunteers interested in the project. [do we need Finance and/or a grant writer?]

Draft Proposal:

A Phased COA Rehabilitation / Restoration of the City Hall Seal Pediment

All evidence points to the Seal (once again) being in a state of severe decay. However, it must be evaluated by an expert conservator before any plan can be made to address the issues. Attempting to issue one single, comprehensive COA for the entire project right now creates an administrative deadlock: the Commission cannot approve a restoration plan until conservators inspect the dried wood, but the City cannot legally remove the wood to inspect it without EHPC approval.

Breaking the approval process into distinct phases keeps the project legally compliant and moving forward.

How a Phased COA Works

Phase 1 COA: Removal, Containment & Temporary Envelope Protection

The City (the “Task Force”) applies for - and EHPC approves - a COA application strictly for the removal and stabilization scope. This approval covers:

- **Temporary Removal:** Authorized extraction of the seal/pediment using specified platform lifts and padding techniques.
- **Building Envelope Weatherization:** If appropriate, approval of the temporary, non-destructive weather barrier or flashing installed over the vacant pediment bay on City Hall to prevent water intrusion while the seal is away.
- **Conditions of Approval:** The EHPC attaches specific binding conditions to the Phase 1 COA, such as: (Draft examples at the end of this document)
 1. *The removed pediment must be stored in a climate-monitored facility.*
 2. *A qualified conservator must complete a Condition & Assessment Report within a specified timeframe (e.g., 90 days of drying).*
 3. *No permanent alteration or re-installation may occur until a Phase 2 COA application for Conservation & Re-installation is submitted and approved.*

Phase 2 COA: Conservation, Repair & Re-installation

Once the pediment is safely down, dried out, and fully assessed, the Task Force returns to the EHPC with the actual restoration specifications (Dutchman repairs, wood consolidants, paint systems, re-anchoring hardware) for a second COA review and final approval.

Important: this project should not be considered complete or successful without establishment by the City Council of mandates for the Seal's future maintenance and binding provisions for funding of same.

Benefits of the Phased Approach

- **Protects the Building:** Gets the wood out of the weather immediately without violating local preservation law.
- **Clear Legal Boundaries:** Gives removal contractors legal clearance to touch the historic structure without granting a "blank check" for how the final restoration will look.
- **Transparency:** provides for establishment of clear boundaries and definition of acceptable collaboration between The City and Ellsworth Historic Preservation Commission.

(Examples of potential specifications for Phase 1)

Technical & Contractor Qualification Requirements

Phase 1: Removal, Stabilized Handling, and De-installation

Because the 18-foot, multi-piece historic relief seal sits 30 feet in the air and is structurally compromised, this scope separates general mechanical rigging from specialized architectural conservation.

Technical Specifications: Removal & Handling

1. Specialized Rigging & Lift Operations

- **Platform Aerial Equipment Required:** The contractor **shall not** utilize single-person bucket trucks or boom lifts with restricted work envelopes. The project requires a self-propelled articulate or telescopic **aerial work platform (scissor/boom with minimum 6 ft × 8 ft platform capacity)** to allow two conservators/riggers to work side-by-side with the pediment pieces simultaneously.
- **Point-Load & Structural Protections:** Lift equipment operating on City Hall Plaza or adjacent granite steps must utilize load-distribution pads to protect underlying municipal stonework and utility vaults.

- **Fall-Protection & Containment Netting:** Prior to releasing any hardware, fasteners, or structural connections, the contractor must install a high-tenacity perimeter **debris-containment netting system** beneath the full 18-foot span of the pediment. The system must extend a minimum of 10 feet out from the building face to catch any wood fragments, carved elements, or hardware that may dislodge during extraction.

2. Disassembly & Hardware Removal Protocols

- **Controlled Extraction:** No aggressive leverage tools, saws, or destructive pry bars may be used directly against historic wood. Fasteners (bolts, lags, pins) must be individually identified, cleaned of paint/corrosion, and systematically removed.
- **Shoring & Modular Support:** Because the carved wood relief consists of multiple connected sections, each section must be custom-padded (using non-reactive materials like polyethylene foam and strapped to rigid, temporary backing frames *before* being unbolted from the masonry backer.
- **Fragment Capture & Mapping:** Any loose or broken wood components (including previously damaged pieces) must be documented in place, tagged with location markers, individually wrapped in acid-free tissue/bubble wrap, and mapped to a grid diagram of the pediment face.

3. Transport, Crating & Environmental Stabilization

- **On-Site Crating:** De-installed elements must be lowered directly into cushioned, custom-built wooden transport crates lined with closed-cell foam. Elements must not sit unprotected on asphalt or bare ground.
- **Controlled Drying Environment:** The contractor/conservator must transfer the crated pediment to a secure, climate-monitored interior facility to allow gradual moisture equilibration. Rapid drying (high heat or direct sunlight) is strictly prohibited to prevent further checking, warping, or wood grain separation.

Minimum Contractor Qualifications

To ensure the safety of this high-altitude, fragile historic asset, bidding contractors must meet the following mandatory thresholds:

Requirement 1: Demonstrated Historic Preservation Experience

- The Lead Specialty Contractor or Conservator must have a minimum of **7 years of documented experience** in the dismantling, handling, and structural conservation of historic exterior timber, wood carvings, or architectural millwork.
- Must show compliance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties* (specifically Guidelines for Preserving and Rehabilitating Historic Wood).

Requirement 2: Fine-Art / Architectural Rigging Expertise

- The primary rigging crew must demonstrate proven experience performing **delicate architectural extraction at elevation (above 20 feet)**. Standard commercial demolition riggers or tree-service operators do not qualify unless paired with a Senior Architectural Conservator overseeing the extraction plan.
- **Portfolio Submittal:** Bidder must submit a minimum of **three (3) past projects** involving fragile, elevated structural removals of historic masonry, timber, or sculpture, including client contact references.

Requirement 3: Professional Staffing & On-Site Personnel

- **On-Site Project Manager:** Must possess a minimum of 5 years managing complex historical restoration projects.
- **Conservator Presence:** A qualified Historic Wood Conservator or Senior Architectural Historian must be physically present on the lift platform during all fastener removals and initial lifting off the building face.

Requirement 4: Technical Submittals Required with Bid

Bidders must submit the following documents for city approval prior to contract award:

1. **Rigging & Lift Logistics Plan:** Detail lift model, platform dimensions, ground placement, weight limits, and traffic/pedestrian control on City Hall Plaza.
2. **Debris Capture Plan:** Drawings/specs of the containment netting and safety rigging beneath the work zone.
3. **Extraction & Labeling Methodology:** Step-by-step narrative detailing how sections will be supported, unbolted, labeled, and crated.
4. **Temporary Stabilization Plan:** Facility specs for where the pediment will be stored and how relative humidity will be managed during drying.

How much will Phase 1 Cost?

I don't know. But here is a collaboration between me and AI. *Gemini* was provided with the history of past Seal removals, the dimensions, age, and construction of the Seal, a description of its present condition, photos of the front of City Hall and *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*. It was then asked to find and utilize other large architectural preservation projects that necessitated [working at heights](#), such as those employed by conservators at Christ Church Episcopal in Gardner, ME. **I cannot vouch for its accuracy** but it does seem to address the challenges inherent in our proposed project.

Budget Category	Description & Scope	Estimated Range
1. Site Setup & Aerial Equipment	80 ft + articulating boom/platform lift rental, heavy load-distribution mats for plaza, street/sidewalk safety permits, and high-tenacity perimeter debris netting setup.	\$3,000 – \$6,000
2. Specialized Labor & Disassembly	1–2 days of on-site work by a Senior Architectural Conservator, Master Rigger, and historic carpentry team. Includes slow hardware extraction, temporary backing supports, and piece mapping.	\$5,000 – \$11,000
3. Protective Crating & Materials	Custom-built wooden transport crates, high-density Ethafoam padding, polyethylene wrapping, and acid-free archival packing for loose fragments.	\$2,000 – \$4,500
4. Transport & Climate Storage	Secure transport to a facility and the first 3 to 6 months of climate-monitored, slow-drying storage to stabilize moisture levels without cracking.	\$1,500 – \$3,500
5. Municipal Support & Contingency	Local police traffic detail (if occupying City Hall parking/street space), municipal permits, and a 15% unexpected structural contingency.	\$1,500 – \$3,000
ESTIMATED PHASE 1 TOTAL	<i>Removal, Crating & Temporary Storage Only</i>	\$13,000 – \$28,000

MEMORANDUM

CITY OF ELLSWORTH, MAINE



TO: City Council

FROM: Planning Department

DATE: August 17, 2026

SUBJECT: Request to adopt a Data Center Moratorium Ordinance

SUGGESTED MOTION:

Move to adopt a Data Center Moratorium Ordinance as presented, with an immediate effective date.

BACKGROUND

As requested by Council at its June workshop meeting on June 1, 2026 and in consultation with the City's legal council, the Planning Department has prepared the attached moratorium ordinance regarding data centers for Council's consideration, a public hearing, and possible action.

Chapter 56, the Unified Development Ordinance, and related ordinances do not currently contain specific standards addressing data centers and as such, the City requires sufficient time to study the potential impacts of data centers and determine whether amendments to Chapter 56 or other ordinances are necessary. As written, this ordinance is set to last 180 days, which will allow the Planning Board and City staff to study, review, and develop recommendations to responsibly address and manage the potential future development of data centers. The Planning Board shall endeavor to submit recommendations for permanent action by the expiration date of this ordinance. There is an option to extend this moratorium for another 180 days after the expiration.

Attachments: Draft Moratorium

The City of Ellsworth adopts a Moratorium Ordinance entitled **Data Center Moratorium Ordinance** “Moratorium Ordinance” as follows:

WHEREAS, the City Council of the City of Ellsworth, Maine (“the City”), after due consideration, find pursuant to 30-A M.R.S. §§ 3001 and 4356 as follows:

1. There has been a recent increase in the development of large-scale data centers (“Data Centers”) throughout the United States and within the State of Maine;
2. The development of Data Centers within the City, absent appropriate regulatory standards and review criteria, could cause a shortage or overburdening of public facilities such as water, roads, fire protection, and public safety, and could pose a threat to the quality of life and health and safety of City residents, in ways that have not yet been adequately evaluated by the city;
3. Data Centers are often characterized by significant demands for electrical power, water resources, cooling systems, and communications infrastructure, and the City has not yet evaluated the capacity of local and regional systems to accommodate such uses.
4. Data Centers may require substantial and continuous electrical service, raising concerns regarding impacts on local utility infrastructure, grid reliability, energy availability, and associated costs that warrant further study by the City;
5. Data Centers may involve the operation of generators, cooling equipment, ventilation systems, and other mechanical infrastructure that may generate noise, heat, lighting, and emissions that could affect neighboring properties and environmental resources;
6. The construction and operation of Data Centers may generate increased traffic volumes, roadway impacts, utility demands, and public service needs requiring further evaluation by the City;
7. Data Centers often require large building footprints and substantial supporting infrastructure, raising concerns regarding land use compatibility, visual impacts, community character, and consistency with the goals and policies of the City’s Comprehensive Plan;
8. There is a strong likelihood of continued development pressure for Data Centers due to regional and national demand for digital infrastructure and cloud computing facilities;
9. The City may be attractive for such development due to the availability of undeveloped land, proximity to electrical transmission infrastructure, transportation corridors, and other site-selection factors commonly considered by Data Center developers;
10. The City’s Unified Development Ordinance and related regulations do not currently contain specific standards addressing the siting, design, operation, environmental impacts, utility demands, water usage, backup power systems, noise generation, emergency response considerations, or decommissioning of Data Centers, potentially resulting in land use decisions being made without an adequate regulatory framework;

11. The City requires sufficient time to study the potential impacts of Data Centers on municipal infrastructure, public services, natural resources, land use patterns, and community character, in order to determine whether amendments to the Unified Development ordinance or other municipal regulations are necessary;
12. City staff expects that the study, review, and development of recommendations to responsibly address and manage the potential future development of Data Centers can be accomplished in one hundred eighty (180) days from the date the City first enacts a moratorium;
13. In the judgment of the City Council, the foregoing facts demonstrate that a temporary moratorium is necessary to protect the public health, safety, and welfare while the City evaluates and develops appropriate regulatory standards governing Data Centers;
14. The City Council recognizes that Data Centers may provide economic development opportunities; however, the City has determined that it is in the public interest to first establish clear standards and review criteria to ensure that any future development occurs in a manner consistent with the City's Comprehensive Plan and the protection of public health, safety, welfare, and natural resources.

NOW, THEREFORE, based upon the foregoing findings, be it hereby ordained by the City Council of the City of Ellsworth as follows:

1. **Authority:** This Data Center Moratorium Ordinance ("Moratorium Ordinance") is enacted pursuant to the authority granted to the City of Ellsworth under 30-A M.R.S. § 3001 and 30-A M.R.S. § 4356 and, in furtherance thereof, the City Council hereby declares a moratorium on the siting, permitting, construction, and operation of Data Centers within the City of Ellsworth.
2. **Effective Date and Purpose:** This Moratorium Ordinance shall take effect immediately upon its adoption by the City Council and shall remain in effect for one hundred and eighty (180) days from its effective date, unless extended by order of the City Council or repealed or modified by ordinance, allowing municipal officials reasonable time to evaluate the concerns raised in regards to anticipated Data Centers, to determine the adequacy of existing land use ordinances and regulations, and, if necessary, to develop additional ordinances and regulations to provide adequate protection for the property, health, welfare, and safety of the City of Ellsworth's residents.
3. **Prohibition:** During the effective period of this Moratorium Ordinance, no official, officer, board, or agency of the City of Ellsworth shall accept, process, approve, deny, or in any other way act upon any application or request for any type of permit or approval relating to the siting, permitting, construction, or operation of a new Data Center within the City of Ellsworth.

4. **Definitions:** A “Data Center” means a building, structure, campus, or facility, or group of facilities under common ownership or control, the primary purpose of which is the housing, storage, processing, management, transmission, or distribution of digital data through computer servers, networking equipment, data storage systems, and associated mechanical and electrical infrastructure, including cooling systems, backup power generation, substations, and utility support equipment.

The term shall not include server rooms, telecommunications equipment, or information technology systems that are accessory and incidental to the principal use of a school, hospital, government facility, business office, manufacturing facility, retail establishment, or other permitted use.

5. **Action by the Planning Board and City Council:** During the effective period of this Moratorium Ordinance, the Planning Board and Council-appointed staff shall expeditiously act to review the implications of such developments on the health, safety, welfare, traffic, emergency services, public facilities and utilities, land use, aesthetics, and natural environment of the City of Ellsworth and its residents. Toward the end of the Moratorium, the City will hold at least one public hearing and receive input from interested parties. The Planning Board shall endeavor to submit recommendations for permanent action within one hundred seventy-nine (179) days of the effective date of this Moratorium Ordinance.
6. **Enforcement and Civil Penalties:** If any Data Center is opened or operated within the City in violation of this Moratorium Ordinance, such operation shall constitute a violation of this Moratorium Ordinance, and each day of such violation shall constitute a separate violation of this Moratorium Ordinance. The City’s officers, officials, and employees are hereby authorized to institute any and all rights available to it pursuant to 30-A M.R.S. § 4452, including fines and penalties, injunctive relief, and its reasonable attorneys’ fees and costs in prosecuting any such violation.
7. **Severability:** Any provisions of the City of Ellsworth’s existing ordinances that are inconsistent or conflicting with the provisions of this Moratorium Ordinance are hereby repealed to the extent applicable for the duration of this Moratorium Ordinance. Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision.