Mr. Carnicelli: All in favor please raise your hand. That is five. Motion passes.

It was moved by Ms. La Costa, seconded by Mr. Tackett, then unanimously

VOTED: To Accept the Resolution Agreement as presented.

(Assenting – P D. La Costa, C. Tackett, K. Pali, K. Robinson, L. Carnicelli)

(Excused – S. Castro, T. Gomes)

Mr. Carnicelli: Jim.

Mr. Buika: Yes, thank you. Chair I have one amendment to the resolution agreement it’s a –

Mr. Carnicelli: Really now?

Mr. Buika: Sorry.

Ms. McLean: Typo. It’s just a typo.

Mr. Buika: It’s a change in a date.

Ms. McLean: It’s typo that we can correct.

Mr. Buika: Okay, yeah, we’ll change the typo from yeah, July...September 23, 2013 to July 23, 2013 for the record. Thank you.

Mr. Carnicelli: And you guys thought you’d show up and talk about a B&B today, right. I think at this point in time, should we just keep moving or do you want to take a quick break? All right, we’re gonna take a four-minute recess.

Mr. Mancini: I’d like to thank the Commission for the deliberation and hearing everything. Certainly appreciate it.

(A recess was called at 10:38 a.m., and the meeting was reconvened at 10:45 a.m.)

Mr. Carnicelli: The Maui Planning Commission of May 26, 2019 is back in session. Director.

Ms. McLean: Thank you Chair you have four public hearings on your agenda today. The first is a request from Lew Abrams representing the Sacred Earth Assembly, a non-profit interfaith church for a State Land Use Commission Special Permit to utilize approximately 14.8 acres of the Ahimsa Sanctuary Farm and a 7,693 square foot two-story agricultural building for church-related activities at 4504 Hana Highway at TMK: 2-8-003:075 (por.) in Haiku. Tara Furukawa is the project planner.
C. PUBLIC HEARINGS

1. LEW ABRAMS representing the SACRED EARTH ASSEMBLY, a non-profit interfaith church, requesting a State Land Use Commission Special Permit to utilize approximately 14.8 acres of the Ahimsa Sanctuary Farm and a 7,693 square foot two-story agricultural building for church-related activities at 4504 Hana Highway, TMK: (2) 2-8-003:075 (por.), Haiku, Island of Maui. (SUP2 2017/0011) (T. Furukawa)

Ms. Tara Furukawa: Good morning Commissioners I just wanted to correct the address is 4505 and not 4504 as stated. So this item has come to you for review because the applicant, Dr. Lew Abrams and his wife, Maria are proposing a church, the Sacred Earth Assembly on state agricultural land. Lew has a presentation that he wants to share and he can answer any questions that you may have regarding his proposal.

Dr. Lew Abrams: Aloha Commissioners. I’m Dr. Lew Abrams here representing Sacred Earth Assembly Church and I’m really appreciative to have this opportunity to speak to you and I have some supporters of our congregation here in the audience and I don’t know that all of them will get to testify or stay so I was just going to acknowledge our team. We have our consultant, David Jenkins that I have been working with as well as our attorney Les Iczkovitz. And then we have some people from the community that are here to testify in support and I was just going to ask whoever is here in support of us just to stand in this moment because I know you may not all get to testify. Thank you so much for coming out and I just want to point out that there’s one important missing member, maybe we should stand for a moment, Dr. Joe Marshalla, one of the main instigators of the shaka movement was going to be here to testify but he’s had health problems and a number of heart attacks and last night he called to say he wouldn’t be able to make it ‘cause he was having heart pains and pain in his arm. So I’d just like to take this moment silence to send some healing energy to Dr. Joe Marshalla who’s been an amazing servant for this community and island. Thank you may be seated.

So yes, I came to this island with my family, my wife and two sons in 1997 and began working as a licensed clinical psychologist. I have PhD from the University of North Carolina and went Undergraduate to UC Berkley and when we first came to the island I began working at the Molokini Unit at the hospital, the locked psychiatric ward doing group therapy with adults and adolescents. I also worked for some other agencies. I worked for the Aloha House Adolescent Unit doing family therapy and I did some evaluations for Child and Family Service while I developed a private practice as well first in Makawao then in Pukalani, and at present I work in Lahaina at West Maui Counseling Center for three days a week seeing individuals, couples and families.

When we moved to Maui we moved to a two-acre parcel in Haiku above Hanzawa Store on Awalau Road and that’s where I began to learn about organic farming and planting trees. We built a fishpond and I took some training in permaculture design and I recognized that that path of growing food naturally without chemical fertilizers and pesticides is an important key to the future of this island for being able to achieve food sovereignty and healthy ecosystems to pass
on to future generations. So I’ll be speaking more about our organic farm. We moved from that
place to a larger parcel on the north shore near Jaws Country Store. It’s a 25-acre piece of land
that we have gone on to develop into a certified organic farm and we’ve been certified since
2016.

So parallel to being a farmer and psychologist, I am also an ordained minister in the Temple of
Peace in Haiku since the year 2000 and I’ve help Reverend Kedar St. John with the Sunday
services as well as my wife who’s also a minister in the Temple of Peace and we have
...(inaudible)...the space and participate in those Sunday gatherings and then when
Reverend Kedar goes out of town he asks my wife and I to be the ministers of the Temple of
Peace in his absence. And out of that as an outgrowth of that community we established
Sacred Earth Assembly, 501(c)(3) nonprofit church. In 2012 we created the structure for that
with the intention of beginning to utilize our land for spiritual gatherings and for the community
from the Temple of Peace as an interfaith gathering place. And so we have a number of
different communities that overlap when...coming to our place that we’re asking for permission
to meet and worship and celebration at our farm and we’ll speak to more about that. Some of
those members are here. Today we have some people from Sufi Community, there’s the
Buddhist Community. It’s an interfaith group that shares the value of honoring the earth as
sacred and recognizing that human beings are stewards of the plant for the future generations.
And I’d like to invite my wife, Maria Abrams to come and speak a little bit to the background of
how we came to call our place Ahimsa Sanctuary Farm.

Ms. Maria Abrams: Good morning. All my appreciation to all our friends that are accompanying
here today. I grew up in Honduras.

Mr. Carnicelli: If you would please, just state your name for the record.

Ms. Abrams: My name is Maria Abrams.

Mr. Carnicelli: Thank you.

Ms. Abrams: I grew up in Honduras in a natural environment surrounded by animals of different
kinds, cows and turkeys and I never wanted to partake in the killing of animals so I became a
vegetarian very early in my life and I began study plant-based diets and also the optimal diet for
human beings to stay strong ‘cause I didn’t want to eat animals. So this lead to organic farming,
looking for the optimal diet without pesticides, without additives, that’s how I raised my children
and my family. And because of that now the Ahimsa Sanctuary Farm is here for the whole
community growing organic food.

And then I also come from a spiritual family. My grandfather had a church in his farm for all our
family we would gather there on Sundays, and my mother also in our farm created a church for
us to go on Sundays. So because we are spiritual people and our tradition is earth based
spirituality, honoring the earth as sacred and all the living beings and deserve our honor and
respect. So this is how we live and this is how we worship. We want to have a place to gather
for us and the community to do our meditations, our yoga, our sacred movement, our songs, our
prayers, gather for Thanksgiving with righteous food. We celebrate with vegan food and
vegetarian. Mostly for our own soul development and also for the stewardship of our planet that we can create a good example for the next generations to protect our environment as well as have an optimal diet for human beings that doesn't involve any killing or any violence.

As I came to this phase I studies all sorts of traditions from East India and Buddhists from the east and I learn about Ahimsa which is part of the ...(inaudible)... and these gave me the assertiveness that I was in the right path that my intuition had led me to to be a vegetarian and to be a caretaker of the earth with all honor and respect. So this is why we would like to request of you to let us have a temple on our farm where we can meditate, where we can do our spiritual practices so that we can honor the earth as sacred and we can also honor our spiritual community that needs a place to gather and a place to, you know, set the good intentions for our future on this planet where we need a clean environment and good food without pesticides, without GMOs. This is what we're about and we would really like to ask you to honor our request to give us a Special Permit for having a church, a chapel in our farm. So thank you very much and thank you for having us.

Mr. Carnicelli: Thank you.

Mr. Abrams: Yeah, so once again I'm Dr. Lew Abrams presenting on behalf of Sacred Earth Assembly. The building for which this Special Use Permit is requested as well as some land around it is pictured in that photo. We built it as a multipurpose agricultural workshop and we have used it for drying and packaging herbal teas and spreading out turmeric harvest to dry, and so I did actually bring some of our first value added product that comes from our farm if you'd like to take a look. There's some interesting labeling of the tea that explains our philosophy of Ahimsa honoring all life is sacred. We're interested in becoming and being an example of permaculture design and organic farming and growing food naturally as well as a place for the community to gather in reverence and gratitude for the gift of life, for holiday celebrations, for rites of passage of our community members, and for recognizing that creative self-expression is civically inspired. So that's part of what we do is we share music and spoken word and dance and other visual arts as part of gathering. I am a sculptor and my wife is a ceramicist and my sons are musicians and so that we've had the opportunity to integrate our creative self-expression into our work as well. So we can go to the next—

So that map is a little hard to see but Ahimsa Sanctuary Farm is located about 28 minute drive from the airport along the north shore of Maui, kind of right across from Jaws Country Store, a couple hundred yards further towards Huelo and then towards the ocean. And it's a 25-acre parcel I guess we could...and as you can see it's a flag lot and that lower blue outlined driveway coming out to the Hana Highway that is the Hana Highway there at the bottom, and then if you notice the boundaries of the property about three-quarters of the entire perimeter is bordered by major gulch. We own all the way across the gulch on the western side and halfway through the gulch on the eastern side and it's about 200-foot drop down there and it's a wild untamed area where there is some flow of a stream coming down the gulch to the ocean. There's wild boars down there, lot of really thick vegetation and it provides a buffer and border for our farm from our surrounding neighbors that gives a privacy...Privacy that is what attracted us to buying this parcel. We stretched beyond our means to afford to buy it but we had been staying in a two-acre parcel with the neighbors very close. We decided we want to try to find a place where we
could actually develop organic farming and have some space for the community to gather. And if you look at the driveway that comes down to the Hana Highway there, we own that and then we have two neighbors that have an easement to utilize the driveway. The first house is right there on the...just 86 feet from the Hana Highway and then the other, our other neighbor Jerome Labat is in this house right there. So there's really only two neighbors that are very...are reasonably close although each of the houses are more than 500 feet away from our home and for almost a quarter mile from the entrance of the Hana Highway and Michele's home to where we are gathering in our Sacred Earth Temple building and what we're asking for permission to gather there. Okay, next slide.

As you know it's Ag zoned and everything we're proposing is in compliance with the Maui Island Plan. We are within the SMA area and so we've made SMA application, working with Keith Scott of the Planning Department and this proposal was approved. So we do have on the SMA the agricultural building indicated as approved for church use. Sacred Earth Assembly has a 501(c)(3) status and it's an interfaith ministry. Again, we invite people of all faiths who share the value of honoring the earth as a sacred divine mother to gather in gratitude and celebration and the way we celebrate and pray is to share locally grown food from our farm and other farms in the area, to honor rites of passages like births, and deaths, and weddings and birthdays. And then we also celebrate the holidays like we have a tradition of having a vegetarian Thanksgiving potluck that we’ve hosted for more than 30 years in all the different places we’ve lived. And it provides a place for the community who may not be eating turkey on Thanksgiving to gather we have an amazing array of vegetarian foods and everyone really has a...is able to celebrate the abundance and being thankfulness without taking the lives of animals.

And the underlying philosophy of Sacred Earth Assembly is very close to Malama Aina. It's about taking care of the earth for the future generations. And in order to do that we have to find ways to grow our food without pesticides, without chemical fertilizers, without polluting the groundwater as well as to generate energy in nonpolluting ways. So we have a demonstration is also of photovoltaic and wind energy on the farm that I'll tell you about more when we get to talking about our permaculture farm tour. If you can go to the next.

This is just saying that Sacred Earth Assembly is a 501(c)(3) corporation is in good standing with the County. We've keep up our filing since 2012. So the building in question that we're asking for your approval to use for church related activities is 7,600 square feet. The second floor is the area where we have assembly hall and a place for worship and then downstairs is an area where we can have potlucks and fellowship. And according to the square footage of the building we would be requiring...required to have 26 parking stalls. We have more than 65 stalls and then our whole perimeter loop road has parking along the edge. We could park way more than 65 cars without ever impacting our neighbors. We can get all, anyone who might come to visit on our land.

Oh this is a note that there was some modification of the plans. Originally we were asking for approval of a commercial kitchen downstairs in the church building but as we learned more about it and we heard that the zoning requires that commercial agricultural food service establishments can have kitchens but they have to be in a building of less than 1,000 square
feet we decided to withdraw the proposal for a commercial kitchen and our plan is to house a
commercial kitchen in a separate building for our value added farm products and to be able to
provide meals on our farm tours, from farm to table meals. So what we are asking for is just a
church kitchen to accommodate our potluck and fellowships.

So this is a diagram of the building in question. That’s the top floor. The front vestibule or porch
area where people can leave their shoes this is a foyer entryway with two bathrooms, half baths
at the end and this door can close so that people can be talking and communing out in this
entryway while it can stay quiet in the shrine room. And then you’ll see there’s a large deck
around the outside which...grand stairway going down to another deck and so this is a place
where activities can happen outside as well. Next slide.

And then this is the diagram of the lower level. This is the area where fellowship and potlucks
and the church kitchen that we’re requesting is located. And then there’s this other area here
on the lower level that we’re hoping to turn into a gift shop for the church and we can talk more
about that at the end.

Here’s about the infrastructure. We went through the application process and met all the
different criteria. We’re on a private water system and we also have a water tank where we get
potable water delivered into it that can serve the church building. And we do, we did have our
septic system, individual wastewater system evaluated by an engineer and it was approved with
a capacity of a hundred people which is more than enough for our gatherings.

There’s no issues with drainage. There is a slope on the property heading towards the ocean
and we’ve...with swales and natural drainage. We fill some fishponds with the runoff, but
there’s no significant runoff coming off of our property. The driveway entering from the
Hana Highway is a...as I said it was a flag lot and it opens up to 92 feet of frontage along the
Hana Highway and it happens to be in a place where there’s a big open visibility. We can see
more than a thousand feet towards Kai Huki Place and then about same going to the east
towards Manawai so the road is nice and straight and wide there. We have a lot of frontage.
It’s very easy to turn off the Hana Highway without causing any traffic issues. And there’s
electrical and telephone and internet there.

So for the church operations that we’re asking you all to approve is a congregation of no more
than a hundred members. Usually we have far less than that. We’re proposing to have
services on Wednesday and Friday evenings and that will probably be typically be about 10 to
30 people with operation starting with a potluck and then having a sharing prayer circle that
would run from 6:00 to 9:00 p.m. and except there may be some holidays that we meet. As I
mentioned we have a tradition of meeting on Thanksgiving and Passover and other holidays in
which we invite more people or we would expect more attendees but probably in the 50 to 75
person range.

The land of this farm is old pineapple land. It was farmed in mono cropping, chemical
agriculture up till about 35 years ago and that means the soil is quite depleted. If you see on the
scale of A to E, our soil is rated in the C and E element of that scale which means it isn’t the
most abundant and fertile soil because of the farming methods that were employed. So a lot of
what we’re doing is rejuvenating the soil, rehabilitating the soil. If you’re interested in learning
more about that I have an article on the left side of this packet. It’s a one-page sheet that
enumerates all the ways that we’re working to reintroduce the micro biota to the ecosystem of
the farm, working with permaculture design, biodynamics, we’ve biochar, and Korean natural
farming, and if you know when you have a chance to read this there really are solutions
indicated to solve some of the problems in the central valley. It is possible to rehabilitate and
rebuild the soil and grow healthy food without chemical pesticides even on soils that are quite
depleted. And part of this plan is we’re gonna be continuing our farming aberration and
agricultural activities as well as inviting people to come to worship to the church. And in fact
members of the church are invited to experience and get their hands in the aina and come and
volunteer on the land. We have an open workday on Wednesdays where people come and I
give some instruction and some of the elements of permaculture design and we work together.
So there’s no, you know, reduction in agriculture or interference with the primary agricultural
use.

Here’s an overview of the farm. You could see that’s the church building and focus. There’s the
nine kilowatts of photovoltaic and a five kilowatt wind generator. This is a grid tied system so
the energy that gets produced gets fed back into the grid and runs our meter backwards and
reduces our electric bill. And by having both wind and solar to talk about what people we cover
through the gamut of some of the alternative power opportunities that we have on the island
‘cause the wind still blows at night when the solar power is not useful. We haven’t gotten
separate batteries to store the energy yet because we were waiting for the technology to
improve because a lot of the batteries currently being used are lead based or lithium based that
have negative environmental impacts. So eventually we do hope to get saltwater battery
system to store the energy that we produce there. You can see we have a couple of fishponds
that be built. There was a bowl shape to the land where water was running into these areas and
so we with permits created a indentation and lined it and now we have tilapia and koi and some
peacock bass and some channel catfish growing in these two ponds and whether or not one
eats fish there’s still a utility to having a fishpond on the farm and I’ll explain more about that in a
future slide. And then in the front here this is our main farm field that’s sheltered by bamboo.
One of the first things we did was plant bamboo all along our windward property line as a
windbreak as well as a privacy break with our neighbor, Jerome Labat, who’s here today. So
we have a visual barrier between our next door neighbor.

As I mentioned it’s a 25-acre farm. It’s a diverse farm, we’re growing all kinds of things. You
can kalo or taro growing there. We have—

Mr. Carnicelli: Dr. Abrams?

Dr. Abrams: Yes.

Mr. Carnicelli: About how much longer do you have?

Dr. Abrams: I’m going as quickly as I can. I was just gonna keep going and I will try to
expedite,
Mr. Carnicelli: Okay, great thank you. Just curious.

Dr. Abrams: Yeah, so these are just some slides about how we’re generating the land on the farm, you could keep going. This is some pictures of our bringing produce to the farmers market with our farm team and some of the abundance and here’s some of the crops we’re growing papayas, pineapples, bananas and cocos and our eco farm tour that I’ll tell you more about. We do produce food and bring it into Mana Food and to some of the local restaurants, most recently a restaurant up in Lahaina Moku Root and then we have our first value added produce which is our soothing herbal tea blend which I believe you have in front of you.

So part of what we’re doing is providing an example for people to come and get inspired about living closer to the earth and farming naturally so we’ve been offering permaculture farm tours over the past three or four years and this is some photos from that. We do have some tortoises which are popular with the kids and they’re an example of an organism that has lived in its environment for 200 million years without polluting or destroying it. So the farm tour is very interactive and hands on. People get to come around and actually pick the herbs that we include in the tea and we brewed and give people a sample of the tea while they’re there. Here’s more information about the aquaculture. There’s a relationship between fish and the plants. It’s very mutually beneficial and we’re working on developing our own fish food rather relying on packaged foods that come in with a carbon footprint. We’re coconuts, moringa, azolla, ground peanut and blending them into ice cube trays and then we can use them to feed the fish.

Mr. Carnicelli: Excuse me, Dr. Abrams, I hate to interrupt you again, but what’s before us today—

Dr. Abrams: Yes.

Mr. Carnicelli: Is a special use permit for the church.

Dr. Abrams: Yes, okay.

Mr. Carnicelli: All the ag stuff, awesome.

Dr. Abrams: Okay.

Mr. Carnicelli: But it’s legal. We’re not here to talk…you know, it’s just like…all that stuff is totally legal and it’s great and I get that you’re trying to paint a picture and all that’s wonderful is we have a really, really super full agenda. We have 18 people signed up to testify so you know do your thing but I just want you to be aware of what we’re making a decision on today.

Dr. Abrams: Okay, thank you for coaching me—

Mr. Carnicelli: Cool, thank you.
Dr. Abrams: So the slides that just went by basically show that we've complied with all of the
requirements of the Special Use Permit application and then we have testimony from...letters of
support from actually 17 people now, some of whom are here today and after you hear from
them and our neighbors, you will I guess have the opportunity to make a decision about our
request and then the one thing that was left off inadvertently off of our request was to be able to
have a church gift shop downstairs in our fellowship area that would be just serving our local
congregation. It's unlikely to draw any traffic from anywhere else. It's just when people come to
worship they'll be able to pick up literature and other sacred objects. Yeah, so that's where
we're asking for the gift shop to be located.

And then if you look in your packets, it's hard to see it, there's a folded site plan. I think it's
important to get a picture of where the relationship of this church building to our neighbors and
to the Hana Highway so if you wanna pull it out it's on the...I think right side, the folded plot
plan. And you could see the Hana Highway is right at the very bottom and we have the
drive...we own the driveway...this is the entrance, the mouth of the driveway that's showing the
right distance in each direction. It's really a long way you can see a car coming that makes it
safe to pull in and out. But I did, if we could go back to that other diagram I just wanted to point
out that we do have one neighbor right along the Hana Highway, she's 86 feet from the Hana
Highway where literally hundreds or thousands of cars go by each day but we own this driveway
and she has an easement to access it and then our other neighbor, Jerome Labat has an
easement off the end of this cul de sac to get to his property. But you can see the place where
the activity, church related activity will happen is more than a quarter mile from this house and
over 1,500 feet down out at the point of our land with gulch all around it to provide a buffer. So I
believe that concludes my presentation and we can invite some of the folks who came out to
testify. Thank you for your...

Mr. Carnicelli: Thank you very much, I appreciate that Lew. So Tara if you would, could you
know, is again trying to just educate everybody so people can be on point, why are we here?
You know, it's like it's a State Special Use Permit so what is it that they have to come before us
today to get this particular permit?

Ms. Furukawa: Because this is occurring on State Agricultural land so a special permit is
required.

Mr. Carnicelli: What part, what activity is it that's not allowed on State Ag that they're doing I
guess Director?

Ms. McLean: The church use requires a Special Use Permit.

Mr. Carnicelli: The church use, okay so I just wanted to, I want to get clear so then people can
also understand what it is that we have to decide on and can tailor their testimony in accordance
with that as well. So thank you for that clarification. So just to kinda quickly go over it again, as
I call you guys up you can actually waive your testimony you don't have to come up if you feel
as though Dr. Abrams have covered it. You get up to three minutes. Please no more just to be
respectful of everybody else. At the end of your testimony Dr. Abrams will have the ability to
cross examine you if he so chooses. Also, I will ask you to be truthful when you come and give
Maui Planning Commission
Minutes - May 28, 2019
Page 36

your testimony. So we’re gonna start with Dr. Malik Slosberg and if I butcher your name I really, really apologize. Please state your name.

Dr. Malik Slosberg: Dr. Malik Slosberg.

Mr. Carnicelli: Dr. Slosberg do you promise to tell the truth?

Dr. Slosberg: Yes, I do.

Mr. Carnicelli: You have up to three minutes.

Dr. Slosberg: I’m a professor emeritus of Life Chiropractic College and an ordained minister of the Sufi Order. I’ve known Dr. Abrams for five years and can attest very clearly to his sincerity, dedication and devotion to hosting and sponsoring teachers, yogis, spiritual guides of the highest caliber from various religious and spiritual groups. On many Sundays my wife and I have witnessed and enjoyed and been inspired by Dr. Abram’s invocations at the beginning of the Temple of Peace services.

As a full-time resident of Maui for three years and part-time resident for seven years I urge you to approve the Special Permit for Sacred Earth Assembly’s use of the main agricultural workshop building and surrounding land that Ahimsa Sanctuary Farm. The environment and proposed church building is a beautiful, spacious, uplifting setting for interfaith worship services. It is ideal for all kinds of activities, workshops and interfaith gatherings. I have attended numerous workshops at this lovely facility all of which have been free or by donation. I offer my wholehearted support of Sacred Earth Assembly’s request to offer weekly religious services especially holiday prayer gatherings, potlucks and rites of passages for the community. I especially support Dr. Abram’s plan to host visiting teachers from numerous religious and spiritual lineages. I look forward to attending programs at Sacred Earth Assembly once the Special Use Permit is granted and I’m very, very confident that Dr. Abrams will provide excellent guidance and leadership for all their programs offered. Thank you.

Mr. Carnicelli: Thank you very much. Lew do you have any questions for the testifier?

Dr. Abrams: Only to clarify that the Temple of Peace—

Mr. Carnicelli: Okay, no, no...okay, hang on, hang on, hang on, hang on. Do you have a question on his testimony?

Dr. Abrams: I do not.

Mr. Carnicelli: Okay, great. Thank you. Next testifier is Jason Schwartz. Please state your name.

Mr. Jason Schwartz: My name is Jason Schwartz.

Mr. Carnicelli: Do you promise to tell the truth?
Mr. Schwartz: I do.

Mr. Carnicelli: You have up to three minutes.

Mr. Schwartz: I come before you and I’m happy to see a great group of people in support of these guys. I’ve known them since they’ve gotten here to the island and share a similar mission. And I just know these are very high integrity people and everything that we see and all that they do and all that they share is of great value to our community and I’d like to be in support of this and hope that you can give them approval. Thank you very much.

Mr. Carnicelli: Thank you very much. Lew do you have any questions?

Dr. Abrams: No questions.

Mr. Carnicelli: Thank you Jason. Jerome C H B A T, Chbat?

Mr. Jerome Labat: Like the beer only one T.

Mr. Carnicelli: Ah, there we go, all right, that I can relate to. Please state your name.

Mr. Labat: Good morning Jerome Labat.

Mr. Carnicelli: Do you promise to tell the truth?

Mr. Labat: Absolutely.

Mr. Carnicelli: Thank you. You have up to three minutes.

Mr. Labat: So I’m the neighbor of Lew. I’ve been working and supporting Lew for the last ten years now and he’s a neighbor to building a farm and ...(inaudible)...the farm. And really wanted to bring to three observations that you know, hopefully for the committee here to really look at and make an informed decision as you go forward.

First and foremost is access to the property. While we do have some slides you’ve seen that the Hana Highway is curve site and I actually personally have to stop every time I go in ‘cause I have to be careful of oncoming traffic. You understand that on Hana Highway we have a lot of really active traffic. On some events you know I’ll notice and observe you’ll have a line of cars parked literally on the highway without the permission from the police, others. And I understand that happens at some events you know over New Year or things like that but it’s been happening regularly.

The actual access I have personally encountered you know some cars that I’ve been almost cut over sometimes and I mentioned that to Lew a few times. You know just the guests seems to be on a raceway going in and out there. So I understand it’s an easement and I understand we
have to work together and we've been working through that. So I again I'd be very supportive of the farming activities as Lew has been growing his business.

The second point observation is really around noise and it related back to you know Haiku and the culture and why I choose, you know to live there in terms of really participating with the community and really find a place of peacefulness. Same endeavor, you know trying to find a balance with the active world here. And you know, on those gatherings, on those days of gathering I like to say that the place of worship transform into a concert hall sometimes. And I know those are harsh words but they are concert halls and it does make...you know I appreciate the kids wanting to play music and be creative in arts, no problem with you know during working hours. I do have a problem when it comes late at night. And so I really encourage the team to ask questions to inquire, you know, to look around, listen what the community has to say. Again, during normal hours absolutely no problem, you know this is a normal function, this is actually a farm, a very active farm. Trucks are coming in and out all the times.

You have an amazing number of dogs. Looks like we have a whole neighborhood waking up in terms of dogs when the cars are coming in, but the point is it's active. So we have activity and we found ways to work together...(inaudible)...

The third point really is more around the infrastructure. I have noticed, and unfortunately I was not privy to all this information so I've noticed a couple point on the water infrastructure system. We do share a well...(inaudible)...public use. I do own the other two properties you know...(inaudible)... We share a well and the well was designed for you know I would say normal activities on the property, normal family activities. And the intention of the designer and the builder at the time was to...(inaudible)...farm activities.

Mr. Carnicelli: That's your three minutes.

Mr. Labat: I appreciate that, I apologize and just that the infrastructure on the property today is not really helping us and we have some challenges and we have to change—

Mr. Carnicelli: Thank you. Lew do you have a question for the testifier?

Dr. Abrams: A couple of questions.

Mr. Carnicelli: You need to speak into the microphone.

Dr. Abrams: So my question has to do with being more specific about times that there have been any cars parked along the driveway leading into our property because as far as I know that hasn't happened for years and years. And then the other piece is just inquiring about how frequently you're actually here on the island. I know that you live primarily in the Bay area and we don't see that much of you. So I'm just wanting you to clarify how much time you're actually occupying the—

Mr. Labat: Sure, absolutely. So first is I do have some videos—
Mr. Carnicelli: Please just speak into the mic for the record please Jerome, thanks.

Mr. Labat: Sure. I do have some videos of you know full moon events, New Year's events where we had a lot of activities. As far as my presence on the island I'm a very private person. So I reserve the right to my calendar. I'm on a plane most of the time in my company I work you know around the world and I found this place to be my spiritual place to come and reenergize so I can go back and do my work. So I really look for peace.

Mr. Carnicelli: Thank you Jerome, appreciate it.

Mr. Labat: Thank you.

Mr. Carnicelli: Kalimaya Herrera. Please state your name.

Ms. Kalimaya Herrera: Hi good morning. My name is Kalimaya Herrera.

Mr. Carnicelli: Do you promise to tell the truth?

Ms. Herrera: Yes sir.

Mr. Carnicelli: You have up to three minutes.

Ms. Herrera: Anyway I've been a resident here in Maui since 2003 and knowing Dr. Abrams here since 2010 and he's been a really good contributor to our community as I work with our kids, our young keikis and still is. And so I strongly approve of this place to be open so we could be with our young people, the next generation away from all this computers and being there to build their character, their attitude of what's happening here. We need more respect from them and strong believe that if we are on this place it will be happening. And right now is we need a place to practice 'cause I will be performing or competing next month representing Maui to martial arts.

Mr. Carnicelli: Thank you. Lew do you have any questions?

Dr. Abrams: Yeah, I would just maybe one, ask you about—

Ms. Takayama-Corden: Please speak into a mic.

Mr. Carnicelli: Excuse me, it's based on her testimony. It's basically it's the ability to cross examine to clarify testimony is the reason for that particular bit. So, I didn't clarify that ahead of time so I apologize that's my fault. So thank you very much.

Ms. Herrera: Thank you.

Mr. Carnicelli: Jason Groode.
Mr. Jason Groode: My name Jason Groode.

Mr. Carnicelli: Do you promise to tell the truth?

Ms. Groode: I do, absolutely.

Mr. Carnicelli: You have up to three minutes.

Mr. Groode: Thank you. I've lived here on Maui for about 41 years. I've known this wonderful family for decades and very blessed to do so and I don't have a great need to spend three minutes to share that I totally support what they have in mind and I want to say how much I honor your focus in trying to do and doing the best thing for the islands. And I want to say that if you ever going to make a mistake, make a mistake that a church is created so we have a place to come together and pray and have devotion and love one another. Let's make more kind of mistakes. Thank you.

Mr. Carnicelli: Thank you Jason, I appreciate that testimony. Do you have any questions, Lew?

Dr. Abrams: I do not.

Mr. Carnicelli: Thank you. Kahu Hill. Please state your name.

Kahu Alalani Hill: Kahu Alalani Hill, Aloha Chair, Aloha Commissioners.

Mr. Carnicelli: Do you promise to tell the truth?

Kahu Hill: I promise.

Mr. Carnicelli: You have up to three minutes.

Kahu Hill: Thank you. I just wanted to add my support for the Sacred Earth Assembly's request for a Special Use Permit for Ahimsa Sanctuary. I have known Mr. Lew Abrams for over two decades. I've been very blessed to be there with my...when my mother was live in 1999, and to share a ceremony and as well the last I did was a celebration of life and service for Kupuna Pua Mahoe. I have done many ceremonies with him. I have been doing ceremonies and spiritual practices since 1976, 1981 as a minister and very involved in Hawaiian cultural practices here. So I have seen that this is a perfect location. It's very pristine. Everything's been respectful and where I have seen as far as people going slow on the roads, people being mindful of parking. Maui community coming together to pray, to meditate for all good reasons, for all good reasons. So I just wanted to share my support today and that I believe Lew will be a great director for Ahimsa Sanctuary and for SEA gatherings and I ask you to support and grant the SUP2 for Sacred Earth Assembly.

Mr. Carnicelli: Thank you. Lew do you have any questions for her?

Dr. Abrams: I do not, thank you.
Mr. Carnicelli: Great. Thank you Kahu Hill. Tim Robinson. And just so you guys know if somebody's already said what you would like to say you can pass. It is an option just to let everybody know. I want to hear what you have to say, but if you want to pass that's cool too. Please state your name.

Mr. Tim Robinson: Tim Robinson.

Mr. Carnicelli: Do you promise to tell the truth?

Mr. Robinson: I do.

Mr. Carnicelli: You have up to three minutes.

Mr. Robinson: I'm a neighbor to Mr. Abrams and I am opposed to this due to noise factors. In the evenings we've heard everything from drums to loud chanting to other things that must go on in the activity of their ceremony that are disturbing as a neighbor. The curve between Ulumalu and Manawai Street has had five major accidents in a five-year period of time without commercial or church related traffic coming in and out of that. I'd be happy to provide that information from the Department of Transportation to you if you would like. I live on Kai Huki Street which is the street to the east of Mr. Abrams property. I am very nervous 90 percent of the time when I make a left turn onto Kai Huki Street because of the visibility on that non-straight area of Hana Highway. It is very curved and I consider it very dangerous. I've been almost rear-ended multiple times just making a left turn into my property. It's a 30 mile an hour speed limit. I defy anybody other than tourist have been warned not to speed in Maui that they don't drive 30 miles an hour on that road. So for those reasons I hope that you can see that this is not a commercial enterprise, but it's like a commercial enterprise. There will be traffic involved, there will be people moving in and out. And I think as a commission, it's important to look at what agriculture land is and Mr. Abrams, Dr. Abrams has done an excellent job of developing his property as an agricultural property, but to take it to a church where does the County draw the line for what ag land is intended for for it's use. Thank you very much.

Mr. Robinson: Chair?

Mr. Carnicelli: Hang on a second Tim. Commissioner Robinson has a question for you.

Mr. Tim Robinson: Certainly.

Mr. Robinson: Do you have a remedy for the traffic problem?

Mr. Tim Robinson: No, other than not allow enterprises which are gonna take place on that curve that would increase the traffic. Since Jaws Country Store has opened there's been a tremendous increase in traffic and I don't think that was an intended consequence when that commercial enterprise was approved several years ago. But no, not unless you can widen Hana Highway and put left turn lanes and warning lights and traffic lights which I wouldn't want either. It's not a safe curve for increased and we're talking as many as a hundred people
coming in and out of there. Okay, give them the benefit of the doubt and say that’s 50 to 75
cars on a big event. I think that you’re asking for trouble traffic wise and safety wise on that
curve.

Mr. Robinson: Thank you.

Mr. Carnicelli: Commissioner La Costa.

Ms. La Costa: Tim, thank you for testifying. You talked about the noise, the chanting and that
kind of thing. How often does it happen and about what are the hours?

Mr. Tim Robinson: At least once a month and generally in the evening and I try to enjoy Maui’s
sunrise so I usually am in bed by sunset and the noise goes into the evening and night hours.

Ms. La Costa: Please be more specific about times.

Mr. Tim Robinson: I would say as late as 9 o’clock, even 10 o’clock and they’re proposing that
their meetings go till 9:30 at night.

Ms. La Costa: Okay, thank you sir.

Mr. Carnicelli: Lew, do you have a need to clarify questions?

Dr. Abrams: I did have one question because I’ve only met you one time and –

Mr. Carnicelli: I need you to use the microphone. Sorry, it’s just we gotta have a record that’s
all.

Dr. Abrams: Yeah, okay I was wanting to inquire about how long you’ve lived as my neighbor
‘cause I know you’re a new resident of the neighborhood?

Mr. Tim Robinson: My house was completed in 2016, October so I’m coming up on three years
of being a resident, neighbor of Dr. Abrams and his family.

Mr. Carnicelli: Okay, thank you very much. Reverend St. John. Please state your name.


Mr. Carnicelli: Do you promise to tell the truth?

Reverend St. John: Yes indeed.

Mr. Carnicelli: You have up to three minutes.

Reverend St. John: Thank you. I think you have my testimony in front of you and so it’s not
really necessary for me to go through it ‘cause I know that you guys are busy. I have worked
with Dr. Lew and his wife, Maria for the last 20 years in ministry and ministry training and I
would like to say that this man is of the highest caliber and character in his desire to serve the
community. Certainly the church has in recent years certainly in the new millennium has talked
about the greening of the church which is a completely beautiful idea of how church bodies of
faith come together to work and malama aina. So our church principles are consistent with the
Sacred Earth Assembly. And I would thoroughly support you to grant this Special Use Permit
as soon as possible because there’s so many people of faith and who would like to attend
gatherings where they can learn about malama aina. So this is imperative for our community as
far as I’m concerned. I believe that we are a group of ministry builders in Haiku. We have very
many temples and many churches. So I would highly urge you to support his endeavors.
Thank you.

Mr. Carnicelli: Thank you. Lew do you need to clarify the testimony?

Dr. Abrams: No thank you.

Mr. Carnicelli: Thank you very much. Alay Lott. Please identify yourself.

Mr. Alan Lott: Alan Lot.

Mr. Carnicelli: Oh, Alan, sorry. Ah, that’s an N, okay.

Mr. Lott: No worries.

Mr. Carnicelli: Do you promise to tell the truth?

Mr. Lott: Yes, I do.

Mr. Carnicelli: All right you have up to three minutes.

Mr. Lott: Thank you. I won’t use all the time. I so appreciate what you guys do. I so appreciate
you. I’m—

Mr. Carnicelli: Okay, if I could, hang on, hang on, hang on, and this is for everyone. When you
testify you’re actually only allowed to testify to the Commission. Just to—I know you’ve not
been here before at least as far as I can recall.

Mr. Lott: Yes, first time.

Mr. Carnicelli: This is your first time, and other people kinda did the same thing, but anyways
just so you know, and I’ll add another 20 seconds onto your three minutes if you need it.

Mr. Lott: Thank you. It means a lot to me. I’ve known Lew and his family for years and it
means a lot to me to worship with them and it means a lot to me for them when they come to
the Temple of Peace and they contribute significantly to the service. I get inspired and uplifted
as many people do. I really don’t have any more to say except a new generation is coming and
the times that we’re living we’re not living in normal times we need this. We will benefit from this. It would benefit the Island and the planet. Thank you.

Mr. Carnicelli: Thank you very much. Lew any questions?

Dr. Abrams: No.

Mr. Carnicelli: Great. Thank you very much Alan. Bodhi Be.

Mr. Bohdi Be: I’m Bohdi Be I tell the truth.

Mr. Carnicelli: I actually have to ask you. Will you tell the truth?

Mr. Be: I will tell the truth.

Mr. Carnicelli: Thank you very much.

Mr. Be: So help me God. Aloha I’m Reverend Bohdi Be ordained in Sufi lineage for over 32 years. I’m the Executive Director of Doorway into Light, a nonprofit organization here on Maui that since 2006 has been providing education, counsel, and support to the dying, their families, those who work in these fields, and all those grieving the death of a loved one. I’m also a licensed funeral director. In 2012, we opened Doorway into Lights funeral home, Hawaii’s only nonprofit funeral home and only certified green funeral home. We work closely with local hospices, religious organizations, social services, funeral homes and the State Department of Health. We also operate an educational resource center and store in Haiku providing free counseling support and inexpensive locally made caskets and urns. We’ve made presentations at senior centers, churches, clubs and community centers. I teach here at the University of Hawaii, Maui EdVenture Program. I facilitate a grief group involving high school. I have a weekly radio show on Akaku and I write a column for a local magazine. I have lived on Maui for over 43 years together with my wife, Leila who is also a minister, we lead prayer and meditation programs here in and around the world.

I have known Dr. Lew Abrams and his family for over 25 years. I’ve watched Lew and his wife, Mariah raise two beautiful sons. I have witnessed their efforts to be useful in the world and to be in service to God. I have witnessed them pour their hearts and souls into making something beautiful to serve our Maui community and the world. Dr. Lew and Mariah are dear friends. We have prayed and meditated together and laughed and cried and too considered how best to support each other as friends and as ministers.

My wife and I have attended many prayer meetings, birthdays, memorials and religious ceremonies at the Sacred Earth Assembly. Joining with many other people in the community who value Dr. Lew and Mariah’s leadership and love. My wife and I have also lead prayer meetings at the Sacred Earth Assembly. We so appreciate the beauty of the place and have so much respect for all the work the Abrams Family does to care for the land as a part of their ministry. They are in my view exemplary stewards and kahus of a place on Maui. I hope you will grant them all the permits they need to continue their mission. Thank you.
Mr. Carnicelli: Thank you very much. Lew do you have any questions?

Dr. Abrams: No, thank you.

Mr. Carnicelli: Great. Thank you. Lili Townsend. Please state your name.

Ms. Lili Townsend: Lili Townsend.

Mr. Carnicelli: Do you promise to tell the truth?

Ms. Townsend: I do.

Mr. Carnicelli: You have up to three minutes.

Ms. Townsend: You have my letter before you so I won’t talk. We need not say it again. What I would just like to assure the community that their service to elders is so important. There’s so many people who live with their families off the island and Lew and Mariah have provided sanctuary and love and guiding support to all of us and I do hope you’ll approve this motion. Thank you.

Mr. Carnicelli: Thank you very much. Lew any need for a question?

Dr. Abrams: No.

Mr. Carnicelli: Thank you very much. Deborah Eudene. Please state your name.

Ms. Deborah Eudene: Aloha, my name is Deborah Eudene.

Mr. Carnicelli: Do you promise to tell the truth?

Ms. Eudene: Absolutely.

Mr. Carnicelli: Thank you. You have up to three minutes.

Ms. Eudene: So I have been a long-term resident of Maui and I am an ordained minister from Church of the Earth Foundation, ordained by Reverend Robin Youngblood. And I’ve known Dr. Lew and Mariah for about decade now and watched this project come into fruition and a lot of resources have gone into the creation of something really beautiful and sustainable and regenerative and supportive of the community. And during the 16 years that I’ve lived on island I’ve seen lots of other projects come in in all different places that are not so honoring of what Maui is and what it has to offer. They put a tremendous amount of resources into building this beautiful temple space before Kai Huki development was approved and any residents were there, before the Jaws store was there. And I feel that this is a place that I’ve come to celebrate many times holidays, birthdays, rites of passage and memorials and really appreciate that
they've chosen to devote their lives to being of support to our greater community and I would
love to see more projects like this exist on our island. Thank you.

Mr. Carnicelli: Thank you very much. Lew any questions?

Dr. Abrams: No questions.

Mr. Carnicelli: Great. Thank you very much. George Kahumoku.

Mr. George Kahumoku: Aloha, I'm George Kahumoku.

Mr. Carnicelli: I'm sorry I was reading something else. Do you promise to tell the truth?

Mr. Kahumoku: Yes.

Mr. Carnicelli: Thank you very much George. You have up to three minutes.

M. Kahumoku: Okay, I'm George Kahumoku. My family have been priests,
...(inaudible)...priests of the land, Kahu the priest of the land, a native practitioner. My great
grandfather we come from a line of...at first they call them menehunes, but they were actually
Mongolian priests that came from Mongolia. That's in our oral history. So you know, the
...(inaudible)...so I also hold the priesthood and I totally support Sacred Earth Assembly and
their leader Blue Mountain here. I'm a Native Hawaiian planter, practitioner, and mentor and I
visited and taken part in many events at Sacred Earth Assembly in Haiku since 2012. I'm
actually known for my music, but I'm actually a native planter. I spend about three percent of
my time playing music and 95 percent of my time mentoring and farming. I share this mission of
taking care of Mother Earth and being stewards of the land and applaud your willingness to
grow and share food and celebrate rites of passage for individuals as well as community events.
Also share and teach their Hawaiian values of aloha, love and connection with each other.
Wahi Pana celebrating a sense of place, Malama and Aina Aloha and Aloha Kai and Wai, love
for and taking care of lands, our sea and our resources of fresh water.

I also practice Ho'oponopono where you use the four concepts of love, forgiveness, being sorry
and thankful for our many blessings to help each other as well as the Earth and our
communities. I was the founder and high school principal in Honaunau at the City of Refuge in
South Kona for the Kamehameha Schools Alternative Ed program called Hale O Hooponopono,
the house to set right. The school went for about 25 years. I also taught special motivation for
20 years at Lahainaaluna High School teaching and working mostly with at risk kids. To get in
most of my programs you needed to be absent from school at 23 out of 44 days two quarters in a
row and have six out of seven F's for two quarters in a row. Those are the kinds of kids...a
common thread that most of these kids have is a disconnect with each other, a disconnect with
their parents, a disconnect with their culture, a disconnect with the environment, as well as a
disconnect with the community. Blue Mountain and Sacred Earth Assembly is filling the gap in
helping children as well as adults reconnect with each other, the environment and our
community. Please grant them their Special Use Permit and cut through all the red tape so they
continue on their mission of helping others. Mahalo.
Mr. Carnicelli: Thank you George. Lew do you have any questions?

Dr. Abrams: I do not.

Mr. Carnicelli: Great. Thank you very much. So Federico Nelson?

Mr. Federico Meloni: Meloni.

Mr. Carnicelli: Meloni.

Mr. Meloni: Argentinian.

Mr. Carnicelli: Argentinian. We're cousins then.

Mr. Meloni: Half Italian.

Mr. Carnicelli: Do you promise to tell the truth?

Mr. Meloni: I do.

Mr. Carnicelli: Okay, you have up to three minutes.

Mr. Meloni: So something that Lew and Jerome failed to mention I am the closest neighbor by a long shot. I live on the ohana that is above a barn that it doesn't show on that map but in the picture you can see clearly I'm pretty close. I'm closer to the temple than his own house. So I get the worst of it. The noise it's quite a bit, but he tries. He's not a bad guy. I share a little things that's he's trying to do here, but I'm truly afraid of what is this is going to become for me living there. I'm not the only person that shares that. I have other neighbors that live on the other side of the gulch much farther than myself that they clearly hear and they have the same concern that I do. The amount of traffic it's immense. And one more thing, I live there before anybody, any of these people actually. I live there for like 13 years so I experience that place being incredibly peaceful no noise at all. I'm not opposed so much to the church but I'm opposed to the church that celebrates everything. It's not that you are a Christian or Buddhist or you celebrate the Earth. They celebrate everything, birthdays, death, agriculture, I mean, name it. So if we could narrow it down and let's say okay, one of the people here so I know I gonna go over my three minutes but, one of the people said, ...(inaudible)...said once a month he hears the noise. That's a full moon party am I wrong?

Mr. Carnicelli: Please address the Commission.

Mr. Meloni: Sorry. That's the full moon party, that's one a month, but then you have other celebrations whatever you know that falls on any other religions or beliefs or whatever. So that's my concern. Oh, and the amount of traffic coming to my place, I have in excess of ten lost people, tourist that they come to visit and looking for the temple, for Blue Mountain or for belly dancing or for ...(inaudible)...retreat or for someone that birthday that is an elder or so, so
Maui Planning Commission
Minutes - May 28, 2019
Page 48

I don’t know where I stand with this other than I’m afraid of what it could become. I like him. I try to be a good neighbor. I help him all the time. I go...Right?

Dr. Abrams: You do.

Mr. Meloni: So I don’t know guys what to do but it...the agricultural part I share it, a church of that sort I don’t know.

Mr. Carnicelli: Thank you very much. Hang on. Commissioner Robinson has a question for you.

Mr. Robinson: Do you have any suggestion for remedy for the traffic?

Mr. Meloni: No, the traffic is a real issue especially the turn off Hana Highway. I live there, and when you stop you have to do a 90-degree turn and it’s true what Tim said, you’re...this goes to get rear ended especially you know the tourists or people that don’t know where the place is...he put a couple signs now so you can slow down so you see it...because the turn sneaks up on you. So he put some reflectors so you can turn but still it’s not an easy one. And recently we opposed on Kai Huki a zip line for the same reason, noise and traffic. I am against the noise and the traffic really and I don’t think there’s a solution to it.

Mr. Carnicelli: Thank you very much. Lew do you have any questions?

Dr. Abrams: Only to clarify what is meant by traffic being—

Mr. Carnicelli: You gotta speak into the microphone again.

Dr. Abrams: Thanks, I just was wanting to try to quantify the amount of traffic. You used the word immense. I think it’s important to put it in the context of you know how many cars, how many times a month.

Mr. Meloni: Okay, so the traffic is every day people go up and down that they weren’t there before. Probably 15, 20 cars other than the people who live there. And then on New Years to give you a size of the party, security has to be stationed on the cul de sac which were stopping me from coming into my own place.

Mr. Carnicelli: Thank you I appreciate that.

Mr. Meloni: And there was 300 people, 400 people, huge. Beautiful party, I’ve been there myself, okay, so the party...

Mr. Carnicelli: Okay, thank you very much. I appreciate that. Judith Levy. Hello.


Mr. Carnicelli: Please state your name.
Ms. Levy: My name’s Judith Levy.

Mr. Carnicelli: Do you promise to tell the truth?

Ms. Levy: Always.

Mr. Carnicelli: All right you have up to three minutes.

Ms. Levy: I’ve lived on Maui for ten years. I’m a teacher, substitute teacher, I’m a small business person. I’m a member of the farmers union. I met Dr. and Mrs. Abram soon after I got here. I’m part of spiritual community with them. I hold them in the highest esteem. As a member of the farmers union I love, love, love what we’re doing there and I’ve gone out many times. I have to say I’ve been there many times ‘cause I was just recently there for Passover. I appreciate having a place to go for Thanksgiving because I don’t have family per se on this island. I’ve never seen a problem with traffic. It’s easy, it’s just a left turn and now that there is allowed a sign up it’s very simple for people see.

What do at these beautiful spiritual gatherings is very important and it’s allowing the community of Maui to come together in an even higher manner and this Special Use Permit I think will only benefit the island. We must have examples of how people can celebrate together and to grow more food. He happens to grow the best turmeric I’ve ever eaten and among other things. It’s just a definite beautiful addition to this island and the fact of with all of us coming together is a wonderful example for the planet that we’re not supposed to be separated by our spiritual beliefs, supposed to come together to celebrate our Earth. We’re all connected. So I highly support this use, Special Use Permit. I don’t believe it’s gonna go crazy and I think if many once a month there’s a little music, well you know there are way worse things in the world. It’s good music. So I hope that you’ll come celebrate some of these beautiful holidays and understand why this is an absolute addition and benefit to Maui. Thank you so much for your consideration.

Mr. Carnicelli: Thank you very much. Lew any questions?

Dr. Abrams: No questions.

Mr. Carnicelli: Great. Thank you very much. Leo the Lion.

Mr. Leonard Diaz: Hi guys.

Mr. Carnicelli: Please state your name.

Mr. Leonard Diaz: I’m actually Leonard Diaz or Leo the Lion.

Mr. Carnicelli: Okay, you promise to tell the truth?

Mr. Diaz: I promise.
Mr. Carnicelli: You have up to three minutes.

Mr. Diaz: Okay, so I’m... I don’t really have a speech or anything so I just speak from my heart. I think it’s very important what Blue Mountain does on his property. Permaculture is the future and if you don’t want this place become like the mainland I think it’s really important that you support it and make like a culture around it and the church helps people like me from the younger generation to connect with older generation. And I think that’s very important and I love you guys. I think everyone is my cousin, okay. And I don’t know... I just... I think it’s really important and that you guys talk about laws and such I don’t know, you know like I think that’s back in Washington, but I think you shouldn’t hesitate and take so long because this is the future of this island and that’s what we need. And there is some problems maybe that can be solved maybe they can be put up more signs for the parking and those two neighbors that have a problem like you and I don’t know the other guy, I mean, you two—

Mr. Carnicelli: Please speak to the Commission. Please speak to the Commission.

Mr. Diaz: Okay, I would invite them to the Temple of Peach to maybe get a better picture and then maybe that can solve a lot of problems. Okay, and that’s about it.

Mr. Carnicelli: Thank you very much. Lew any questions?

Dr. Abrams: No thank you.

Mr. Carnicelli: Great, thank you. Tara Grace.

Ms. Tara Grace: Aloha.

Mr. Carnicelli: Please state your name.

Ms. Grace: Tara Grace.

Mr. Carnicelli: Do you promise to tell the truth?

Ms. Grace: Yes.

Mr. Carnicelli: You have up to three minutes.

Ms. Grace: You know when I thought about what I would say I thought... I thought about mental health here on Maui and how many people need help and how this church helps so many people feel a sense of belonging and uplifting and hope and that all the agricultural efforts are equally important. And I’m really sad that their neighbors are the ones, seemingly the only ones that are missing the joy that’s found here for so many in this community and I hope that their needs can be met in some solutionary way with your help. But I support this family following through with their personal mission to support and serve their community.
Mr. Carnicelli: Thank you. Lew any questions?

Dr. Abrams: No questions.

Mr. Carnicelli: Great. Thank you very much. Rob Parsons. Please state your name.

Mr. Rob Parsons: Aloha my name is Rob Parsons.

Mr. Carnicelli: Do you promise to tell the truth?

Mr. Parson: Now and always.

Mr. Carnicelli: You have up to three minutes.

Mr. Parson: Aloha. Thank you Chair Carnicelli and Commissioners for your dedicated service to our community through what you do here. I'm a 40-year resident of Maui. I've lived in Haiku for over 25 years so I'm familiar with the subject property and the applicants and I would echo many of the accolades that the previous testifiers have shared.

I did review the application that's before you today and I found that some of the issues, some of the questions that arose such as traffic and noise actually I think would be mitigated by issuing this permit because the County doesn't always make it crystal clear how to get to a path and it's kind of trial and error and I think that's the situation that has existed here over the past years since the Abrams Family moved to this property. I feel that this is a somewhat different from the usual application that comes before you which is often a bed and breakfast or TVR for someone that wants to maximize the economic benefit of the property which is they're entitled to do as long as it comports with the rules and regulations set forth by the County.

In this case, they're not looking to do that. They're looking to have agricultural production continue to be the primary use and they're welcoming the community to come and celebrate and I think that's a wonderful thing and it's not something that's an easy path and I think the depth of this application shows that they have worked with the planning consultants and their lawyer to make sure that they got their ducks in a row before they came this commission. So as the previous testifier said, if there are still some existing questions on traffic, I don't think traffic is a big issue here at least on Page 11 it said that it didn't appear that any County infrastructure would be triggered by issuance of this permit. I think the opposite is true is there would be more certainty and regularity because there's prescribed hours and days when there would be celebration in the permit and I think that's a result of substantial compromise. So it's not gonna be celebrate every day because we love life and we love this planet which we do. So I mean, we can celebrate in our own way but are we gonna party at Ahimsa every day? No. It's there are prescribed times and dates for that. I could see that you're about to tell me it's three minutes so thank you for your time.

Mr. Carnicelli: No, but thank you very much Rob, I appreciate it. Lew do you have any questions for Rob?
Dr. Abrams: I do not.

Mr. Carnicelli: Great. Thank you. Bruce Douglas.

Mr. Bruce Douglas: Aloha my name is Bruce Douglas.

Mr. Carnicelli: Do you promise to tell the truth?

Mr. Douglas: Only the truth and nothing but the truth.

Mr. Carnicelli: You have up to three minutes.

Mr. Douglas: Thank you. New information. A church in Haiku is gonna look different than a church in Wailuku. Okay, the people that we're ministering it's important in very culture on this island has a place to minister in the way that they see fit. When different cultures, Portuguese have come, Japanese with their Buddhism, all these different lineages have brought their lineage, they spirituality in that form. Well there's a new form of spirituality it's brewing and I guess Haiku is a hot bed of that and that's a multi-spirituality embracing many different spiritual lineages, Buddhist, Hindu, Sufi, Native American, Hawaiian, Christian, all included as one so many people they don't identify themselves as a religion but they respect the wisdoms of all their lineages and all the wisdoms and this is what has been going on at Ahimsa Sanctuary Farm and Sacred Earth Temple. It embraces all the spiritual religions and it really ministers to the people of Upcountry that it's going to be different than people in say Wailuku. And so it's important that we really embrace that so all communities are represented here.

It's also important to realize that this couple has put their whole nest egg, their whole life savings, everything into building this not for themselves, but for the community. This is really special. How many of you guys would take all your money and all your nest egg and put that into a community center and a spiritual center that honors everybody in the community to come to. That is really special. So feel that in your heart. What would you do? Would you put all your life savings? They're not broke. They spent everything to put this forward, to build the farm, build the sanctuary, to pay all the money it takes for lawyers and everything to put this permit together and all the energy it's taken. That's all their life savings in it. We need to cherish people in the community that willing to do this, have the vision, receive a vision to do something that is important for this community, actually go through with it, put everything they have into it, put their whole life energy and force into it and put this forward to us that's really special and I hope that we can honor that level of commitment.

I don't believe the traffic is a problem. It's a very minor curve in the road. It's no different than any other left turn off the highway. Any time you take a left turn off Hana Highway you're gonna have that issue. So I don't see that as a particular problem. It's a wide road. There's no...very few cars on...houses on that particular road coming down and the whole sanctuary is a long ways away from any sort of housing or any sort of...(inaudible)...on a very large property. So I don't see those as issues about the place. So I really hope you guys reach in your heart and realize that this is something special for the Haiku community. I, myself has done birthday...my birthday parties there...celebrations—
Mr. Carnicelli: That's three minutes Bruce.

Mr. Douglas: Thank you.

Mr. Carnicelli: Thank you very much. I appreciate it. Lew do you have any questions?

Dr. Abrams: I don't, thanks.

Mr. Carnicelli: Great. Thank you very much. Bruce is the last person to sign up. We will allow anybody that hasn't signed up and would like to add something different come forward? Seeing none, if there are no objections we will close public testimony. Public testimony is now closed. I guess at this point what we will do is we will entertain questions from the Commission. Once we do that then we will come to a motion and a vote just so everybody kinda knows what we're gonna do. So P. Denise La Costa I will start with you with Q and A.

Ms. La Costa: Thank you Chair. Dr. Abrams please. Thank you for being here and testifying today. I have a couple of questions if I might Chair. The preponderance of negativity towards your property is about music and the celebrations so are you currently using amplified music during your celebrations?

Dr. Abrams: There are times when we do use amplified music, yes. We keep the doors closed though to keep it contained in the building.

Ms. La Costa: Is there a way that the amplification could not be used after a certain time at night?

Dr. Abrams: So we are...we are—

Ms. La Costa: So that the neighbors aren't affected?

Dr. Abrams: We are certain to stop any kind of amplified music by 9:00 and at the latest 10 o'clock. Yeah, so we never...we always turn everything off by then.

Ms. La Costa: Okay. To go along with what one of your supporters said perhaps you and neighbors can get together and talk about a schedule so that your needs are met and their needs are met as well so everyone can live in harmony because that's the basis of what you have, okay?

Dr. Abrams: I'm definitely open to that. I would want to speak to one exception for that curfew of 10 o'clock. On New Year's Eve we have a tradition of making a midnight prayer with Reverend Kedar St. John where we light the peace flame of the Temple of Peace and make a prayer for world peace and that's part of our spiritual ceremony that we would like permission to continue on that one day of the year.

Ms. La Costa: I'd say check with your neighbors and let them know that and invite them.
Dr. Abrams: I have invited them.

Ms. La Costa: That's what I'm saying. So the other thing I had a little bit of an issue with is it says that you're limiting members to a hundred. How do you do that? If everyone has so much joy and light and life from your service and they tell their friends and they tell their friends I mean, you know, you sneeze in Lahaina they say bless you in Kihei, right? So, and then Upcountry says, you catching one cold. So coconut wireless is such on this island. So how are you going to keep your membership to a hundred so that you don't have issues with additional noise and parking and traffic, et cetera?

Dr. Abrams: Right as I had suggested in the presentation our typical turnout for prayer circles and so on is much less than a hundred more like 30 or 40 people. So it's rare that there would ever be that many people. We do have parking, ample parking and three bathrooms and if we were to have more people show up it would be possible to bring in a porta potty to serve them that's taking into account future growth. At this point, we just have that many folks coming although it is a gather for church whoever feels called to come would be welcomed. Typically that's been less than 50 people.

Ms. La Costa: That didn't answer...I'm sorry, that didn't answer my question. How are you going to limit your number to a hundred as you have in this paperwork?

Dr. Abrams: Yeah...at this point I don't have a plan of turning people away who want to come and worship and I feel that at a certain point the governmental regulation of church needs to take a step back so who feels called to come should be welcomed. We would certainly make whatever accommodations we, in terms of parking and to our septic system if more folks came, but at this point it would also rely on what the occupancy get set for the building once we have it approved for occupancy we would always comply with whatever that is.

Ms. La Costa: Thank you.

Mr. Caminelli: Great. Thank you. Commissioner Tackett, you have any questions at this time?

Mr. Tackett: I heard mention of a full moon party? What does that look like?

Dr. Abrams: Yes, thank you. Actually yeah, full moon gatherings are something that we have held for more than 30 years wherever we have lived and in fact I met my wife Maria at a celebration and it comes from having traveled around the world and visited many different cultures in Bali and Nepal and India. Most indigenous cultures gather and celebrate and pray in sync with the cycles of the moon. So our full moon gatherings involve a vegetarian potluck and then sitting together in a circle, doing some meditation and singing, passing a speaking object where person has a chance to share, offer a poem or a song. So it's creating a sacred space where people can come together to pray and meditate.

Mr. Tackett: And what are the time and noise impacts generally associated with that?
Dr. Abrams: Right. Generally we start the vegetarian potluck around six and by 7:30 we gather and sit in a circle, a good portion of it silent meditation so there's no impact of that and then the individuals who might choose to share a poem or a song are typically just playing an acoustic instrument so there's no, no significant impact of that on a full moon celebration. We always make sure we wrap up so that people have driven out by 10:00.

Mr. Tackett: Thank you.

Mr. Carnicelli: So Tara I have a question for you. I know when it comes to STRH permits and now B&B permits if you have Notices of Violation you're not allowed to even apply does that also account for Special Use Permits.

Ms. Furukawa: No, that's...I just included it because I wanted to kinda give you the history on this permit. He has been making an effort to work with the Department to resolve some of the violations. So I just wanted to bring it to your attention I guess.

Mr. Carnicelli: Right. No, I appreciate that because it looks as though there's one, two, three, four, five, six, seven violations that have accrued since 2012.

Ms. Furukawa: Yes, he said that's it by two people, so—

Mr. Carnicelli: Oh, okay.

Ms. Furukawa: Yeah.

Mr. Carnicelli: Okay. Well, he also admitted on the record that he was doing, doing church functions on New Year's Eve, so I'm just...and just so people know and understand one of the things of the criteria, 'cause we have criteria, right with which we have to view this through the lens of and it is desired use would not adversely affect the surrounding the properties, right. So that's part of so when the neighbors come up and they say hey, you know we've got traffic...basically and this is true for most of the time, traffic and noise, right that's are going to be the two things that impact your neighbors. And so it's not that we have to say no, but what can we do as a commission to help mitigate those things, right. So one of the things that the Director is working on is possibly putting in especially for the guy that's lived there the longest is some signage. It's not fair that people have to go him to find you, right. Did you say, actually go ahead and grab mic and you don't have to stand. Did you say you own the right of way all the way in, right?

Dr. Abrams: We do, yes.

Mr. Carnicelli: Everybody else has easements over the top of you.

Dr. Abrams: Just two other properties.

Mr. Carnicelli: Two other properties, okay.
Dr. Abrams: And we have remedied that issue by putting in a large sign right next to our 
driveway at the top of the cul de sac. It used to be ambiguous when you would come down 
there were three driveways and some people would go straight and visit Fedde but now that we 
put a large sign saying this is Ahimsa Sanctuary Farms driveway that has been eliminated for 
more than a year as far as I know.

Mr. Carnicelli: Okay. Okay. So, but the reason why I ask that is if we required you to put 
additional signage up whether it's right at the entrance not at the cul de sac whatever it is you 
own that right-of-way so then therefore you have the ability to do that without getting somebody 
else's permission.

Dr. Abrams: Yes we have a small sign on the Hana Highway. We intend to erect a larger one 
when the church is approved so that people can find it.

Mr. Carnicelli: Gotcha. Gotcha. You know I'll restrict my questions. Do you have any 
additional questions? No, yes? Commissioner Pali.

Ms. Pali: To be fair and just for clarification of the record I believe I counted three neighbors 
that were seemed like they liked you which is good, good character reference but they all in a 
very subtle way had problems with both noise and traffic. And so I believe they in a roundabout 
way felt a little bit more aggressive than others sort of opposed this or maybe wanted to mitigate 
some of these issues. Do you, you have a lot to read through here. I just want to make sure I 
didn't miss it, did you have a neighbor that's adjacent to your property, did you find one neighbor 
that was supportive and did not have the same issue.

Dr. Abrams: Yes, the second letter on the right side of your pack is by Paul Mana. He was 
intending to be here today I'm not sure what happened. He's the neighbor immediately across 
the driveway within 500 feet of the mouth of driveway and his property overlooks ours and the 
roadway, the driveway entering our property. And if you'll read his letter he said that there's 
been no impact. He's never seen any cars backed up on the road and he's not been disturbed 
any noise and that he's in support of this special use permit.

Ms. La Costa: Yeah, it's right behind the Temple of Peace letter.

Dr. Abrams: Yeah, it's second letter in the ...(inaudible)...

Ms. Pali: Oh got it.

Dr. Abrams: You know we do encourage people to carpool and to drive slowly with low beams 
and to make sure that they park on our land not out on...well, our land is the driveway coming 
from the Hana Highway. No one ever parks there anymore. There was once occasion that 
people stopped and parked.

Mr. Carnicelli: Got it. While Commissioner Pali is reading that I do have a question about your 
501(c)(3). Are you in good standing with the IRS right now?
Dr. Abrams: We are in standing with the County and with the IRS... We are intending to file a
Form 1023 when it comes time to receive nonprofit donations. But as we were instructed by our
law firm when we established the church there is no requirements for church to report to the IRS
and so we are in good standing. There's no violations and neither are we listed as a 501(c)(3)
business to which donations were automatically be preapproved as tax deductible. But as a
church donations would be and when it comes time to receive donations we do intend to file that
form so that people can be sure that their donations are tax deductible.

Mr. Carnicelli: Corporation Counsel, do you know what defines a church.

Mr. Galazin: No, but I know it when I see it.

Mr. Carnicelli: Commissioner Pali.

Ms. Pali: So for clarification you're advertising as 501(c)(3) but are you saying you do not
technically have a certificate as a 501(c)(3) issued by the IRS.

Dr. Abrams: We have a certificate from the State of Hawaii to have incorporated a 501(c)(3).
We've not asked for any kind of blessing or approval from the IRS at this time.

Ms. La Costa: That's a IRS code, 501(c)(3), that's a IRS code.

Dr. Abrams: There's an optional form that can be filed to get the IRS to decide in advance that
donations will be tax deductible but it is not required of churches to report to the IRS. The
501(c)(3) in fact there's a clear exemption for churches to have to make that filing.

Ms. La Costa: Is there anywhere that it says in this paperwork.

Mr. Carnicelli: I don't mean to go into details but that's part of why we're here right. And as the
former Deputy Director said sitting right there being a great person isn't a qualification and being
an A hole isn't a qualification. You guys are obviously great, right? You guys qualify on that
side, but we need to do it unfortunately through the head and not the heart. That's just where
we're coming from. Does anybody else have any questions? P. Denise.

Ms. La Costa: Thank you. You are here to get a permit to have a church correct?

Dr. Abrams: To have church related activities on our agricultural land in a building that has
been permitted as an agricultural workshop, but to be able to change that for church use.

Ms. La Costa: From what I've been hearing from parishioners, friends, neighbors you are
already conducting church activities on the property without this permit being issued is that
correct?

Dr. Abrams: So far what we have is informal gatherings of friends and that are coming for free
community celebrations. We will step into our ministry as a church more fully once we have the
approval of this.
Ms. La Costa: That's not my question. My question is are you currently doing church activities in the property and as Corp. Counsel says when he sees a church he knows a church. So I would prefer that you be straight up with me. Are you performing church activities on the property?

Dr. Abrams: We do invite the community for some religious spiritual gathers at this point in an informal gathering of friends. We aspire to step into doing more full church activities with a regular weekly service. We've never had regular weekly services to date.

Ms. La Costa: So your moonlight, new moon—

Dr. Abrams: Full moon gathering.

Ms. La Costa: Okay, those are not church services?

Dr. Abrams: It's something we've done for 35 years before ever considering—

Ms. La Costa: That's not my question. Are those church services?

Dr. Abrams: It's a community potluck and a celebration and prayer and it is consistent with church. We're hoping to formalize it with this Special Use Permit so that we can do more full regular church meetings.

Ms. La Costa: So as the Chair said, we work with our heads here not with our hearts and we have to be sure that when we make a decision it is based upon law—

Dr. Abrams: Yes.

Ms. La Costa: --upon use, upon previous activities and upon what we hear on public testimony—

Dr. Abrams: Yes.

Ms. La Costa: --and read in public testimony.

Dr. Abrams: Yes

Ms. La Costa: And everyone that encompasses that process. So that's my question. That's why I'm so direct. Have you been doing church activities already and now you're coming for a permit?

Dr. Abrams: Well, I'd just like to consult with my counsel for a minute by how to respond.

Ms. La Costa: We ask short-term rentals the same questions.
Dr. Abrams: Right, right, that's a important decision to make, right, right. Right, to date we have private gathering of friends without having regular church meetings. We are aspiring to with your approval to step into the ministry of having weekly regular church services. So what we have done to date are informal gathering of our community and friends having celebrations of Thanksgiving, birthday celebrations, memorials none of which are specifically a public church function but rather we're not advertising publicly we informally invite our community and circle of friends and we're aspiring to begin full church activities with your approval.

Mr. Carnicelli: Great. Thank you Lew. So the green one right guys is the recommendation from the Department and we're gonna just, the Director and I will go through a couple items on it. So in Recommendation No. 1 it says the permit shall be valid till June 30, 2024 subject to extension by the Director. So we can change that, right? I mean if there's concerns from the neighbors we can say instead of a five-year permit we can go one-year permit, we can do two-year permit, we can do whatever it would be, so we can sorta start there. Then if you go to Condition No. 4 where it says, that all church and religious activities shall only occur between the hours of 8:00 a.m. and 10:00 p.m. Any amplified sound or music at any event shall not be heard beyond the subject property lines. The 8:00 a.m. to 10:00 p.m. we can tweak, right. Obviously amplification we can tweak. Okay, and then if we go to Condition No. 5 that as represented by the applicant service shall occur no more than three times per week plus holiday celebrations. You know we can get more specific there. And the applicant shall maintain an average of no more than 40 people for weekly services and no more than 100 people for holiday celebrations including employees and staff. So we can also say, okay, you know holiday celebrations we can put a number to that. 'Cause again guys, what we can do is just instead of just saying no, we can just say all right how can we try to make this fit within the criteria that we have?

So let's start with No. 4 and the hours of operation. Do you want to say sunup to sundown? Do you want to say...I mean, what are you guys comfortable with?

Mr. Robinson: Discussion.

Mr. Carnicelli: Discussion. Okay, I put that on the floor let's go ahead and discuss? There we go. Commissioner Robinson.

Mr. Robinson: Commissioners even though I'm the youngest on this Commission I have served a few of these in the early years and I've actually dyed it gray. It's, it's we had a lot of these and we had what I think our Chair is trying to do, we had so many events per year, we had time of the events, we had restrictions on the size, restrictions on substance that are gonna be at the events. You know, we as a Commission would always try to support agriculture and we use these activities to help them pay for the agriculture. There's been a few religious things that have come in front of us before in the early years. We had...I had a like half a dozen my first year, we had a lot and then it kind of subsided away because the restrictions that we put on them people weren't as...they're looking for different areas where they...(inaudible)...the restrictions. You know, things like that and actually this is a...it always traffic, like you know, it was always noise. I mean, we know they've been practicing even though you know he don't want to admit it, right? Gathering, private gathering, membership...membership, membership is
already a commercial enterprise if you have membership, right? So instead a club, club is still
a... still considered a group. I am for putting some limits on this. I think it's fantastic that they
love everybody except the people that speak out against them like their neighbors, you know.

Dr. Abrams: We love them too.

Mr. Robinson: Okay. Not all of them though, not everybody is what I heard and that's okay.
You know, not everybody is on a I love list, but I know I try to put them on that, but the thing is
we have to try to respect and limit it that way. So we talked about the one before about
precedence, about stabilization of our permits, about different areas and different things. The
law's the same if it's Makawao or Lahaina. The law's the same if it's you know State Law, State
Law so we can, you know we can kinda massage a little bit or kinda look at it, but the testimony
that I heard today from the neighbors is we need to keep in mind what they testified for. You
know, it be great that everybody that visited would also listen to that as well.

Now as far as...the question I have one, is this going to Council or is it stop with us? It stops
with us, okay. ‘Cause I know we had one before we spent days and then it went to Council and
they killed it anyway. So ...(inaudible)... that. It's...

Ms. La Costa: Chair?

Mr. Carnicelli: ...attorney, they can talk.

Mr. Robinson: So personally hours I would start with first, right. Quiet time is quiet time. So is
Chair is there a standard that SUPs follow besides 10:00 p.m.?

Mr. Carnicelli: I tell you what is before we get into ...(inaudible)... since we're gonna just
discuss this. Let's do a little discuss and then we'll go, we'll do them one at a time, yeah, just
like you're saying. Corporation Counsel.

Mr. Galazin: Thank you Chair and I wanted to bring this up before we get too far in discussion
because this is a jurisdictional question. As you know, this body reviews some Special Use
Permits and the State Land Use Commission reviews others. The delineation for that is found
within 205-6 of the Hawaii Revised Statutes and if it is for a property that’s less than 15 acres of
Ag land then it’s approval before this body. If it’s for greater than that, approval lies before the
Land Use Commission and not with this body. What haven't seen and perhaps Planning can
confirm for me this is a 25.54 acre parcel and the request is to use 14.8 acres of it but I haven't
seen a delineation of which 14.8 acres are proposed to be subject to the Special Use Permit.
So that would be a jurisdictional issue for you folks. I just want to make sure it's clear. Thank
you.

Dr. Abrams: Yeah, the plot plan is in your folder that folded plot plan.

Mr. Carnicelli: Speak into the mic please.
Dr. Abrams: Oh yeah. So yeah, the portion of the land that would be included around the
church building is delineated by that dotted line that runs across towards the northern section of
the property so it's really the point that sticks out into the gulch towards the ocean. The upper
portion or southern portion closer to the Hana Highway is where our primary farming activities
happen. Mostly what's out around the temple space is pasture, coconut orchards and then
gulch.

Mr. Galazin: And Chair if I can make clarify? Has this been surveyed? Is there an acreage on
this, this line on this plot?

Dr. Abrams: It was surveyed when we were considering doing a—

Mr. Galazin: Do you have one in the application is what I'm asking.

Dr. Abrams: No.

Mr. Galazin: Okay, thank you.

Mr. Carnicelli: Is the parking for this within the 14.8 acres?

Ms. Furukawa: Yes.

Dr. Abrams: Yes.

Mr. Carnicelli: Yeah.

Dr. Abrams: There's ample parking. We have a 26 spot parking lot and then along the edges of
the road in that portion of the property.

Ms. McLean: If we're looking at the same diagram, you're saying that this line is what
delineates the church use?

Dr. Abrams: Yes.

Ms. McLean: And is this darker line the property boundary?

Dr. Abrams: Yes.

Ms. McLean: And so this is 14.8 acres here?

Dr. Abrams: Yes, that's my estimate. It's actually they've never went all the way down into the
gulch there to survey that area. It's so steep and rugged that the surveyors estimated that line
there. They didn't actually make it down the cliff.

Ms. McLean: Because if it's a 25-acre parcel and this is roughly 15 acres that would mean that
all of this is ten? That doesn't seem to scale.
Dr. Abrams: It may not be accurately drawn to scale.

Ms. McLean: And the parking spaces some are within the 15 acres, but the majority seem to be outside of this line that was drawn across.

Dr. Abrams: Yeah, all the parking can be contained on that northern portion of the land that’s included around the church building. So that perimeter road had parking all around, along either side of it. So it’s easy to get a hundred cars in that same area.

Mr. Carnicelli: So...

Mr. Robinson: Chair?

Mr. Carnicelli: Commissioner Robinson.

Mr. Robinson: In lieu of this new information I make a motion that we continue this meeting at a later date until we have the correct information of jurisdiction for our Commission.

Mr. Carnicelli: So we have a motion for continuance on this item to make sure we have jurisdiction.

Ms. Pali: Second.

Mr. Carnicelli: By Commissioner Robinson, seconded by Commissioner Pali. We have to pick a date if we’re gonna do that. June 10th is a Monday is the next, holiday is the 11th.

Dr. Abrams: Might I have my attorney address this issue?

Mr. Carnicelli: Sure, please identify yourself.

Mr. Leslie Leskovich: My name is Leslie Leskovich. I’ve been a lawyer in Honolulu for over 40 years. I’ve been a member of the community. I met Dr. Abrams a dozen years ago and I’m just incredibly inspired by what he’s done and what his vision is. What I want to remind the Commission of the following is that there have been absolutely no complaint filed regarding noise, traffic or anything else since 2016.

Mr. Carnicelli: Okay. Leslie hang on, hang on. This isn’t testimony right now.

Mr. Leskovich: Oh, I know.

Mr. Carnicelli: This is we have a motion on the floor.

Mr. Leskovich: But I want to address...I understand, but what I want to address is the legalities of before we extend things I want to make it clear that the Planning Director McLean made findings that said the desired use will not adversely affect surrounding property.
Mr. Carnicelli: Okay, thank you. Thank you. Thank you. Duly noted.

Mr. Leskovich: And also the law—

Mr. Carnicelli: Leslie, thank you. I appreciate it.

Mr. Leskovich: Am I allowed to continue speaking or no.

Mr. Carnicelli: No.

Mr. Leskovich: I can’t talk about the strict scrutiny test that the courts have announced, I can’t talk about the compelling government interest that this Commission would have to find.

Mr. Carnicelli: This isn’t a final verdict.

Mr. Leskovich: I understand.

Mr. Carnicelli: This is continuing to see if we have jurisdiction. That is the motion on the floor right now. I really appreciate you wanting to weigh in.

Mr. Leskovich: I just want to remind the court, the Commission that case clearly says, the case that Commission got sued on clearly talked about jurisdiction. So I just want to just ask the Corporate Counsel to go back to that case and make…is there anything in that case that would indicate that this Commission does not have jurisdiction over this matter.

Mr. Carnicelli: Okay—

Mr. Leskovich: That’s all.

Mr. Carnicelli: --so thank you very much. I appreciate it. Okay, so we have a motion on the floor would anybody like to speak to the motion? Commissioner Robinson.

Mr. Robinson: I’ll speak to my motion. Commissioners is there’s a discrepancy between 15 acres less, 15 acres more, if it’s above as we all know it’s LUC which would make any decision that we have moot. And I just think it’s prudent that way. There’s no sense putting a decision down either way until we make sure that we’re the one to make the decision and I think that’s something that can be easily cleared up through a survey and I think the Planning Department can get that and we can you know move on with a continuance. Thank you.

Mr. Carnicelli: Thank you. Commissioner La Costa.

Ms. La Costa: Thank you Chair. I don’t know if this is in addition to, but some further information not only…well, first of all we have jurisdiction and if we have then a survey map with an outline of where the parking is, where the actual 14.8 acres are so that we can address
Maui Planning Commission
Minutes - May 28, 2019
Page 64

exactly the permit that Dr. Abrams would like to apply for. So we need to have all the
information so we can make an informed decision. Thank you.

Mr. Carnicelli: Thank you.

Dr. Abrams: If you look at No. 28 on the—

Mr. Carnicelli: Okay—

Dr. Abrams: --okay, the parking—

Mr. Carnicelli: You gotta be, you gotta be recognized.

Dr. Abrams: All right.

Mr. Carnicelli: Thank you. Thank you. Commissioner Pali would you like to speak to the
motion? No?

Ms. Pali: Get more information so we can be clear would be good for me as well.

Mr. Carnicelli: Commissioner Tackett.

Mr. Tackett: I’m good at this point.

Mr. Carnicelli: No. Okay, so I’ll speak to the motion as well is you know guys this isn’t about
whether we like it or not. It’s just like you know that’s not what this is about is I love everything
you guys are doing honestly the fact that you guys are trying to heal the planet we need it, right.
Everything you guys are doing is spot on. But we gotta make sure the bouncing ball happens
correctly, right. So we’re just gonna hit the pause button, we’ll get a survey, we’ll make sure
that it’s our jurisdiction and then we can move forward from there. So with that being said,
Director.

Ms. McLean: The motion on the floor is to recess, continue the discussion of this item and the
date proposed would actually not be the next meeting on June 10th, but the following meeting
June 25th.

Mr. Carnicelli: All those in favor of the motion please raise your hand. That’s five ayes, the
continuance happens. So we will see you on June 25th. Thank you for everybody that came,
thank you for everybody that testified, we really, really appreciate your passion, we really, really
your testimony. Thank you very much and apologize that we couldn’t come to a decision today
for you but we will get one on June 25th.

It was moved by Mr. Robinson, seconded by Ms. Pali, then unanimously

VOTED: To Continue the Matter to the June 25, 2019 meeting in order to get
clarification on the concerns discussed by the Commission.
Maui Planning Commission
Minutes - May 28, 2019
Page 65

(Assenting – K. Robinson, K. Pali, C. Tackett, P. D. La Costa,
L. Carnicelli)
(Excused – S. Castro, T. Gomes)

Mr. Carnicelli: With that being said, the Commission will go into recess. We will be back at
1:30.

A recess was called at 12:34 p.m., and the meeting was reconvened at 1:37 p.m.

Mr. Carnicelli: Good afternoon everyone, the May 28, 2019 Maui Planning Commission is now
back in session and I appreciate everybody spending most of the day here with us. We’re
gonna do a quick deviation on the agenda just to dispose of some items. Director.

D. DIRECTOR’S REPORT

1. Designation of the Hana Advisory Committee to conduct the public hearing
and provide a recommendation to the Commission on the following
applications:

GREGORY KOCH requesting a State Land Use Commission Special Use
Permit in order to operate the Hana Panoramic Retreat, a two-bedroom
STRH located in the State Agricultural and County Agricultural District at
630 Kapia Road, TMK (2) 1-4-011:041, Hana, Island of Maui. (STHA
T2018/0008) (R. Quigless)

BRADLEY AND ROBIN NEWTON requesting a State Land Use Commission
Special Use Permit in order to operate the Hana Nautilus, a three-bedroom
STRH located in the State Agricultural District and County Agricultural
District at 2575 A Hana Highway, TMK (2) 1-3-003:015, Hana, Island of Maui.
(STHA T2019/0002) (R. Quigless)

The Commission may take action to designate the Hana Advisory
Committee to conduct the public hearing and provide a recommendation
on the subject application requests or take some other action.

Ms. McLean: Thank you Chair. Under item D, Director’s Report before you is to designate to
the Hana Advisory Committee to conduct the public hearing and provide a recommendation
back to this Commission on the following two applications. The first is a request from Gregory
Koch for State Land Use Special Use Permit in order to operate the Hana Panoramic Retreat, a
two-bedroom short-term rental home located in the State Agricultural and County Agricultural
District at 630 Kapia Road, TMK: 1-4-011:041 in Hana. And also a request from Bradley and
Robin Newton for a State Land Use Commission Special Use Permit in order to operate the
Hana Nautilus a three-bedroom short-term rental home located in the State Agricultural District
and County Agricultural District at 2575A Hana Highway at TMK: 1-3-003:015 in Hana. So
again what’s before this Commission is to designate the Hana Advisory Committee to conduct
the public hearing and provide a recommendation back to you.