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2 Mr. Carnicelli: All in favor please raise your hand. That is five. Motion passes.  
3  
4

5 **It was moved by Ms. La Costa, seconded by Mr. Tackett, then unanimously**  
6

7 **VOTED: To Accept the Resolution Agreement as presented.**  
8

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

11 **(Excused – S. Castro, T. Gomes)**  
12  
13

14 Mr. Carnicelli: Jim.  
15

16 Mr. Buika: Yes, thank you. Chair I have one amendment to the resolution agreement it's a –  
17

18 Mr. Carnicelli: Really now?  
19

20 Mr. Buika: Sorry.  
21

22 Ms. McLean: Typo. It's just a typo.  
23

24 Mr. Buika: It's a change in a date.  
25

26 Ms. McLean: It's typo that we can correct.  
27

28 Mr. Buika: Okay, yeah, we'll change the typo from yeah, July...September 23, 2013 to  
29 July 23, 2013 for the record. Thank you.  
30

31 Mr. Carnicelli: And you guys thought you'd show up and talk about a B&B today, right. I think at  
32 this point in time, should we just keep moving or do you want to take a quick break? All right,  
33 we're gonna take a four-minute recess.  
34

35 Mr. Mancini: I'd like to thank the Commission for the deliberation and hearing everything.  
36 Certainly appreciate it.  
37

38 (A recess was called at 10:38 a.m., and the meeting was reconvened at 10:45 a.m.)  
39

40 Mr. Carnicelli: The Maui Planning Commission of May 28, 2019 is back in session. Director.  
41

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

1  
2 **C. PUBLIC HEARINGS**  
3

- 4 1. **LEW ABRAMS** representing the **SACRED EARTH ASSEMBLY**, a non-profit  
5 interfaith church, requesting a State Land Use Commission Special Permit  
6 to utilize approximately 14.8 acres of the Ahimsa Sanctuary Farm and a  
7 7,693 square foot two-story agricultural building for church-related  
8 activities at 4504 Hana Highway, TMK: (2) 2-8-003:075 (por.), Haiku, Island  
9 of Maui. (SUP2 2017/0011) (T. Furukawa)  
10

11 Ms. Tara Furukawa: Good morning Commissioners I just wanted to correct the address is 4505  
12 and not 4504 as stated. So this item has come to you for review because the applicant,  
13 Dr. Lew Abrams and his wife, Maria are proposing a church, the Sacred Earth Assembly on  
14 state agricultural land. Lew has a presentation that he wants to share and he can answer any  
15 questions that you may have regarding his proposal.  
16

17 Dr. Lew Abrams: Aloha Commissioners. I'm Dr. Lew Abrams here representing Sacred Earth  
18 Assembly Church and I'm really appreciative to have this opportunity to speak to you and I have  
19 some supporters of our congregation here in the audience and I don't know that all of them will  
20 get to testify or stay so I was just going to acknowledge our team. We have our consultant,  
21 David Jenkins that I have been working with as well as our attorney Les Iczkovitz. And then we  
22 have some people from the community that are here to testify in support and I was just going to  
23 ask whoever is here in support of us just to stand in this moment because I know you may not  
24 all get to testify. Thank you so much for coming out and I just want to point out that there's one  
25 important missing member, maybe we should stand for a moment, Dr. Joe Marshalla, one of the  
26 main instigators of the shaka movement was going to be here to testify but he's had health  
27 problems and a number of heart attacks and last night he called to say he wouldn't be able to  
28 make it 'cause he was having heart pains and pain in his arm. So I'd just like to take this  
29 moment silence to send some healing energy to Dr. Joe Marshalla who's been an amazing  
30 servant for this community and island. Thank you may be seated.  
31

32 So yes, I came to this island with my family, my wife and two sons in 1997 and began working  
33 as a licensed clinical psychologist. I have PhD from the University of North Carolina and went  
34 Undergraduate to UC Berkley and when we first came to the island I began working at the  
35 Molokini Unit at the hospital, the locked psychiatric ward doing group therapy with adults and  
36 adolescents. I also worked for some other agencies. I worked for the Aloha House Adolescent  
37 Unit doing family therapy and I did some evaluations for Child and Family Service while I  
38 developed a private practice as well first in Makawao then in Pukalani, and at present I work in  
39 Lahaina at West Maui Counseling Center for three days a week seeing individuals, couples and  
40 families.  
41

42 When we moved to Maui we moved to a two-acre parcel in Haiku above Hanzawa Store on  
43 Awalau Road and that's where I began to learn about organic farming and planting trees. We  
44 built a fishpond and I took some training in permaculture design and I recognized that that path  
45 of growing food naturally without chemical fertilizers and pesticides is an important key to the  
46 future of this island for being able to achieve food sovereignty and healthy ecosystems to pass

1 on to future generations. So I'll be speaking more about our organic farm. We moved from that  
2 place to a larger parcel on the north shore near Jaws Country Store. It's a 25-acre piece of land  
3 that we have gone on to develop into a certified organic farm and we've been certified since  
4 2016.

5  
6 So parallel to being a farmer and psychologist, I am also an ordained minister in the Temple of  
7 Peace in Haiku since the year 2000 and I've help Reverend Kedar St. John with the Sunday  
8 services as well as my wife who's also a minister in the Temple of Peace and we have  
9 ...(inaudible)...the space and participate in those Sunday gatherings and then when  
10 Reverend Kedar goes out of town he asks my wife and I to be the ministers of the Temple of  
11 Peace in his absence. And out of that as an outgrowth of that community we established  
12 Sacred Earth Assembly, 501(c)(3) nonprofit church. In 2012 we created the structure for that  
13 with the intention of beginning to utilize our land for spiritual gatherings and for the community  
14 from the Temple of Peace as an interfaith gathering place. And so we have a number of  
15 different communities that overlap when...coming to our place that we're asking for permission  
16 to meet and worship and celebration at our farm and we'll speak to more about that. Some of  
17 those members are here. Today we have some people from Sufi Community, there's the  
18 Buddhist Community. It's an interfaith group that shares the value of honoring the earth as  
19 sacred and recognizing that human beings are stewards of the plant for the future generations.  
20 And I'd like to invite my wife, Maria Abrams to come and speak a little bit to the background of  
21 how we came to call our place Ahimsa Sanctuary Farm.

22  
23 Ms. Maria Abrams: Good morning. All my appreciation to all our friends that are accompanying  
24 here today. I grew up in Honduras.

25  
26 Mr. Carnicelli: If you would please, just state your name for the record.

27  
28 Ms. Abrams: My name is Maria Abrams.

29  
30 Mr. Carnicelli: Thank you.

31  
32 Ms. Abrams: I grew up in Honduras in a natural environment surrounded by animals of different  
33 kinds, cows and turkeys and I never wanted to partake in the killing of animals so I became a  
34 vegetarian very early in my life and I began study plant-based diets and also the optimal diet for  
35 human beings to stay strong 'cause I didn't want to eat animals. So this lead to organic farming,  
36 looking for the optimal diet without pesticides, without additives, that's how I raised my children  
37 and my family. And because of that now the Ahimsa Sanctuary Farm is here for the whole  
38 community growing organic food.

39  
40 And then I also come from a spiritual family. My grandfather had a church in his farm for all our  
41 family we would gather there on Sundays, and my mother also in our farm created a church for  
42 us to go on Sundays. So because we are spiritual people and our tradition is earth based  
43 spirituality, honoring the earth as sacred and all the living beings and deserve our honor and  
44 respect. So this is how we live and this is how we worship. We want to have a place to gather  
45 for us and the community to do our meditations, our yoga, our sacred movement, our songs, our  
46 prayers, gather for Thanksgiving with righteous food. We celebrate with vegan food and

1 vegetarian. Mostly for our own soul development and also for the stewardship of our planet that  
2 we can create a good example for the next generations to protect our environment as well as  
3 have an optimal diet for human beings that doesn't involve any killing or any violence.

4  
5 As I came to this phase I studied all sorts of traditions from East India and Buddhists from the  
6 east and I learn about Ahimsa which is part of the ...(inaudible)... and these gave me the  
7 assertiveness that I was in the right path that my intuition had led me to to be a vegetarian and  
8 to be a caretaker of the earth with all honor and respect. So this is why we would like to request  
9 of you to let us have a temple on our farm where we can meditate, where we can do our  
10 spiritual practices so that we can honor the earth as sacred and we can also honor our spiritual  
11 community that needs a place to gather and a place to, you know, set the good intentions for  
12 our future on this planet where we need a clean environment and good food without pesticides,  
13 without GMOs. This is what we're about and we would really like to ask you to honor our  
14 request to give us a Special Permit for having a church, a chapel in our farm. So thank you very  
15 much and thank you for having us.

16  
17 Mr. Carnicelli: Thank you.

18  
19 Mr. Abrams: Yeah, so once again I'm Dr. Lew Abrams presenting on behalf of Sacred Earth  
20 Assembly. The building for which this Special Use Permit is requested as well as some land  
21 around it is pictured in that photo. We built it as a multipurpose agricultural workshop and we  
22 have used it for drying and packaging herbal teas and spreading out turmeric harvest to dry,  
23 and so I did actually bring some of our first value added product that comes from our farm if  
24 you'd like to take a look. There's some interesting labeling of the tea that explains our  
25 philosophy of Ahimsa honoring all life is sacred. We're interested in becoming and being an  
26 example of permaculture design and organic farming and growing food naturally as well as a  
27 place for the community to gather in reverence and gratitude for the gift of life, for holiday  
28 celebrations, for rites of passage of our community members, and for recognizing that creative  
29 self-expression is divinely inspired. So that's part of what we do is we share music and spoken  
30 word and dance and other visual arts as part of gathering. I am a sculptor and my wife is a  
31 ceramicist and my sons are musicians and so that we've had the opportunity to integrate our  
32 creative self-expression into our work as well. So we can go to the next—

33  
34 So that map is a little hard to see but Ahimsa Sanctuary Farm is located about 28 minute drive  
35 from the airport along the north shore of Maui, kind of right across from Jaws Country Store, a  
36 couple hundred yards further towards Huelo and then towards the ocean. And it's a 25-acre  
37 parcel I guess we could...and as you can see it's a flag lot and that lower blue outlined driveway  
38 coming out to the Hana Highway that is the Hana Highway there at the bottom, and then if you  
39 notice the boundaries of the property about three-quarters of the entire perimeter is bordered by  
40 major gulch. We own all the way across the gulch on the western side and halfway through the  
41 gulch on the eastern side and it's about 200-foot drop down there and it's a wild untamed area  
42 where there is some flow of a stream coming down the gulch to the ocean. There's wild boars  
43 down there, lot of really thick vegetation and it provides a buffer and border for our farm from  
44 our surrounding neighbors that gives a privacy...Privacy that is what attracted us to buying this  
45 parcel. We stretched beyond our means to afford to buy it but we had been staying in a two-  
46 acre parcel with the neighbors very close. We decided we want to try to find a place where we

1 could actually develop organic farming and have some space for the community to gather. And  
2 if you look at the driveway that comes down to the Hana Highway there, we own that and then  
3 we have two neighbors that have an easement to utilize the driveway. The first house is right  
4 there on the...just 86 feet from the Hana Highway and then the other, our other neighbor  
5 Jerome Labat is in this house right there. So there's really only two neighbors that are  
6 very...are reasonably close although each of the houses are more than 500 feet away from our  
7 home and for almost a quarter mile from the entrance of the Hana Highway and Michele's home  
8 to where we are gathering in our Sacred Earth Temple building and what we're asking for  
9 permission to gather there. Okay, next slide.

10  
11 As you know it's Ag zoned and everything we're proposing is in compliance with the Maui Island  
12 Plan. We are within the SMA area and so we've made SMA application, working with  
13 Keith Scott of the Planning Department and this proposal was approved. So we do have on the  
14 SMA the agricultural building indicated as approved for church use. Sacred Earth Assembly  
15 has a 501(c)(3) status and it's an interfaith ministry. Again, we invite people of all faiths who  
16 share the value of honoring the earth as a sacred divine mother to gather in gratitude and  
17 celebration and the way we celebrate and pray is to share locally grown food from our farm and  
18 other farms in the area, to honor rites of passages like births, and deaths, and weddings and  
19 birthdays. And then we also celebrate the holidays like we have a tradition of having a  
20 vegetarian Thanksgiving potluck that we've hosted for more than 30 years in all the different  
21 places we've lived. And it provides a place for the community who may not be eating turkey on  
22 Thanksgiving to gather we have an amazing array of vegetarian foods and everyone really has  
23 a...is able to celebrate the abundance and being thankfulness without taking the lives of  
24 animals.

25  
26 And the underlying philosophy of Sacred Earth Assembly is very close to Malama Aina. It's  
27 about taking care of the earth for the future generations. And in order to do that we have to find  
28 ways to grow our food without pesticides, without chemical fertilizers, without polluting the  
29 groundwater as well as to generate energy in nonpolluting ways. So we have a demonstration  
30 is also of photovoltaic and wind energy on the farm that I'll tell you about more when we get to  
31 talking about our permaculture farm tour. If you can go to the next.

32  
33 This is just saying that Sacred Earth Assembly is a 501(c)(3) corporation is in good standing  
34 with the County. We've keep up our filing since 2012. So the building in question that we're  
35 asking for your approval to use for church related activities is 7,600 square feet. The second  
36 floor is the area where we have assembly hall and a place for worship and then downstairs is an  
37 area where we can have potlucks and fellowship. And according to the square footage of the  
38 building we would be requiring...required to have 26 parking stalls. We have more than  
39 65 stalls and then our whole perimeter loop road has parking along the edge. We could park  
40 way more than 65 cars without ever impacting our neighbors. We can get all, anyone who  
41 might come to visit on our land.

42  
43 Oh this is a note that there was some modification of the plans. Originally we were asking for  
44 approval of a commercial kitchen downstairs in the church building but as we learned more  
45 about it and we heard that the zoning requires that commercial agricultural food service  
46 establishments can have kitchens but they have to be in a building of less than 1,000 square

1 feet we decided to withdraw the proposal for a commercial kitchen and our plan is to house a  
2 commercial kitchen in a separate building for our value added farm products and to be able to  
3 provide meals on our farm tours, from farm to table meals. So what we are asking for is just a  
4 church kitchen to accommodate our potluck and fellowships.

5  
6 So this is a diagram of the building in question. That's the top floor. The front vestibule or porch  
7 area where people can leave their shoes this is a foyer entryway with two bathrooms, half baths  
8 at the end and this door can close so that people can be talking and communing out in this  
9 entryway while it can stay quiet in the shrine room. And then you'll see there's a large deck  
10 around the outside which...grand stairway going down to another deck and so this is a place  
11 where activities can happen outside as well. Next slide.

12  
13 And then this is the diagram of the lower level. This is the area where fellowship and potlucks  
14 and the church kitchen that we're requesting is located. And then there's this other area here  
15 on the lower level that we're hoping to turn into a gift shop for the church and we can talk more  
16 about that at the end.

17  
18 Here's about the infrastructure. We went through the application process and met all the  
19 different criteria. We're on a private water system and we also have a water tank where we get  
20 potable water delivered into it that can serve the church building. And we do, we did have our  
21 septic system, individual wastewater system evaluated by an engineer and it was approved with  
22 a capacity of a hundred people which is more than enough for our gatherings.

23  
24 There's no issues with drainage. There is a slope on the property heading towards the ocean  
25 and we've...with swales and natural drainage. We fill some fishponds with the runoff, but  
26 there's no significant runoff coming off of our property. The driveway entering from the  
27 Hana Highway is a...as I said it was a flag lot and it opens up to 92 feet of frontage along the  
28 Hana Highway and it happens to be in a place where there's a big open visibility. We can see  
29 more than a thousand feet towards Kai Huki Place and then about same going to the east  
30 towards Manawai so the road is nice and straight and wide there. We have a lot of frontage.  
31 It's very easy to turn off the Hana Highway without causing any traffic issues. And there's  
32 electrical and telephone and internet there.

33  
34 So for the church operations that we're asking you all to approve is a congregation of no more  
35 than a hundred members. Usually we have far less than that. We're proposing to have  
36 services on Wednesday and Friday evenings and that will probably be typically be about 10 to  
37 30 people with operation starting with a potluck and then having a sharing prayer circle that  
38 would run from 6:00 to 9:00 p.m. and except there may be some holidays that we meet. As I  
39 mentioned we have a tradition of meeting on Thanksgiving and Passover and other holidays in  
40 which we invite more people or we would expect more attendees but probably in the 50 to 75  
41 person range.

42  
43 The land of this farm is old pineapple land. It was farmed in mono cropping, chemical  
44 agriculture up till about 35 years ago and that means the soil is quite depleted. If you see on the  
45 scale of A to E, our soil is rated in the C and E element of that scale which means it isn't the  
46 most abundant and fertile soil because of the farming methods that were employed. So a lot of

1 what we're doing is rejuvenating the soil, rehabilitating the soil. If you're interested in learning  
2 more about that I have an article on the left side of this packet. It's a one-page sheet that  
3 enumerates all the ways that we're working to reintroduce the micro biota to the ecosystem of  
4 the farm, working with permaculture design, biodynamics, we've biochar, and Korean natural  
5 farming, and if you know when you have a chance to read this there really are solutions  
6 indicated to solve some of the problems in the central valley. It is possible to rehabilitate and  
7 rebuild the soil and grow healthy food without chemical pesticides even on soils that are quite  
8 depleted. And part of this plan is we're gonna be continuing our farming aberration and  
9 agricultural activities as well as inviting people to come to worship to the church. And in fact  
10 members of the church are invited to experience and get their hands in the aina and come and  
11 volunteer on the land. We have an open workday on Wednesdays where people come and I  
12 give some instruction and some of the elements of permaculture design and we work together.  
13 So there's no, you know, reduction in agriculture or interference with the primary agricultural  
14 use.

15  
16 Here's an overview of the farm. You could see that's the church building and focus. There's the  
17 nine kilowatts of photovoltaic and a five kilowatt wind generator. This is a grid tied system so  
18 the energy that gets produced gets fed back into the grid and runs our meter backwards and  
19 reduces our electric bill. And by having both wind and solar to talk about what people we cover  
20 through the gamut of some of the alternative power opportunities that we have on the island  
21 'cause the wind still blows at night when the solar power is not useful. We haven't gotten  
22 separate batteries to store the energy yet because we were waiting for the technology to  
23 improve because a lot of the batteries currently being used are lead based or lithium based that  
24 have negative environmental impacts. So eventually we do hope to get saltwater battery  
25 system to store the energy that we produce there. You can see we have a couple of fishponds  
26 that be built. There was a bowl shape to the land where water was running into these areas and  
27 so we with permits created a indentation and lined it and now we have tilapia and koi and some  
28 peacock bass and some channel catfish growing in these two ponds and whether or not one  
29 eats fish there's still a utility to having a fishpond on the farm and I'll explain more about that in a  
30 future slide. And then in the front here this is our main farm field that's sheltered by bamboo.  
31 One of the first things we did was plant bamboo all along our windward property line as a  
32 windbreak as well as a privacy break with our neighbor, Jerome Labat, who's here today. So  
33 we have a visual barrier between our next door neighbor.

34  
35 As I mentioned it's a 25-acre farm. It's a diverse farm, we're growing all kinds of things. You  
36 can kalo or taro growing there. We have—

37  
38 Mr. Carnicelli: Dr. Abrams?

39  
40 Dr. Abrams: Yes.

41  
42 Mr. Carnicelli: About how much longer do you have?

43  
44 Dr. Abrams: I'm going as quickly as I can. I was just gonna keep going and I will try to  
45 expedite.

46

1 Mr. Carnicelli: Okay, great thank you. Just curious.  
2

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

10  
11 So part of what we're doing is providing an example for people to come and get inspired about  
12 living closer to the earth and farming naturally so we've been offering permaculture farm tours  
13 over the past three or four years and this is some photos from that. We do have some tortoises  
14 which are popular with the kids and they're an example of an organism that has lived in its  
15 environment for 200 million years without polluting or destroying it. So the farm tour is very  
16 interactive and hands on. People get to come around and actually pick the herbs that we  
17 include in the tea and we brewed and give people a sample of the tea while they're there.  
18 Here's more information about the aquiculture. There's a relationship between fish and the  
19 plants. It's very mutually beneficial and we're working on developing our own fish food rather  
20 relying on packaged foods that come in with a carbon footprint. We're coconuts, moringa,  
21 azolla, ground peanut and blending them into ice cube trays and then we can use them to feed  
22 the fish.

23  
24 Mr. Carnicelli: Excuse me, Dr. Abrams, I hate to interrupt you again, but what's before us  
25 today—

26  
27 Dr. Abrams: Yes.

28  
29 Mr. Carnicelli: --is a special use permit for the church.

30  
31 Dr. Abrams: Yes, okay.

32  
33 Mr. Carnicelli: All the ag stuff, awesome.

34  
35 Dr. Abrams: Okay.

36  
37 Mr. Carnicelli: But it's legal. We're not here to talk...you know, it's just like...all that stuff is  
38 totally legal and it's great and I get that you're trying to paint a picture and all that's wonderful is  
39 we have a really, really super full agenda. We have 18 people signed up to testify so you know  
40 do your thing but I just want you to be aware of what we're making a decision on today.

41  
42 Dr. Abrams: Okay, thank you for coaching me—

43  
44 Mr. Carnicelli: Cool, thank you.

45



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

10  
11 And then if you look in your packets, it's hard to see it, there's a folded site plan. I think it's  
12 important to get a picture of where the relationship of this church building to our neighbors and  
13 to the Hana Highway so if you wanna pull it out it's on the...I think right side, the folded plot  
14 plan. And you could see the Hana Highway is right at the very bottom and we have the  
15 drive...we own the driveway...this is the entrance, the mouth of the driveway that's showing the  
16 sight distance in each direction. It's really a long way you can see a car coming that makes it  
17 safe to pull in and out. But I did, if we could go back to that other diagram I just wanted to point  
18 out that we do have one neighbor right along the Hana Highway, she's 86 feet from the Hana  
19 Highway where literally hundreds or thousands of cars go by each day but we own this driveway  
20 and she has an easement to access it and then our other neighbor, Jerome Labat has an  
21 easement off the end of this cul de sac to get to his property. But you can see the place where  
22 the activity, church related activity will happen is more than a quarter mile from this house and  
23 over 1,500 feet down out at the point of our land with gulch all around it to provide a buffer. So I  
24 believe that concludes my presentation and we can invite some of the folks who came out to  
25 testify. Thank you for your...  
26

27 Mr. Carnicelli: Thank you very much, I appreciate that Lew. So Tara if you would, could you  
28 know, is again trying to just educate everybody so people can be on point, why are we here?  
29 You know, it's like it's a State Special Use Permit so what is it that they have to come before us  
30 today to get this particular permit?  
31

32 Ms. Furukawa: Because this is occurring on State Agricultural land so a special permit is  
33 required.  
34

35 Mr. Carnicelli: What part, what activity is it that's not allowed on State Ag that they're doing I  
36 guess Director?  
37

38 Ms. McLean: The church use requires a Special Use Permit.  
39

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

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

3  
4 Dr. Malik Slosberg: Dr. Malik Slosberg.

5  
6 Mr. Carnicelli: Dr. Slosberg do you promise to tell the truth?

7  
8 Dr. Slosberg: Yes, I do.

9  
10 Mr. Carnicelli: You have up to three minutes.

11  
12 Dr. Slosberg: I'm a professor emeritus of Life Chiropractic College and an ordained minister of  
13 the Sufi Order. I've known Dr. Abrams for five years and can attest very clearly to his sincerity,  
14 dedication and devotion to hosting and sponsoring teachers, yogis, spiritual guides of the  
15 highest caliber from various religious and spiritual groups. On many Sundays my wife and I  
16 have witnessed and enjoyed and been inspired by Dr. Abram's invocations at the beginning of  
17 the Temple of Peace services.

18  
19 As a full-time resident of Maui for three years and part-time resident for seven years I urge you  
20 to approve the Special Permit for Sacred Earth Assembly's use of the main agricultural  
21 workshop building and surrounding land that Ahimsa Sanctuary Farm. The environment and  
22 proposed church building is a beautiful, spacious, uplifting setting for interfaith worship services.  
23 It is ideal for all kinds of activities, workshops and interfaith gatherings. I have attended  
24 numerous workshops at this lovely facility all of which have been free or by donation. I offer my  
25 wholehearted support of Sacred Earth Assembly's request to offer weekly religious services  
26 especially holiday prayer gatherings, potlucks and rites of passages for the community. I  
27 especially support Dr. Abram's plan to host visiting teachers from numerous religious and  
28 spiritual lineages. I look forward to attending programs at Sacred Earth Assembly once the  
29 Special Use Permit is granted and I'm very, very confident that Dr. Abrams will provide excellent  
30 guidance and leadership for all their programs offered. Thank you.

31  
32 Mr. Carnicelli: Thank you very much. Lew do you have any questions for the testifier?

33  
34 Dr. Abrams: Only to clarify that the Temple of Peace—

35  
36 Mr. Carnicelli: Okay, no, no...okay, hang on, hang on, hang on, hang on. Do you have a  
37 question on his testimony?

38  
39 Dr. Abrams: I do not.

40  
41 Mr. Carnicelli: Okay, great. Thank you. Next testifier is Jason Schwartz. Please state your  
42 name.

43  
44 Mr. Jason Schwartz: My name is Jason Schwartz.

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

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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

1 have to work together and we've been working through that. So I again I'd be very supportive of  
2 the farming activities as Lew has been growing his business.

3  
4 The second point observation is really around noise and it related back to you know Haiku and  
5 the culture and why I choose, you know to live there in terms of really participating with the  
6 community and really find a place of peacefulness. Same endeavor, you know trying to find a  
7 balance with the active world here. And you know, on those gatherings, on those days of  
8 gathering I like to say that the place of worship transform into a concert hall sometimes. And I  
9 know those are harsh words but they are concert halls and it does make...you know I  
10 appreciate the kids wanting to play music and be creative in arts, no problem with you know  
11 during working hours. I do have a problem when it comes late at night. And so I really  
12 encourage the team to ask questions to inquire, you know, to look around, listen what the  
13 community has to say. Again, during normal hours absolutely no problem, you know this is a  
14 normal function, this is actually a farm, a very active farm. Trucks are coming in and out all the  
15 times.

16  
17 You have an amazing number of dogs. Looks like we have a whole neighborhood waking up in  
18 terms of dogs when the cars are coming in, but the point is it's active. So we have activity and  
19 we found ways to work together...(inaudible)...

20  
21 The third point really is more around the infrastructure. I have noticed, and unfortunately I was  
22 not privy to all this information so I've noticed a couple point on the water infrastructure system.  
23 We do share a well...(inaudible)...public use. I do own the other two properties you  
24 know...(inaudible)... We share a well and the well was designed for you know I would say  
25 normal activities on the property, normal family activities. And the intention of the designer and  
26 the builder at the time was to...(inaudible)...farm activities.

27  
28 Mr. Carnicelli: That's your three minutes.

29  
30 Mr. Labat: I appreciate that, I apologize and just that the infrastructure on the property today is  
31 not really helping us and we have some challenges and we have to change –

32  
33 Mr. Carnicelli: Thank you. Lew do you have a question for the testifier?

34  
35 Dr. Abrams: A couple of questions.

36  
37 Mr. Carnicelli: You need to speak into the microphone.

38  
39 Dr. Abrams: So my question has to do with being more specific about times that there have  
40 been any cars parked along the driveway leading into our property because as far as I know  
41 that hasn't happened for years and years. And then the other piece is just inquiring about how  
42 frequently you're actually here on the island. I know that you live primarily in the Bay area and  
43 we don't see that much of you. So I'm just wanting you to clarify how much time you're actually  
44 occupying the—

45  
46 Mr. Labat: Sure, absolutely. So first is I do have some videos—

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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.

1 Mr. Jason Groode: My name Jason Groode.

2

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

4

5 Ms. Groode: I do, absolutely.

6

7 Mr. Carnicelli: You have up to three minutes.

8

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

16

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

18

19 Dr. Abrams: I do not.

20

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

22

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

24

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

26

27 Kahu Hill: I promise.

28

29 Mr. Carnicelli: You have up to three minutes.

30

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

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

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46 Dr. Abrams: I do not, thank you.

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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

1 coming in and out of there. Okay, give them the benefit of the doubt and say that's 50 to 75  
2 cars on a big event. I think that you're asking for trouble traffic wise and safety wise on that  
3 curve.  
4  
5 Mr. Robinson: Thank you.  
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7 Mr. Carnicelli: Commissioner La Costa.  
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9 Ms. La Costa: Tim, thank you for testifying. You talked about the noise, the chanting and that  
10 kind of thing. How often does it happen and about what are the hours?  
11  
12 Mr. Tim Robinson: At least once a month and generally in the evening and I try to enjoy Maui's  
13 sunrise so I usually am in bed by sunset and the noise goes into the evening and night hours.  
14  
15 Ms. La Costa: Please be more specific about times.  
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17 Mr. Tim Robinson: I would say as late as 9 o'clock, even 10 o'clock and they're proposing that  
18 their meetings go till 9:30 at night.  
19  
20 Ms. La Costa: Okay, thank you sir.  
21  
22 Mr. Carnicelli: Lew, do you have a need to clarify questions?  
23  
24 Dr. Abrams: I did have one question because I've only met you one time and –  
25  
26 Mr. Carnicelli: I need you to use the microphone. Sorry, it's just we gotta have a record that's  
27 all.  
28  
29 Dr. Abrams: Yeah, okay I was wanting to inquire about how long you've lived as my neighbor  
30 'cause I know you're a new resident of the neighborhood?  
31  
32 Mr. Tim Robinson: My house was completed in 2016, October so I'm coming up on three years  
33 of being a resident, neighbor of Dr. Abrams and his family.  
34  
35 Mr. Carnicelli: Okay, thank you very much. Reverend St. John. Please state your name.  
36  
37 Reverend Kedar St. John: Reverend Kedar St. John.  
38  
39 Mr. Carnicelli: Do you promise to tell the truth?  
40  
41 Reverend St. John: Yes indeed.  
42  
43 Mr. Carnicelli: You have up to three minutes.  
44  
45 Reverend St. John: Thank you. I think you have my testimony in front of you and so it's not  
46 really necessary for me to go through it 'cause I know that you guys are busy. I have worked



1 with Dr. Lew and his wife, Maria for the last 20 years in ministry and ministry training and I  
2 would like to say that this man is of the highest caliber and character in his desire to serve the  
3 community. Certainly the church has in recent years certainly in the new millennium has talked  
4 about the greening of the church which is a completely beautiful idea of how church bodies of  
5 faith come together to work and malama aina. So our church principles are consistent with the  
6 Sacred Earth Assembly. And I would thoroughly support you to grant this Special Use Permit  
7 as soon as possible because there's so many people of faith and who would like to attend  
8 gatherings where they can learn about malama aina. So this is imperative for our community as  
9 far as I'm concerned. I believe that we are a group of ministry builders in Haiku. We have very  
10 many temples and many churches. So I would highly urge you to support his endeavors.  
11 Thank you.

12  
13 Mr. Carnicelli: Thank you. Lew do you need to clarify the testimony?

14  
15 Dr. Abrams: No thank you.

16  
17 Mr. Carnicelli: Thank you very much. Alay Lott. Please identify yourself.

18  
19 Mr. Alan Lott: Alan Lot.

20  
21 Mr. Carnicelli: Oh, Alan, sorry. Ah, that's an N, okay.

22  
23 Mr. Lott: No worries.

24  
25 Mr. Carnicelli: Do you promise to tell the truth?

26  
27 Mr. Lott: Yes, I do.

28  
29 Mr. Carnicelli: All right you have up to three minutes.

30  
31 Mr. Lott: Thank you. I won't use all the time. I so appreciate what you guys do. I so appreciate  
32 you. I'm—

33  
34 Mr. Carnicelli: Okay, if I could, hang on, hang on, hang on, and this is for everyone. When you  
35 testify you're actually only allowed to testify to the Commission. Just to—I know you've not  
36 been here before at least as far as I can recall.

37  
38 Mr. Lott: Yes, first time.

39  
40 Mr. Carnicelli: This is your first time, and other people kinda did the same thing, but anyways  
41 just so you know, and I'll add another 20 seconds onto your three minutes if you need it.

42  
43 Mr. Lott: Thank you. It means a lot to me. I've known Lew and his family for years and it  
44 means a lot to me to worship with them and it means a lot to me for them when they come to  
45 the Temple of Peace and they contribute significantly to the service. I get inspired and uplifted  
46 as many people do. I really don't have any more to say except a new generation is coming and

1 the times that we're living we're not living in normal times we need this. We will benefit from  
2 this. It would benefit the island and the planet. Thank you.

3  
4 Mr. Carnicelli: Thank you very much. Lew any questions?

5  
6 Dr. Abrams: No.

7  
8 Mr. Carnicelli: Great. Thank you very much Alan. Bodhi Be.

9  
10 Mr. Bohdi Be: I'm Bohdi Be I tell the truth.

11  
12 Mr. Carnicelli: I actually have to ask you. Will you tell the truth?

13  
14 Mr. Be: I will tell the truth.

15  
16 Mr. Carnicelli: Thank you very much.

17  
18 Mr. Be: So help me God. Aloha I'm Reverend Bohdi Be ordained in Sufi lineage for over  
19 32 years. I'm the Executive Director of Doorway into Light, a nonprofit organization here on  
20 Maui that since 2006 has been providing education, counsel, and support to the dying, their  
21 families, those who work in these fields, and all those grieving the death of a loved one. I'm  
22 also a licensed funeral director. In 2012, we opened Doorway into Lights funeral home.  
23 Hawaii's only nonprofit funeral home and only certified green funeral home. We work closely  
24 with local hospices, religious organizations, social services, funeral homes and the State  
25 Department of Health. We also operate an educational resource center and store in Haiku  
26 providing free counseling support and inexpensive locally made caskets and urns. We've made  
27 presentations at senior centers, churches, clubs and community centers. I teach here at the  
28 University of Hawaii, Maui EdVenture Program. I facilitate a grief group involving high school. I  
29 have a weekly radio show on Akaku and I write a column for a local magazine. I have lived on  
30 Maui for over 43 years together with my wife, Leila who is also a minister, we lead prayer and  
31 meditation programs here in and around the world.

32  
33 I have known Dr. Lew Abrams and his family for over 25 years. I've watched Lew and his wife,  
34 Mariah raise to two beautiful sons. I have witnessed their efforts to be useful in the world and to  
35 be in service to God. I have witnessed them pour their hearts and souls into making something  
36 beautiful to serve our Maui community and the world. Dr. Lew and Mariah are dear friends. We  
37 have prayed and meditated together and laughed and cried and too considered how best to  
38 support each other as friends and as ministers.

39  
40 My wife and I have attended many prayer meetings, birthdays, memorials and religious  
41 ceremonies at the Sacred Earth Assembly. Joining with many other people in the community  
42 who value Dr. Lew and Mariah's leadership and love. My wife and I have also lead prayer  
43 meetings at the Sacred Earth Assembly. We so appreciate the beauty of the place and have so  
44 much respect for all the work the Abrams Family does to care for the land as a part of their  
45 ministry. They are in my view exemplary stewards and kahus of a place on Maui. I hope you  
46 will grant them all the permits they need to continue their mission. Thank you.

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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 18 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

1 they've chosen to devote their lives to being of support to our greater community and I would  
2 love to see more projects like this exist on our island. Thank you.

3  
4 Mr. Carnicelli: Thank you very much. Lew any questions?

5  
6 Dr. Abrams: No questions.

7  
8 Mr. Carnicelli: Great. Thank you very much. George Kahumoku.

9  
10 Mr. George Kahumoku: Aloha, I'm George Kahumoku.

11  
12 Mr. Carnicelli: I'm sorry I was reading something else. Do you promise to tell the truth?

13  
14 Mr. Kahumoku: Yes.

15  
16 Mr. Carnicelli: Thank you very much George. You have up to three minutes.

17  
18 M. Kahumoku: Okay, I'm George Kahumoku. My family have been priests,  
19 ...(inaudible)...priests of the land, Kahu the priest of the land, a native practitioner. My great  
20 grandfather we come from a line of...at first they call them menehunes, but they were actually  
21 Mongolian priests that came from Mongolia. That's in our oral history. So you know, the  
22 ...(inaudible)...so I also hold the priesthood and I totally support Sacred Earth Assembly and  
23 their leader Blue Mountain here. I'm a Native Hawaiian planter, practitioner, and mentor and I  
24 visited and taken part in many events at Sacred Earth Assembly in Haiku since 2012. I'm  
25 actually known for my music, but I'm actually a native planter. I spend about three percent of  
26 my time playing music and 95 percent of my time mentoring and farming. I share this mission of  
27 taking care of Mother Earth and being stewards of the land and applaud your willingness to  
28 grow and share food and celebrate rites of passage for individuals as well as community events.  
29 Also share and teach their Hawaiian values of aloha, love and connection with each other.  
30 Wahi Pana celebrating a sense of place, Malama and Aina Aloha and Aloha Kai and Wai, love  
31 for and taking care of lands, our sea and our resources of fresh water.

32  
33 I also practice Ho'oponopono where you use the four concepts of love, forgiveness, being sorry  
34 and thankful for our many blessings to help each other as well as the Earth and our  
35 communities. I was the founder and high school principal in Honaunau at the City of Refuge in  
36 South Kona for the Kamehameha Schools Alternative Ed program called Hale O Hooponopono,  
37 the house to set right. The school went for about 25 years. I also taught special motivation for  
38 20 years at Lahainaluna High School teaching and working mostly with at risk kids. To get in  
39 most of my programs you needed to be absent from school at 23 out of 44 days two quarters in  
40 a row and have six out of seven F's for two quarters in a row. Those are the kinds of kids...a  
41 common thread that most of these kids have is a disconnect with each other, a disconnect with  
42 their parents, a disconnect with their culture, a disconnect with the environment, as well as a  
43 disconnect with the community. Blue Mountain and Sacred Earth Assembly is filling the gap in  
44 helping children as well as adults reconnect with each other, the environment and our  
45 community. Please grant them their Special Use Permit and cut through all the red tape so they  
46 continue on their mission of helping others. Mahalo.

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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

1 I don't know where I stand with this other than I'm afraid of what it could become. I like him. I  
2 try to be a good neighbor. I help him all the time. I go...Right?  
3  
4 Dr. Abrams: You do.  
5  
6 Mr. Meloni: So I don't know guys what to do but it...the agricultural part I share it, a church of  
7 that sort I don't know.  
8  
9 Mr. Carnicelli: Thank you very much. Hang on. Commissioner Robinson has a question for  
10 you.  
11  
12 Mr. Robinson: Do you have any suggestion for remedy for the traffic?  
13  
14 Mr. Meloni: No, the traffic is a real issue especially the turn off Hana Highway. I live there, and  
15 when you stop you have to do a 90-degree turn and it's true what Tim said, you're...this goes to  
16 get rear ended especially you know the tourists or people that don't know where the place  
17 is...he put a couple signs now so you can slow down so you see it...because the turn sneaks up  
18 on you. So he put some reflectors so you can turn but still it's not an easy one. And recently  
19 we opposed on Kai Huki a zip line for the same reason, noise and traffic. I am against the noise  
20 and the traffic really and I don't think there's a solution to it.  
21  
22 Mr. Carnicelli: Thank you very much. Lew do you have any questions?  
23  
24 Dr. Abrams: Only to clarify what is meant by traffic being—  
25  
26 Mr. Carnicelli: You gotta speak into the microphone again.  
27  
28 Dr. Abrams: Thanks, I just was wanting to try to quantify the amount of traffic. You used the  
29 word immense. I think it's important to put it in the context of you know how many cars, how  
30 many times a month.  
31  
32 Mr. Meloni: Okay, so the traffic is every day people go up and down that they weren't there  
33 before. Probably 15, 20 cars other than the people who live there. And then on New Years to  
34 give you a size of the party, security has to be stationed on the cul de sac which were stopping  
35 me from coming into my own place.  
36  
37 Mr. Carnicelli: Thank you I appreciate that.  
38  
39 Mr. Meloni: And there was 300 people, 400 people, huge. Beautiful party, I've been there  
40 myself, okay, so the party...  
41  
42 Mr. Carnicelli: Okay, thank you very much. I appreciate that. Judith Levy. Hello.  
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44 Ms. Judith Levy: How do you do.  
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46 Mr. Carnicelli: Please state your name.

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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.

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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.



1 Mr. Carnicelli: Thank you. Lew any questions?

2

3 Dr. Abrams: No questions.

4

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

6

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

8

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

10

11 Mr. Parson: Now and always.

12

13 Mr. Carnicelli: You have up to three minutes.

14

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

19

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

28

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

43

44 Mr. Carnicelli: No, but thank you very much Rob, I appreciate it. Lew do you have any  
45 questions for Rob?

46

1 Dr. Abrams: I do not.

2

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

4

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

6

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

8

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

10

11 Mr. Carnicelli: You have up to three minutes.

12

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

25

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

38

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

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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.

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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. Carnicelli: 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?

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

6  
7 Mr. Tackett: Thank you.

8  
9 Mr. Carnicelli: So Tara I have a question for you. I know when it comes to STRH permits and  
10 now B&B permits if you have Notices of Violation you're not allowed to even apply does that  
11 also account for Special Use Permits.

12  
13 Ms. Furukawa: No, that's...I just included it because I wanted to kinda give you the history on  
14 this permit. He has been making an effort to work with the Department to resolve some of the  
15 violations. So I just wanted to bring it to your attention I guess.

16  
17 Mr. Carnicelli: Right. No, I appreciate that because it looks as though there's one, two, three,  
18 four, five, six, seven, seven violations that have accrued since 2012.

19  
20 Ms. Furukawa: Yes, he said that's it by two people, so—

21  
22 Mr. Carnicelli: Oh, okay.

23  
24 Ms. Furukawa: Yeah.

25  
26 Mr. Carnicelli: Okay. Well, he also admitted on the record that he was doing, doing church  
27 functions on New Year's Eve, so I'm just...and just so people know and understand one of the  
28 things of the criteria, 'cause we have criteria, right with which we have to view this through the  
29 lens of and it is desired use would not adversely affect the surrounding the properties, right. So  
30 that's part of so when the neighbors come up and they say hey, you know we've got  
31 traffic...basically and this is true for most of the time, traffic and noise, right that's are going to  
32 be the two things that impact your neighbors. And so it's not that we have to say no, but what  
33 can we do as a commission to help mitigate those things, right. So one of the things that the  
34 Director is working on is possibly putting in especially for the guy that's lived there the longest is  
35 some signage. It's not fair that people have to go him to find you, right. Did you say, actually go  
36 ahead and grab mic and you don't have to stand. Did you say you own the right of way all the  
37 way in, right?

38  
39 Dr. Abrams: We do, yes.

40  
41 Mr. Carnicelli: Everybody else has easements over the top of you.

42  
43 Dr. Abrams: Just two other properties.

44  
45 Mr. Carnicelli: Two other properties, okay.

46

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

6  
7 Mr. Carnicelli: Okay. Okay. So, but the reason why I ask that is if we required you to put  
8 additional signage up whether it's right at the entrance not at the cul de sac whatever it is you  
9 own that right-of-way so then therefore you have the ability to do that without getting somebody  
10 else's permission.

11  
12 Dr. Abrams: Yes we have a small sign on the Hana Highway. We intend to erect a larger one  
13 when the church is approved so that people can find it.

14  
15 Mr. Carnicelli: Gotcha. Gotcha. You know I'll restrict my questions. Do you have any  
16 additional questions? No, yes? Commissioner Pali.

17  
18 Ms. Pali: To be fair and just for clarification of the record I believe I counted three neighbors  
19 that were seemed like they liked you which is good, good character reference but they all in a  
20 very subtle way had problems with both noise and traffic. And so I believe they in a roundabout  
21 way felt a little bit more aggressive than others sort of opposed this or maybe wanted to mitigate  
22 some of these issues. Do you, you have a lot to read through here. I just want to make sure I  
23 didn't miss it, did you have a neighbor that's adjacent to your property, did you find one neighbor  
24 that was supportive and did not have the same issue.

25  
26 Dr. Abrams: Yes, the second letter on the right side of your pack is by Paul Mana. He was  
27 intending to be here today I'm not sure what happened. He's the neighbor immediately across  
28 the driveway within 500 feet of the mouth of driveway and his property overlooks ours and the  
29 roadway, the driveway entering our property. And if you'll read his letter he said that there's  
30 been no impact. He's never seen any cars backed up on the road and he's not been disturbed  
31 any noise and that he's in support of this special use permit.

32  
33 Ms. La Costa: Yeah, it's right behind the Temple of Peace letter.

34  
35 Dr. Abrams: Yeah, it's second letter in the ...(inaudible)...

36  
37 Ms. Pali: Oh got it.

38  
39 Dr. Abrams: You know we do encourage people to carpool and to drive slowly with low beams  
40 and to make sure that they park on our land not out on...well, our land is the driveway coming  
41 from the Hana Highway. No one ever parks there anymore. There was once occasion that  
42 people stopped and parked.

43  
44 Mr. Carnicelli: Got it. While Commissioner Pali is reading that I do have a question about your  
45 501(c)(3). Are you in good standing with the IRS right now?

46

1 Dr. Abrams: We are in standing with the County and with the IRS...We are intending to file a  
2 Form 1023 when it comes time to receive nonprofit donations. But as we were instructed by our  
3 law firm when we established the church there is no requirements for church to report to the IRS  
4 and so we are in good standing. There's no violations and neither are we listed as a 501(c)(3)  
5 business to which donations were automatically be preapproved as tax deductible. But as a  
6 church donations would be and when it comes time to receive donations we do intend to file that  
7 form so that people can be sure that their donations are tax deductible.

8  
9 Mr. Carnicelli: Corporation Counsel, do you know what defines a church.

10  
11 Mr. Galazin: No, but I know it when I see it.

12  
13 Mr. Carnicelli: Commissioner Pali.

14  
15 Ms. Pali: So for clarification you're advertising as 501(c)(3) but are you saying you do not  
16 technically have a certificate as a 501(c)(3) issued by the IRS.

17  
18 Dr. Abrams: We have a certificate from the State of Hawaii to have incorporated a 501(c)(3).  
19 We've not asked for any kind of blessing or approval from the IRS at this time.

20  
21 Ms. La Costa: That's a IRS code, 501(c)(3), that's a IRS code.

22  
23 Dr. Abrams: There's an optional form that can be filed to get the IRS to decide in advance that  
24 donations will be tax deductible but it is not required of churches to report to the IRS. The  
25 501(c)(3) in fact there's a clear exemption for churches to have to make that filing.

26  
27 Ms. La Costa: Is there anywhere that it says in this paperwork.

28  
29 Mr. Carnicelli: I don't mean to go into details but that's part of why we're here right. And as the  
30 former Deputy Director said sitting right there being a great person isn't a qualification and being  
31 an A hole isn't a qualification. You guys are obviously great, right? You guys qualify on that  
32 side, but we need to do it unfortunately through the head and not the heart. That's just where  
33 we're coming from. Does anybody else have any questions? P. Denise.

34  
35 Ms. La Costa: Thank you. You are here to get a permit to have a church correct?

36  
37 Dr. Abrams: To have church related activities on our agricultural land in a building that has  
38 been permitted as an agricultural workshop, but to be able to change that for church use.

39  
40 Ms. La Costa: From what I've been hearing from parishioners, friends, neighbors you are  
41 already conducting church activities on the property without this permit being issued is that  
42 correct?

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44 Dr. Abrams: So far what we have is informal gatherings of friends and that are coming for free  
45 community celebrations. We will step into our ministry as a church more fully once we have the  
46 approval of this.

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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.



1 Dr. Abrams: Right, right, that's a important decision to make, right, right. Right, to date we have  
2 private gathering of friends without having regular church meetings. We are aspiring to with  
3 your approval to step into the ministry of having weekly regular church services. So what we  
4 have done to date are informal gathering of our community and friends having celebrations of  
5 Thanksgiving, birthday celebrations, memorials none of which are specifically a public church  
6 function but rather we're not advertising publicly we informally invite our community and circle of  
7 friends and we're aspiring to begin full church activities with your approval.

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

26  
27 So let's start with No. 4 and the hours of operation. Do you want to say sunup to sundown? Do  
28 you want to say...I mean, what are you guys comfortable with?

29  
30 Mr. Robinson: Discussion.

31  
32 Mr. Carnicelli: Discussion. Okay, I put that on the floor let's go ahead and discuss? There we  
33 go. Commissioner Robinson.

34  
35 Mr. Robinson: Commissioners even though I'm the youngest on this Commission I have served  
36 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  
37 we had what I think our Chair is trying to do, we had so many events per year, we had time of  
38 the events, we had restrictions on the size, restrictions on substance that are gonna be at the  
39 events. You know, we as a Commission would always try to support agriculture and we use  
40 these activities to help them pay for the agriculture. There's been a few religious things that  
41 have come in front of us before in the early years. We had...I had a like half a dozen my first  
42 year, we had a lot and then it kind of subsided away because the restrictions that we put on  
43 them people weren't as...they're looking for different areas where they...(inaudible)...the  
44 restrictions. You know, things like that and actually this is a...it always traffic, like you know, it  
45 was always noise. I mean, we know they've been practicing even though you know he don't  
46 want to admit it, right? Gathering, private gathering, membership...membership, membership is

1 already a commercial enterprise if you have membership, right? So instead a club, club is still  
2 a...still considered a group. I am for putting some limits on this. I think it's fantastic that they  
3 love everybody except the people that speak out against them like their neighbors, you know.

4  
5 Dr. Abrams: We love them too.

6  
7 Mr. Robinson: Okay. Not all of them though, not everybody is what I heard and that's okay.  
8 You know, not everybody is on a I love list, but I know I try to put them on that, but the thing is  
9 we have to try to respect and limit it that way. So we talked about the one before about  
10 precedence, about stabilization of our permits, about different areas and different things. The  
11 law's the same if it's Makawao or Lahaina. The law's the same if it's you know State Law, State  
12 Law so we can, you know we can kinda massage a little bit or kinda look at it, but the testimony  
13 that I heard today from the neighbors is we need to keep in mind what they testified for. You  
14 know, it be great that everybody that visited would also listen to that as well.

15  
16 Now as far as...the question I have one, is this going to Council or is it stop with us? It stops  
17 with us, okay. 'Cause I know we had one before we spent days and then it went to Council and  
18 they killed it anyway. So ...(inaudible)... that. It's...

19  
20 Ms. La Costa: Chair?

21  
22 Mr. Carnicelli: ...attorney, they can talk.

23  
24 Mr. Robinson: So personally hours I would start with first, right. Quiet time is quiet time. So is  
25 Chair is there a standard that SUPs follow besides 10:00 p.m.?

26  
27 Mr. Carnicelli: I tell you what is before we get into ...(inaudible)... since we're gonna just  
28 discuss this. Let's do a little discuss and then we'll go, we'll do them one at a time, yeah, just  
29 like you're saying. Corporation Counsel.

30  
31 Mr. Galazin: Thank you Chair and I wanted to bring this up before we get too far in discussion  
32 because this is a jurisdictional question. As you know, this body reviews some Special Use  
33 Permits and the State Land Use Commission reviews others. The delineation for that is found  
34 within 205-6 of the Hawaii Revised Statutes and if it is for a property that's less than 15 acres of  
35 Ag land then it's approval before this body. If it's for greater than that, approval lies before the  
36 Land Use Commission and not with this body. What haven't seen and perhaps Planning can  
37 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  
38 seen a delineation of which 14.8 acres are proposed to be subject to the Special Use Permit.  
39 So that would be a jurisdictional issue for you folks. I just want to make sure it's clear. Thank  
40 you.

41  
42 Dr. Abrams: Yeah, the plot plan is in your folder that folded plot plan.

43  
44 Mr. Carnicelli: Speak into the mic please.

45

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

7

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

10

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

12

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

14

15 Dr. Abrams: No.

16

17 Mr. Galazin: Okay, thank you.

18

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

20

21 Ms. Furukawa: Yes.

22

23 Dr. Abrams: Yes.

24

25 Mr. Carnicelli: Yeah.

26

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

29

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

32

33 Dr. Abrams: Yes.

34

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

36

37 Dr. Abrams: Yes.

38

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

40

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

44

45 Ms. McLean: Because if it's a 25-acre parcel and this is roughly 15 acres that would mean that  
46 all of this is ten? That doesn't seem to scale.

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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 10<sup>th</sup> is a Monday is the next, holiday is the 11<sup>th</sup>.

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.

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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 do 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

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

3  
4 Mr. Carnicelli: Thank you.

5  
6 Dr. Abrams: If you look at No. 28 on the—

7  
8 Mr. Carnicelli: Okay—

9  
10 Dr. Abrams: --okay, the parking—

11  
12 Mr. Carnicelli: You gotta be, you gotta be recognized.

13  
14 Dr. Abrams: All right.

15  
16 Mr. Carnicelli: Thank you. Thank you. Commissioner Pali would you like to speak to the  
17 motion? No?

18  
19 Ms. Pali: Get more information so we can be clear would be good for me as well.

20  
21 Mr. Carnicelli: Commissioner Tackett.

22  
23 Mr. Tackett: I'm good at this point.

24  
25 Mr. Carnicelli: No. Okay, so I'll speak to the motion as well is you know guys this isn't about  
26 whether we like it or not. It's just like you know that's not what this is about is I love everything  
27 you guys are doing honestly the fact that you guys are trying to heal the planet we need it, right.  
28 Everything you guys are doing is spot on. But we gotta make sure the bouncing ball happens  
29 correctly, right. So we're just gonna hit the pause button, we'll get a survey, we'll make sure  
30 that it's our jurisdiction and then we can move forward from there. So with that being said,  
31 Director.

32  
33 Ms. McLean: The motion on the floor is to recess, continue the discussion of this item and the  
34 date proposed would actually not be the next meeting on June 10<sup>th</sup>, but the following meeting  
35 June 25<sup>th</sup>.

36  
37 Mr. Carnicelli: All those in favor of the motion please raise your hand. That's five ayes, the  
38 continuance happens. So we will see you on June 25<sup>th</sup>. Thank you for everybody that came,  
39 thank you for everybody that testified, we really, really appreciate your passion, we really, really  
40 your testimony. Thank you very much and apologize that we couldn't come to a decision today  
41 for you but we will get one on June 25<sup>th</sup>.

42  
43 **It was moved by Mr. Robinson, seconded by Ms. Pali, then unanimously**

44  
45 **VOTED: To Continue the Matter to the June 25, 2019 meeting in order to get**  
46 **clarification on the concerns discussed by the Commission.**

1  
2 (Assenting – K. Robinson, K. Pali, C. Tackett, P. D. La Costa,  
3 L. Carnicelli)  
4 (Excused – S. Castro, T. Gomes)  
5

6 Mr. Carnicelli: With that being said, the Commission will go into recess. We will be back at  
7 1:30.  
8

9 A recess was called at 12:34 p.m., and the meeting was reconvened at 1:37 p.m.  
10

11 Mr. Carnicelli: Good afternoon everyone, the May 28, 2019 Maui Planning Commission is now  
12 back in session and I appreciate everybody spending most of the day here with us. We're  
13 gonna do a quick deviation on the agenda just to dispose of some items. Director.  
14

15 **D. DIRECTOR'S REPORT**  
16

- 17 1. **Designation of the Hana Advisory Committee to conduct the public hearing**  
18 **and provide a recommendation to the Commission on the following**  
19 **applications:**  
20

21 **GREGORY KOCH requesting a State Land Use Commission Special Use**  
22 **Permit in order to operate the Hana Panoramic Retreat, a two-bedroom**  
23 **STRH located in the State Agricultural and County Agricultural District at**  
24 **630 Kapia Road, TMK (2) 1-4-011:041, Hana, Island of Maui. (STHA**  
25 **T2018/0008) (R. Quigless)**  
26

27 **BRADLEY AND ROBIN NEWTON requesting a State Land Use Commission**  
28 **Special Use Permit in order to operate the Hana Nautilus, a three-bedroom**  
29 **STRH located in the State Agricultural District and County Agricultural**  
30 **District at 2575 A Hana Highway, TMK (2) 1-3-003:015, Hana, Island of Maui.**  
31 **(STHA T2019/0002) (R. Quigless)**  
32

33 **The Commission may take action to designate the Hana Advisory**  
34 **Committee to conduct the public hearing and provide a recommendation**  
35 **on the subject application requests or take some other action.**  
36

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