

**Commonwealth Of Massachusetts
MARTHA'S VINEYARD AIRPORT COMMISSION
LAND USE SUBCOMMITTEE MINUTES**

July 1, 2021, 3:00PM

ARFF TRAINING ROOM/AND VIA ZOOM

Notice of Such Meeting Having Been Posted as Required by Law

Present:

Subcommittee: Chair – Geoff Wheeler, Don Ogilvie, Norm Werthwein, Kristin Zern

Airport Staff: Geoffrey Freeman, Airport Director; Minutes: Brennan from Zoom recording

Public Signed in via Zoom: Bob Zeltzer (MVAC)

I. CALL TO ORDER by Chairperson Geoff Wheeler – 15:01hrs.

II. MINUTES: APPROVE THE MINUTES FROM THE JUNE 3, 2021 LAND USE SUBCOMMITTEE MEETING

MOTION: Mr. Ogilvie to approve minutes

SECOND: Ms. Werthwein

VOTE: Mr. Ogilvie–AYE, Ms. Zern–AYE, Mr. Werthwein-AYE, Mr. Wheeler-AYE, 4-0-0, unanimously approved.

III. PUBLIC COMMENTS – No public present

IV. STAFF REPORTS

- a. **Tenant Aging Report:** Not present, no report
- b. **Property Manager's Report** Not present, no report (
- c. **LUS Chairman's Report:** No Report.

V. OLD BUSINESS

- a. **Update on Proposed Airport Business Park Expansion Process with MVC –** Mr. Freeman reported that the next step of this process would be a July 15th, 2021 7pm recommendation at the MVC Meeting. The MVC approved development in 1993 of 64 acres. The MVAC is requesting that, as a result of FAA plans which now prohibit development to the final 10 acres, other adjacent property be permitted to be developed. Mr. Brennan has initiated discussions with the MVC to update the 1998 Airport Development Regulations.
- a. **Status of Plane View Restaurant -** Mr. Jackson requested relief from monies owed the MVAC. Mr. Brennan and Mr. Wheeler met with Mr. Jackson to understand his business challenges. Mr. Jackson noted that one available government loan could not be requested because his business did not qualify. A 73K loan was received which could only be used for rent and utilities owed to the airport. Mr. Wheeler stated that this was “more than enough to pay for expenses due the airport”.

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- a. Mr. Jackson had not paid his electric invoice for 12 months.
- b. Mr. Jackson had not paid his rent increase for the past 12 months.
- c. Mr. Jackson request to be exempt from the agreed upon concession fee of 3% of net income.

Mr. Wheeler reported that the MVAC Finance Subcommittee met yesterday and agreed to provide relief by not pursuing collection of electric bills and discussed deferring concession fees for the past 12 months. Mr. Wheeler proposed that the MVAC 1) Wave unpaid utilities, 2) Effective July 4, 2022 Mr. Jackson pay rent rate per the agreement and 3) MVAC Waive past unpaid concession fees

Ms. Zern stated "We cannot throw him out and have no restaurant".

MVAC Member Jack Ensor asked if the MVAC had ever forgiven fees for other concession? Mr. Freeman stated "no". Mr. Werthwein asked what the rationale was behind the 3% concession fee. Mr. Wheeler stated that this was the typical concession fee at airports - % of food, % of alcohol, done at 100% of larger airport. Wide Discussion continued.

MOTION: Mr. Werthwein that LUS recommend to the MVAC:

- 1) Waive past electric invoices and start to charge fees effective July 1, 2021
- 2) Waive increase effective April 2, 2020 and enforce increase effective post-covid 7/1/2021.
- 3) Follow all provisions of the agreement that was effective April 1, 2020

SECOND: None

COMMENT: Mr. Wheeler asked for consensus agreement to send a letter and require a signed acknowledgement from Mr. Jackson requiring that Mr. Jackson abide by the agreement. This would be taken to the full MVAC for final decision. No vote was taken.

VI. NEW BUSINESS

- a. **BP21 R2 Enterprises LLC – Request to Change of Permitted Use** – Tenant requests change of use to include "Maintenance and repair of heavy and light duty truck". Mr. Wheeler asked Mr. Rogers if the facility contained all equipment required to perform this work there. Mr. Rogers stated that there was a 3,000 gallon oil water separator on site and that when he operated an oil business there many years ago which had 30 trucks so similar work was performed there. Mr. Freeman asked if this work would be performed on public vehicles. Mr. Rogers's prospective tenant stated that a MVAC vehicle was in his current shop at this time.

MOTION: Mr. Ogilvie to approve Change of Use Request

SECOND: Ms. Zern

COMMENT: none.

VOTE: Mr. Werthwein – AYE, Ms. Zern – AYE, Mr. Ogilvie – AYE, Mr. Wheeler - AYE
4-0-0 unanimously approved.

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- b. **BP24 – SAV Associates, LLC – Request on Behalf of Subtenant to demolish Two (2) mini-storage facilities and replace with one new modular dock.** Mr. Brennan referred this request to the MVC per DRI 365 Addendum 1998. DRI 194 had approved 5,100SF of construction. Current SF on this property = 14,600SF. MVC is reviewing DRI history on file to confirm that construction over 8,000SF was never approved by them and to determine MVC next steps. Conditional approval by MVAC was suggested based on what the MVC determines to be required next steps, permitting, etc.
- c. **BP24 – SAV Associates, LLC – Request on Behalf of Subtenant to convert Building along North Line Road to Small Internal Office** – Mr. Wheeler stated that this building has been here for more than 10 years, will require approval of Edgartown, and does not require MVAC approval.

MOTION: Mr. Werthwein to approve demolition and construction (b above) conditional on approval of MVC, Edgartown permits, etc.

SECOND: Ms. Zern

COMMENT: Mr. Ogilvie asked if the MVC has to approve all building construction greater than 8,000SF. Mr. Wheeler replies that this is required by MVC DRI 365 Addendum from 1998.

VOTE: Mr. Ogilvie – AYE, Ms. Zern – AYE, Mr. Werthwein – AYE, Mr. Wheeler - AYE 4-0-0 unanimously approved.

VII. ITEMS NOT REASONABLY ANTICIPATED BY CHAIR - None

VIII. Next meeting – 3:00PM, Thursday, August 5, 2021.

IX. ADJOURNMENT

MOTION: Mr. Ogilvie to adjourn at 3:47PM

SECOND: Mr. Werthwein

COMMENT: none.

VOTE: Ms. Zern – AYE, Mr. Ogilvie – AYE, Mr. Werthwein – AYE, Mr. Wheeler - AYE 4-0-0 unanimously approved.