

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

March 2, 2023 - 3:00PM – ARFF Conference Room and via Zoom

Notice of Such Meeting Has Been Posted as Required by Law

PRESENT:

Subcommittee: Chair – Geoff Wheeler, Don Ogilvie, Jack Ensor, Norm Werthwein

Airport Staff: Kevin Brennan, Airport Properties Manager (recorder); Ann Metcalf,
Airport Financial Specialist

Public in person: NONE

Public Signed in via Zoom: NONE

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

II. APPROVED MINUTES: January 5, 2023

MOTION: Mr. Ensor to approve minutes as printed.

SECOND: Mr. Werthwein

DISCUSSION: none.

VOTE: Mr. Werthwein-AYE, Mr. Ensor - AYE, Mr. Ogilvie - AYE, Mr. Wheeler - AYE,
4-0-0 unanimously approved.

III. PUBLIC COMMENTS: No members of the public were present.

IV. STAFF REPORTS

a. Property Manager's Report: Mr. Brennan reported metrics March 2020 compared to March 2023.

	2020	2023
Leases/agreements:	69	72
a. Terminal:	8	9
b. Hangars:	9	10
c. Airport Rd	11	12
Subtenants:	40	68
d. MVAC-approved subleases		
	0	68 - Annual additional Fee Income \$92,308
Total Businesses	111	140

Mr. Ensor asked about MVAC initiatives related to Vineyard Power – On-site solar. He would like to be involved as this work is investigated in the future.

b. LUS Chairman's Report: No report.

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LAND USE SUBCOMMITTEE MINUTES

V. OLD BUSINESS

a. Notice of Default – December 12, 2022 – Donaroma’s Nursery & Landscape Services, Inc. – 18 North Line Road. – Lease Violations

The Certificate of Insurance on file expired July 1, 2022. Mr. Brennan reported that Mr. Donaroma has received a second Notice of Default on December 12, 2022. Despite repeated written and verbal requests, the business had not yet presented a COI. March 2023 UPDATE: Mr. Donaroma has provided all required Certificates of Insurance. He has also removed his materials and equipment from airport property. Additionally, Donaroma’s installed snow fence along the north property line to clearly mark the property line for his employees.

b. Notice of Default – January 3, 2023 – MV Investment Properties, LLC – 27 Airport Road – Lease Violation

MV Investment Properties, LLC’s sublease to Island Investment Properties, LLC expired May 22, 2021. Despite multiple requests for the sublease approved by the MVAC on December 10, 2021 to be executed by these parties, a Letter of Default was sent January 3, 2023. Minutes prior to the December 2022 meeting, the signed sublease was received. It will be reviewed and fully executed after this Land Use meeting. March 2023 UPDATE: All businesses at this location now have current and approved subleases.

c. Status of Lot 43- County of Dukes County – Sublease to Sheriff’s Department Ropes Course

Mr. Brennan reported that the Leaseholder was notified on July 9, 2021 of the MVAC’s intent to terminate the non-income lease in 12 months (as was permitted by the sublease) July 30, 2022 and that per Section 5.3 of the lease all improvements, alternations, and modifications made to the premises shall be removed prior to that date. Mr. Freeman is working with the subtenant who has been unable to find a vendor to remove the poles from the Ropes Course.

Committee members asked about the size of the property and the lost lease income based on the current market rate. Mr. Brennan stated that the parcel was just less than 1 acre and based on the appraisal done before other RFPs were issued, \$1.55SF indicating a potential loss of income to the Airport of nearly \$5,000.00 per month since August 2022. After a brief discussion, the Subcommittee strongly recommended that the tenant and subtenant be evicted. The MVAC should then either clear the property or issue the RFP with the new tenant responsible for making the property fit for development as required by the leaseholder.

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VI. NEW BUSINESS

a. Request approval of and recommendation of MVAC approval of “BP39 – Millers Professionals Inc. – Request for Change of Use”

The Airport Properties Manager and Airport Director recommend approval of a change of use via lease amendment. The use approved when the land lease was signed on July 1, 2022 was “Storage of Landscaping/Construction Materials”. The Subcommittee discussed options to accept what was requested and to

MOTION: Mr. Wheeler to propose to the MVAC a change of use: Storage of Landscaping/Construction Materials and the construction of an office building to be used as the main office for day-to-day operations and a Landscaping and Construction Materials storage facility for the use of Millers Professionals Inc.

SECOND: Mr. Ensor

DISCUSSION: Subcommittee discussed rules and regulation pertaining to lot development and concluded that a change of use could be granted and that the tenant be reminded of adherence to construction procedures and requirements.

VOTE: Mr. Ogilvie-AYE, Mr. Ensor-AYE, Mr. Werthwein-AYE, Mr. Wheeler-AYE 4-0-0 unanimously approved.

b. Request approval of “Process Proposal – Request to RFP Land Prior to Lease Termination” Several tenants had asked “what would happen if we asked to have our land “RFP’d” prior to the termination of our agreement. The subcommittee discussed a variety of issues including but not limited to tenant right to terminate, assignment, subdividing lots, economic hardship, Commission ability to reject request, FAA response to extending the term of a lease.

The Subcommittee asked Mr. Brennan to further consult with counsel and to obtain additional information as to intent from the requesting tenant and to report back to the subcommittee.

VII. ITEMS NOT REASONABLY ANTICIPATED BY CHAIR

VIII. Next meeting – 3:00PM, Thursday, April 6, 2023.

IX. ADJOURNMENT

MOTION: Mr. Ogilvie to adjourn at 15:59hrs

SECOND: Mr. Ensor

DISCUSSION: none.

VOTE: Mr. Ensor-AYE, Mr. Ogilvie-AYE, Mr. Werthwein-AYE, Mr. Wheeler-AYE 4-0-0 unanimously approved.