

Martha's Vineyard Airport Business Park Development Regulations

1. Business Park Development Regulations

- A. The purpose of these development regulations is to assure the creation of a Business Park with a properly functioning infrastructure, planned to allow for future expansion of development on individual lots and the Park as a whole, while preserving and enhancing the characteristic local landscape and thereby protecting the public and private investment in the Park.
- B. These Regulations shall run with the land and shall be expressed as such in any lease or instrument conveying the property or any part thereof or interest therein from any Resident Business or its successors or assigns to any future Resident Business or its successors or assigns.

2. Design Review Goals

The goals of the design review process are to preserve and enhance the natural landscape while ensuring that buildings, outdoor commercial uses, parking and other aspects of the project are well-designed and properly constructed, that driveways and other elements which interface with the Business Park infrastructure or impact on adjacent properties function properly. The design review will be based on the Business Park Development Regulations which establish a systematic check point procedure to achieve the above-mentioned goals. The regulations are not intended to discourage original designs, but only to assure a high quality of design and construction in keeping with these goals.

3. Design Review Process

The owner(s) and/or lessee(s) of the proposed facilities and their architect/engineer should view the Design Review Process as part of a team effort to achieve the best possible balance between development and our natural environment.

4. Approvals, Variances, Waiver

- A. No building, utilities, exterior signs, structures or other improvements shall be erected, no exterior structural alterations or additions or changes to the land or vegetation may be made on any site without written approval by the Martha's Vineyard Airport Commission in the manner hereinafter provided. Such approval shall not be unreasonably withheld. Such written approval to be received prior to the commitment of any phase of alteration, installation, clearing, excavation or construction. The requirement of the Martha's Vineyard Airport Commission's approval set forth in this Section is in addition to, and not in substitution for, any and all other regulations contained herein.
- B. The interpretation and application by the Martha's Vineyard Airport of the meaning of the regulations contained herein shall be final and conclusive, except for fraud or gross abuse of discretion.

- C. So long as there is the Martha's Vineyard Airport Commission, they shall have the exclusive right to grant approvals required by the regulations herein and to waive or vary same in particular respects whenever, in its opinion, such variance or waiver will not be detrimental to the Business Park or the Airport as a whole.

5. Enforcement

- A. All of the provisions contained herein shall run with the land and shall be enforceable in perpetuity.
- B. As long as there is the Martha's Vineyard Airport Commission it shall have the exclusive right to enforce the provisions herein, without liability for failure to do so. In the event any Resident Business fails to commence and diligently pursue the remedying of any violation within ten (10) days after notice, The Martha's Vineyard Airport Commission, or the Business Park Manager acting on the behalf of the Commission, shall have the right to enter upon or into any land or building of said Resident Business and remedy said violation at the expense of said Resident Business.

6. Submission Process

Preliminary Plans

All owner(s) and/or lessee(s) of the proposed facilities shall submit to the Airport Manager or designee a Preliminary Plan showing improvements or additions to existing facilities and proposed changes to the land and vegetation, building, utilities, and exterior signs. The Preliminary Plan will be required whether the development is proposed by the Martha's Vineyard Airport Commission or by a new business or existing Resident Business of the Park. The MVAC staff shall discuss with the owner(s) and/or lessee(s) recommended specific changes, if any, which must be made in the final Plan to insure approval by the Airport Commission. All improvements in the Business Park shall be constructed to avoid conflicting with the interests of any other improvement.

7. Procedural Checklist for Tenancy on Airport Premises

This checklist serves to provide prospective tenants with an approval process for the Martha's Vineyard Airport Commission. It should be noted that depending on the particular project more items than are listed below might need to be presented.

- A. The preliminary application shall contain the following information:
 - 1) Owner and general or limited partners of business
 - 2) Description of business
 - 3) Present and proposed location of business
 - 4) Age of business
 - 5) Business plan
 - 6) Proposed market

- 7)** Utility companies, requests for service and connection expenses estimates and how MAC and FAA approvals will be sought, if needed
- 8)** Activity start date and actions necessary prior to start (excavation, building construction, etc.)
- 9)** Amount of land sought (consider setback, vehicle parking, etc.)
- 10)** Estimated size, location, and type of required building
- 11)** Number of present and estimated future employees
- 12)** General location for proposed development on the site

B. Additional Requirements—town, regional, and state regulations which may apply:

- 1)** Zoning by-laws
- 2)** Board of Health regulations
- 3)** Department of Environmental Protection Quality Regulations
- 4)** Local and state building codes
- 5)** Martha's Vineyard Commission Development of Regional Impact (DRI)

C. Upon receipt of the application, the MVAC staff will review the applicant's information for consistency with the goals and objectives of the Airport Business Park and insure that the development will not impede the safe and efficient operation of the airport.

D. After a preliminary plan has been reviewed by the MVAC staff it shall be designated as follows:

- 1)** Rejected as not meeting the minimum standards for application. Such rejection may be appealed to the Airport Commission at the Commission's next regular meeting.
- 2)** Approved for further review, if it meets minimum application standards and all additional requirements as specified in 7B and is not subject to Martha's Vineyard Commission review as a DRI. Additional documentation may be required at this time.
- 3)** Referred to the Martha's Vineyard Commission. If the MVAC staff determines that the proposal meets the DRI (Development of Regional Impact) standards and criteria of the Martha's Vineyard Commission, it will request referral to the Martha's Vineyard Commission by the Dukes County Commissioners. The applicant may also initiate referral by applying to the Edgartown Building Inspector for a building permit.

NOTE: The Dukes County Commissioners, the selectmen of any town, and any permit granting board in the town in which the proposed development is located may refer the proposal to the MVC for review if they feel that the project will have regional impact, even if the project does not meet the standards and criteria of the MVC. Such a referral must receive the concurrence of the MVC by a vote to qualify as a DRI.

- E. Once the application has been designated as Approved for Further Review, the MVAC staff will complete the application process and shall require the following:
- 1) Appropriate application fees
 - 2) Plot plan and building layout
 - 3) Building plans, including material of exterior and proposed color scheme
 - 4) Estimated daily water usage
 - 5) Sewer plan, including estimate of monthly sewage and other wastes to be discharged
 - 6) Electrical service requirements and plan
 - 7) Employee and customer parking requirements and plan
 - 8) Vehicular and pedestrian circulation relationship and plan
 - 9) Security plans, including, but not limited to:
 - Interior and exterior lighting. Security lighting shall be timer controlled and shall be turned off at a time to be determined by the MVAC. Infrared sensors or other detection devices may be employed to activate lighting as a security measure after the determined shut-off time.
 - Fences and gates
 - Central and site alarm systems
 - Fire prevention and control provisions
 - Types of insurance
 - 10) Evidence of financial capability to perform proposed project in the form of financial statements or other documentation.
 - 11) Estimates of gross sales for three years.
 - 12) List of wholesale providers, if any, and their locations
 - 13) Landscaping and planting plans
 - 14) Type, size, and location of exterior signs conforming to appropriate town regulations
- F. The staff will submit the completed checklist in their report with a recommendation of APPROVE or DO NOT APPROVE in the next scheduled MVAC meeting.
- 1) Upon receipt of the staff report, the Airport Commission shall consider the application, the information provided, the staff report and the goals and objectives of the Airport Business Park and take whatever action it deems appropriate: APPROVED, DENIED, or APPROVED WITH CONDITIONS.

- 2)** Applicants receiving an Approval shall execute a prepared lease and have it forwarded to the Airport Commissioners and the County Commissioners for their authorization and signature by the County Manager.
- 3)** Applicants receiving a Denial may not submit a similar or new application for ninety (90) calendar days.
- 4)** Applicants receiving Approved with Conditions shall be further considered by the Airport Commission after the applicant has agreed to all conditions and resubmits the application for review by staff. Generally no conditionally approved applications will be accepted for reconsideration more than once and shall receive an Approval or Denial upon reconsideration.
- 5)** NOTE: A copy of the Rules and Regulations Governing the Operations and Policies of the Martha's Vineyard Airport which will describe Airport procedures, standards of conduct, etc. is available from the Airport Manager's office. All tenants must comply with these Rules and Regulations.

G. Final Plans

Within thirty (30) days of the completion of the approved project, all lease holders shall submit to the Martha's Vineyard Airport Commission a set of Final Plans incorporating the amendments and decisions made throughout the Design Review Process. Final Plans shall be reproducible and contain signature blocks for the Airport Manager and County Manager and signature blocks and seals of the project's registered architect, a registered land surveyor and a registered engineer and shall be detailed as to:

- 1)** Improvements as built
- 2)** Approvals of installation and lien waivers from all local utilities, contractors, and subcontractors
- 3)** Certificate of occupancy issued by local building inspectors
- 4)** Plans showing all boundary markers with a narrative metes and bounds description of leased parcel
- 5)** Building location, elevations, and plans
- 6)** Location and design of signs and local approvals
- 7)** Location and types of outdoor lighting
- 8)** Plans for cutting or landscaping
- 9)** Detailed specifications for all construction activities
- 10)** Construction drawings for all circulation ways, parking, utilities, drainage
- 11)** Provisions, if required, of a performance bond for tenant-provided infrastructure and tenant improvements
- 12)** Receipts for the payment of all final fees

- H. Authorization to Occupy shall be issued only when the Commission staff has received the required submissions. In no case shall the tenant occupy any leased premises, except for construction purposes, until such authorization has been issued. Any Lessee attempting to do so shall be deemed in violation of these development regulations and shall be subject to lease forfeiture.

8. Development Restrictions

A. AREA (SITE SIZE BUILDING RATIO)

Building(s) footprint to land ratio shall not exceed 1:4

B. BERM

- 1)** Berm stripes, linear landforms designed to provide visual, physical, or sound barriers, may be required by the Airport Commission to separate and distinguish land uses.
- 2)** Berms shall be of stable earthen construction, a minimum of four (4) feet in elevation above the surrounding elevation, no less than ten (10) feet in width at the base, and planted with grass and indigenous vegetation.

C. BUILDING HEIGHTS AND SETBACKS

- 1)** No building shall be closer than 20 feet to street line, 30 feet to either side lot line, or 30 feet to a rear site line except by special written approval by the Airport Commission (See PARKING).
- 2)** No building shall be over three stories or 32 feet high except to enclose rooftop mechanical equipment associated with building functions.

D. BUILDING MATERIALS

- 1)** All buildings shall conform to all applicable state and local building codes. All buildings shall be permanent, durable, and fire resistant.
- 2)** All exterior materials shall be durable and of high quality and maintained in first class condition (See MAINTENANCE)
- 3)** Commercial/Light Industrial Exterior Standards

All buildings shall be of a color chosen from a list approved by the Airport Commission. Window and door openings shall not, in aggregate, comprise more than 25% of the front façade unless specifically required by the function of the building, and then only with permission of the MVAC. Any side or rear façade may contain door and/or window openings in any percentage.

- 4)** Retail Lots Exterior Standards

All buildings shall be wood shingle, natural wood siding, or painted or stained clapboard on all sides with painted or stained wood trim; paint and stain colors shall be chosen from a list approved by the MVAC. Window and door openings shall not,

in aggregate, comprise more than 33% of the façade. Roof pitch shall be no less than 6/12.

E. DRIVEWAYS

- 1) All driveways shall be at least 15 feet wide.
- 2) No less than one thirty-two (32) foot driveway shall be installed; where desired by the tenant, a second driveway of a single width will be allowed.
- 3) Wherever possible, shared driveways shall be developed to minimize the number of curb cuts.
- 4) No driveway on a corner lot shall be less than fifty (50) feet from an intersection.
- 5) All curbing shall be of granite or reinforced concrete
 - a) Curbing will be required at landings, building entrances, and driveway entrance ways
 - b) Curbing may be required to minimize storm water concentration (see PARKING)

F. Easements (RIGHTS-OF-WAY)

- 1) All utility, building, construction, and public access rights of way and easements will be shown on the submitted final plans.
- 2) No tenant shall withhold the entrance to leased property by authorized individuals to inspect, work upon, alter, or excavate as required to install, alter, or remove any utility.
- 3) No permanent construction by any tenant or tenant's agent shall be allowed on any such right of way or easement, once established, and any construction so located may be removed at the cost of the tenant.

G. GRADING

- 1) The maximum slope on graded areas shall be 3 to 1.
- 2) Any grading or regrading of any portion of any site must be performed so that storm water shall be retained on tenant's property.

H. LANDSCAPE DEVELOPMENT

- 1) No natural vegetation shall be disturbed for construction except as necessary and permitted by the MVAC.
- 2) Topsoil is the property of the Airport Business Park and shall not be removed from the site without the express consent of the Airport Commission.
- 3) A boulevard buffer strip with a minimum depth of 20 feet of native ground cover and trees shall be maintained at the front lot line of all leased property. The buffer

strip will be maintained by the MVAC and the lessee shall be charged an annual fee, specified in the lease.

- 4)** For the protection of wildlife, all ground cover shall remain undisturbed in its existing state wherever natural growth is to remain. The graded areas along the driveways and parking areas must be kept in low ground cover planting.
- 5)** A landscape plan, containing specific locations of indigenous trees, shrubs, and ground cover, shall be submitted with the final plans for approval. All vegetation approved will be maintained and, if necessary, replanted by the tenant for the life of the lease. Soil conditions limit the plant material that will grow successfully at the Business Park. For this reason, and to maintain the characteristic appearance of the Island and protect habitat for native species, the use of low maintenance indigenous plant materials is required and the introduction of ornamental species is to be kept to a minimum (see list of approved plants). One new tree from the list of approved species and of a trunk diameter greater than three (3) inches shall be planted on the property for every eight (8) parking spaces provided. Location of these trees should result in the shading of paved areas (see PARKING).
- 6)** Foundation plantings are required on the front of all buildings and may be required elsewhere at the discretion of the MVAC. These plantings must be of sufficient size to soften the façade of the building and need not be native material if the lessee is willing to undertake the additional effort that may be necessary to maintain non-native plants.
- 7)** The MVAC reserves the right to enter onto leased property to maintain the required landscaping, if the lessee fails to do so. The lessee will be charged for professional landscaping services, plus an administrative fee.

I. LOADING AREAS

No truck parking, loading, shipping, or delivery areas shall be established within the front yard area; if the building is on a corner site this applies to the side yard abutting the street (see PARKING).

J. MAINTENANCE

- 1)** It shall be the obligation of the resident business at each site to maintain the exteriors of all structures and all walks, driveways, parking and loading areas and landscaping on such site in good order, repair, and condition.
- 2)** All exterior painted surfaces shall be maintained in first-class condition and shall be regularly repainted.

K. OUTDOOR STORAGE

- 1)** All outdoor storage, including waste and transformers, shall be screened by durable, neat, opaque fencing or walls that shall harmonize with the architecture of the buildings in the Park.

- 2) Any finished products or semi-finished product stored on the property outside of buildings shall be confined, on a temporary basis only, to the rear one-half of the property, but shall in no instance be placed on the side of the building paralleling an existing or proposed street.

L. PARKING

- 1) No parking area shall be within 20 feet of street line.
- 2) Off-street parking shall be provided for all employees and customers. On-street parking is prohibited.
- 3) Large continuous parking areas shall be avoided as much as possible, both to preserve the natural qualities of the Park and to minimize storm water concentration and extensive grading. Frequent natural or planted green areas must be planned and maintained to break up large parking areas.
- 4) Parking area lighting shall be subdued, white in color, and installed and maintained in a reasonable manner. Parking area lighting shall be turned off manually or automatically after hours of business operation.
- 5) It shall be the obligation of the Resident Business of each site to maintain the parking areas in good order, repair, and condition.
- 6) No employee parking area is to be used for the storage of materials or vehicles other than passenger vehicles. Trailer or truck storage shall be separately provided.
- 7) Parking space requirements:
 - a) In the retail section of the Park a parking space of nine by twenty feet (9'x20') will be required, at minimum, for every three hundred fifty (350) gross feet of building floor space, or part thereof.
 - b) In the commercial/service section of the Park a parking space of nine by twenty feet (9'x20') will be required, at minimum, for every one thousand square feet (1000 sq. ft.) of building space, or part thereof.
 - c) In the commercial/light industrial section of the Park a parking space of nine by twenty feet (9'x20') will be required, at minimum, for every three thousand square feet (3000 sq. ft.) of building space, or part thereof.
 - d) Handicapped accessible spaces, as set forth in federal standards as to size and shape and appropriate ramping, shall be provided and appropriately marked at the rate of one (1) space for every twenty (20), or part thereof, of regular spaces.

M. PAVING

- 1) All driveway aprons shall be Type 1 bituminous concrete paving (Massachusetts Department of Public Works specifications) for a length of not less than twenty (20) feet. All parking lots will be constructed of not less than twenty (20) feet. All parking lots will be constructed of such materials so as to balance permanency, appearance, and storm water percolation.

- 2) A storm drainage plan detailing water collection, disbursement and chemical separation/retention must be submitted with any plans for use of any Business Park area.

N. POLLUTION

- 1) Storage of petroleum products, toxic chemicals, waste products, or substances capable of contaminating the underground water supply and/or use of any or all such products will be done in accordance with any and all applicable regulations and rulings of governmental health, environmental or other agencies as may be in force.
- 2) The use of salt or chemicals for traction on walkways, driveways, parking areas or any other exterior area within the Business Park is prohibited in order to maintain the quality of the aquifer. The use of sand is effective and has no deleterious effects.
- 3) No use offensive to the neighborhood by reason of odor, fumes, dust, smoke, noise or pollution, or which will be hazardous by reason of danger of fire, explosion, or health risk of any kind, will be permitted. Glare and heat from arc welding, acetylene torch cutting, or similar processes shall be controlled so as not to be objectionable.

O. SHOULDERS AND DRAINAGE

- 1) The soil throughout the site is highly pervious and capable of absorbing storm water.
- 2) Shoulders of drives and parking areas may be pitched away from the pavements to eliminate storm water concentration.
- 3) Shoulders shall be at least 6 feet wide before sloping to existing grade.
- 4) Storm water from developed sites shall not be permitted to drain onto streets or abutting property.

P. SIGNS

All signs shall conform to abutting town sign standards.

Q. SITE USE

No uses shall be undertaken unless and until the same have been approved in the manner herein provided.

R. SUBDIVIDING

No present Business Park lot shall be subdivided or leased in part.

S. SUBLEASING

No facility constructed shall be permitted to be subleased unless the original facility was so designed, approved, and constructed for multiple tenancy.

T. UTILITIES

All utility installations and/or connection with existing utilities will be at the expense of the tenant. Completed applications for service or connection shall become a condition of approval prior to any final approval of the lease document.

U. WASTE DISPOSAL

No waste material or refuse shall be dumped or permitted to remain on any part of any leasehold. Any tenant whose process or manufacture produces industrial waste shall provide for the treatment and effective disposal of such waste under conditions described and approved as industry standard.

V. WATER SYSTEMS

- 1) No connections shall be made from any site to the water, stormwater, or septic systems now existing or to be constructed in the Business Park without prior approval.
- 2) Plans must include the precise nature of the use to be made of each utility as well as the maximum use.
- 3) No increase in use or modification of the nature thereof or alteration of the system thereafter may be made without further approval.
- 4) All meters shall be located so as to permit convenient visual inspection and reading by utility personnel. Where such meters may be isolated for security reasons, a remote reading device of a type approved by the Airport staff shall be required to be installed at the tenant's expense.

9. Definition of Terms

1. AUTHORIZATION TO OCCUPY shall be issued after the staff or designee has met all final plan requirements.
2. BUILDING SITE shall mean any lot, or portion thereof, or two or more contiguous lots or portions thereof, or a parcel of land upon which an industry or specifically approved buildings and appurtenant structures may be erected in conformance with requirements of these regulations.
3. BUILDING LINE OR LINES shall mean the minimum distance which buildings or outbuildings or any structures of any type or kind located aboveground shall be set back from the property or street lines.
4. IMPROVEMENTS shall include building(s), outbuildings appurtenant thereto, parking areas, driveways, loading areas, grading, masonry, walls, landscaping, outdoor storage, signs, lighting, waste disposal, water systems, paving, alterations, and any structures of any type or kind located either above or below ground.
5. RESIDENT BUSINESS shall mean any leaseholder in the Martha's Vineyard Airport Business Park.
6. PARK shall mean all land within the Martha's Vineyard Airport Business Park.

7. SIDE BUILDING shall mean the boundary or property dividing two adjoining building areas.

10. Code Review Fees

1. A non-refundable application fee of three hundred dollars (\$300) shall accompany each final application packet.
2. Staff shall determine what additional specialized review may be required in pursuit of application review and inspection.
 - a) Such review, including but not limited to professional engineering, architectural, construction code consultation, legal consultation, lease negotiation, communication, plan duplication, or technical review of infrastructure impacts, shall be invoiced to the applicant at 125% of charges incurred.
 - b) Said fees shall be paid to the Martha's Vineyard Airport Staff in cash or certified check prior to issuance of a final Authorization to Occupy.
3. All developments which would ordinarily qualify for Martha's Vineyard Airport Commission review as a Development of Regional Impact, but which have been exempted because of compliance with the Development Agreement entered into by the Martha's Vineyard Commission and the Airport Commission (which includes these regulations), shall be subject to the affordable housing and traffic mitigation requirements of the Martha's Vineyard Commission in effect at the time of application.

General Conditions

- A. Severability: The provisions of the Development Regulations are severable. If any provision is held to be invalid, the remaining provisions shall not be affected thereby. If the application of the Development Regulations, or any of its provisions, to any person or circumstance is held to be invalid, the application of these standards and their provisions to other persons or circumstances shall not be affected thereby.
- B. Rules of Interpretation: The following rules shall apply when interpreting this standard.

Specific Provisions to Prevail: To the extent that any specific provision of the standard shall conflict with any general provision, the specific provision shall prevail.

Number and Gender: Words imparting the singular number may extend and be applied to several persons or things; words imparting the plural number may include the singular; words imparting the masculine gender shall include the feminine gender.

11. Changes

Amendments or alterations to this document may be made only as any such proposals have been approved according to the resolution process as established by the Home Rule Charter of the County of Dukes County. A copy of changes so adopted shall be submitted to the Martha's Vineyard Commission for concurrence.