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Martha's Vineyard Commission

Land Use Planning Committee

Minutes of the Meeting of April 4, 2005

Held in the Stone Building, New York Avenue, Oak Bluffs.

Commissioners Present: LUPC Chairperson Christina Brown, Ned Orleans, John Breckenridge, Kathy Newman, Mimi Davisson, Linda Dewitt, and Paul Strauss;

MVC Staff Present: Executive Director Mark London, DRI Coordinator Paul Foley, Transportation Planner Srinivas Sattoor, Christine Flynn, and Water Resource Planner Bill Wilcox.

1. Proposed Airport Hangar - DRI # 586, Pre-Hearing Review

Present for the Applicants: Jim Rogers (Distinctive Structures), Bill Weibrecht (Airport Manager)

Project Location: Hangar Road, M.V. Airport, West Tisbury, MA

Proposal: To build an 8-unit 15,765 square foot airline hangar at the airport in an area designated by the Airport Master Plan for hangars. Mr. Rogers will own one unit and manage the rest, which will be sold similar to a condominium arrangement.

History: The hangar is being built in response to a Request For Proposals (RFP) put out by the MV Airport. The hangar is proposed in an area designated for hangars in the Airport Master Plan. However, the MVC has never officially reviewed and approved the Airport Master Plan and therefore reviews projects at the airport on a case-by-case basis. There is a precedent for remanding an almost identical proposal and referral. The last hangar that was referred to the MVC (in 2002) was remanded back to the Town. This hangar was referred by the West Tisbury ZBA under Section 3.301c: Any development of commercial, storage...that has outdoor commercial space of 6,000 square feet or more... (a concurrence review). However, it appears that the project should have been referred under section 3.301a: Any development of commercial... that has new construction totaling 2,000 square feet or more (mandatory referral).

Chairperson Christina Brown opened the meeting at 5:35 P.M. by explaining that the proposal was sent under 3.301c (discretionary) but should have been sent under 3.301a (mandatory). Much time was spent debating this point of which item the proposal should have been sent under. Ultimately, It was pointed out that in the last year the MVC has taken the policy position that if a proposal is subject to several Standards and Criteria Checklist Sections then the more restrictive of the two checklist items should apply.

Within the 8-unit hangar will be 3 units that are equipped with office space for airplane related business occupying approximately 1,500 – 1,900 square feet. Mr. Rogers will have an office in his unit. Office space within the units has to be airport related. For example, beyond his regular job of contractor, Mr. Rogers is an on-call airplane and helicopter mechanic who needs some office space as well as a place to put customers during the winter.

The Airport Master Plan was discussed. The MVC Staff did some technical review of certain aspects of the Plan as part of its review of the draft environmental impact report prepared by the applicant for MEPA in 2002, but it was not something that came to the full Commission for review. The staff response to the EIR explicitly stated that the MVC reserves the right to review projects at the MV Airport. Mr. Weibrecht explained that the Airport Master Plan is the planning document upon which the Airport determines its aviation needs and prioritizes them into 7-year and 20-year capital improvement plans. Large projects are subject to Environmental Notification Forms (ENF) and Environmental Impact Statements (EIS). Mr. Weibrecht was asked if the Airport or its Master Plan consider things on an island-wide basis and if they are subject to FAA processes. Mr. Weibrecht responded that the Master Plan is primarily aviation oriented but does look beyond the airport in some instances. The Airport is subject to the FAA as well as other Federal and State oversight. Later, a Commissioner asked whether MVC staff had analyzed the numbers in regards to growth in demand at the airport? Another commissioner responded that we have not been asked to nor have we offered to do so.

The issue of increasing flights at the airport was raised. The question of whether we were going to be increasing the number of flights into the Vineyard by increasing the capacity to park planes was asked? Mr. Weibrecht replied that the Airport is not trying to attract commercial activity nor are they trying to become a little Logan. He sees it not as driving [up] traffic but as receiving the traffic that already exists. He said that all of the airport's growth is phased. In this case, they know that they have an immediate demand. They will possibly be back in 6-8 months with plans for another hangar next to this one. They are removing four old hangars in the next few years.

Paul Strauss, who is also a County Commissioner, offered some comments on his experience working with Mr. Weibrecht, "what he says is what you get". He said that Mr. Weibrecht has come to the County from time to time to update the County Commissioners on what is going on out at the airport. He suggested that the MVC should invite Mr. Weibrecht to come and give a full update on airport activities and plans. Mr. Weibrecht thought that was a good idea as well and it was agreed to schedule a date for Mr. Weibrecht to come in and brief the MVC.

A commissioner noted that Nantucket airport is the second busiest airport in Massachusetts and that MVY is 4th or 5th (10th in New England). She said that last year was the first time that she had noticed airplane fumes. Mr. Weibrecht replied that last year, early in the year, there were a number of backups due to weather here and elsewhere and that when planes backup on the runway and the winds are out of the northeast, those fumes may be noticeable along Edgartown-West Tisbury Road. Mr. Rogers said that when he first started flying in to the Vineyard more than 20 years ago they used to say "if you build it they will come." Well, they are coming anyway. He said that the amount of aircraft on the ground last year was tight. This plan is a major safety factor. Four of the planes scheduled to move in to this hangar are in one of the hangars scheduled to be demolished and the other four are outside on the tarmac.

The topic turned once more to whether this was a concurrence review or a mandatory referral. There was some discussion about whether this qualified as a polyhouse structure as referred in 3.301c. It was agreed that the hangar comes under 3.301a (construction over 2,000 s.f.) a

mandatory referral. There was no more discussion about whether section 3.301g means to consider airport-related projects at the airport on a concurrence basis. Staff noted the 2002 precedent whereby the MVC remanded an almost identical proposal referred under section 3.301a. A similar hangar was remanded based upon an interpretation that since section 3.301g states that construction outside of the Business Park of non-airport-related business structures at the airport was a concurrency vote, then an airport-related business structure outside the Business Park could also be reviewed on a concurrence review basis. Staff also noted that this meant a lot to the applicant in terms of fees, the DRI fee will be over \$7,000 and the recommended Affordable Housing mitigation contribution is also over \$6,000.

It was suggested that perhaps the fee could be waived in some instances, such as if the project is being done by a public agency. Mr. Weibrecht noted that the hangar is being built in response to an RFP put out by the MV Airport. The MVC regulation states that if a governmental agency submitting a DRI Application requests, in writing, that the Application fee be waived, the Commission may, upon determining that the government agency's project is for the health, safety and general welfare of the Town or Island, and by majority vote, grant said fee waiver before rendering a Decision on the project.

A commissioner asked why we could not just do what we did in 2002? Chairman Brown restated that when a proposal is referred under both a mandatory and a discretionary referral it is MVC policy to let the mandatory take precedence. Another commissioner noted that this project looks pretty good but if anything has a regional impact it is the airport and then wondered if there were some way we could make it fit? Chairman Brown noted that the MVC has discussed having short and long reviews before.

Commissioner Orleans asked if the LUPC could recommend to the full Commission to make an exception? He suggested wording " In this particular case we recommend that we do not have to use the mandatory referral..." Commissioner Davisson suggested they add a qualifier such as "this exception does not constitute a precedent." Mr. Weibrecht added that what is missing in the Standards and Criteria Checklist is the aeronautics aspect. Commissioner Newman asked if the LUPC could recommend a short review with a fee exemption request? Chairman Brown said that the full Commission can change the fee structure by vote and that somewhere there is a precedent that states that a fee needs to be related to the real cost of the Commission to review it.

Commissioner Strauss said that the case has been made that the hangar is necessary but on the other hand he also feels that the correct section for referral is 3.301a. He added that he would like to consider that the airport is a public agency and the MVC should forgo the fee to the extent possible and that the MVC should do an expedited review. To which Executive Director London asked "who is the applicant?" Is it the Airport or Mr. Rogers? Mr. Weibrecht said the Mr. Rogers was the Applicant but he was doing the project in response to an Airport RFP and that the same Secretary of Environmental Affairs who signs off on the MVC Standards and Criteria Checklist signed the Airport Master Plan. Finally, it was stated that the MVC should consider reducing the fee in relation to the size of the project and cost to the MVC. The meeting was adjourned at 7:00 p.m.