

**MAUI PLANNING COMMISSION  
REGULAR MINUTES  
DECEMBER 10, 2019**

**A. CALL TO ORDER**

The regular meeting of the Maui Planning Commission was called to order by Chairperson Lawrence Carnicelli at approximately 9:01 a.m., Tuesday, December 10, 2019, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

Mr. Carnicelli: Good morning everyone. The Maui Planning Commission meeting of December 10, 2019 is now in session. My name is Lawrence Carnicelli. I am the Chair. Also in attendance with us today is Vice-Chair Christian Tackett.

Mr. Tackett: Good morning.

Mr. Carnicelli: Good morning. Commissioner Castro.

Mr. Castro: Good morning Chair.

Mr. Carnicelli: Good morning. Commissioner La Costa.

Ms. La Costa: Mele Kalikimaka Chair.

Mr. Carnicelli: Merry Christmas. Commissioner Robinson.

Mr. Robinson: Ho, ho, ho.

Mr. Carnicelli: (laughing)...what you call me? Commissioner Pali.

Ms. Pali: Good morning Commissioner.

Mr. Carnicelli: Good morning. Commissioner Thompson.

Mr. Thompson: Aloha Santa.

Mr. Carnicelli: Aloha. And Commissioner Freitas.

Mr. Freitas: Happy Holidays.

Mr. Carnicelli: Happy Holiday. Absent today is Commissioner Gomes. We do have quorum. Also with us in attendance is Planning Director Michele Chouteau McLean.

Ms. McLean: Aloha Chair. Good morning.

Mr. Carnicelli: Aloha. And Corporation Counsel Michael Hopper.

Mr. Hopper: Good morning Chair.

1 Mr. Carnicelli: Good morning. So for those of you that are here to give testimony just so you  
2 know the Maui Planning Commission we give testimony after each item. So each item will  
3 come individually, there'll be a presentation, so you'll be able to be educated on that item and  
4 then you'll be able to give testimony after that. So we don't do it like the County Council where  
5 everybody does the testimony at the beginning. Also, please silence noise making devices that  
6 you may have, and I don't know if there are any other housekeeping things that I need to say at  
7 this time.

8  
9 Oh, also yes thank you Director, Item B.4, Costco Wholesale Corporation that item is actually  
10 going to be deferred. It's going to be moved to a different day. However, if you want to wait till  
11 then and give public testimony we'll also be open for it so there will be opportunity for you to  
12 give testimony if you so choose but we are not going to hear the item nor take any action on that  
13 item today and with that being said, Director.

14  
15 Ms. McLean: Thank you Chair, you have five posted public hearing items. Today, the first is a  
16 request from Mr. Douglas Sheehan, President of Alexander & Baldwin Sugar Museum Board of  
17 Directors for an amendment to a Conditional Permit in order to expand the A&B Sugar Museum  
18 land area and facilities, including expansion of exhibition areas, outdoor display and gardens,  
19 additional parking, upgraded circulation, and hosting of museum-related events, on  
20 approximately 4.166 acres in the R-1 Residential District at 3957 Hansen Road in Puunene at  
21 TMK: 3-8-006:004 (por.). Livit Callentine is the project planner.

## 22 23 **B. PUBLIC HEARINGS**

- 24  
25 **1. MR. DOUGLAS SHEEHAN, PRESIDENT, ALEXANDER & BALDWIN (A&B)**  
26 **SUGAR MUSEUM BOARD OF DIRECTORS, requesting an amendment to a**  
27 **Conditional Permit in order to expand the A&B Sugar Museum land area**  
28 **and facilities, including expansion of exhibition areas, outdoor display and**  
29 **gardens, additional parking, upgraded circulation, and hosting of museum-**  
30 **related events, on approximately 4.166 acres in the R-1 Residential District**  
31 **at 3957 Hansen Road, Puunene, Island of Maui, TMK: (2) 3-8-006:004 (por.)**  
32 **(CP 890002) (L. Callentine)**  
33

34 Ms. Livit Callentine: Thank you Director and good morning Commissioners and Happy  
35 Holidays.

36  
37 Mr. Carnicelli: Good morning Livit.

38  
39 Ms. Callentine: This item is before you for review because the applicant is proposing an  
40 expansion of both the land areas and the uses established by ordinance since 1986. A  
41 Conditional Permit is required because the museum is neither a permitted nor a special use in  
42 the County R-1 Residential District. Five people have offered testimony in support of the  
43 application, no protests were received. In the your staff report the letters we've received are  
44 shown...two of them are shown in Exhibits 15 and 16, several more were provided to you by  
45 electronic message last week I believe. I'd like to introduce the applicant's consultant,  
46 Munekiyo Hiraga who is represented here today by Mike Munekiyo and Bryan Esmeralda, so

1 I'm not sure which one of them is going to how a presentation but I think one of them is gonna  
2 come on up and show the presentation for you. Thank you.

3  
4 Mr. Bryan Esmeralda: Aloha Chair Carnicelli and Commission Members, my name is Bryan  
5 Esmeralda of Munekiyo Hiraga.

6  
7 Mr. Carnicelli: Good morning Bryan.

8  
9 Mr. Esmeralda: I'm here on behalf of the A&B Sugar Museum to present their request for a  
10 Conditional Permit amendment. Before I begin I'd also like to note that the museum's Executive  
11 Director Holly Buland and the President of the Board of Directors Doug Sheehan are in the  
12 audience today and will be available for questions following the presentation, and as Livit  
13 mentioned Mike Munekiyo also from Munekiyo Hiraga is here as well.

14  
15 The applicant, the A&B Sugar Museum is requesting the Maui Planning Commission's favorable  
16 recommendation to the Maui County Council for an amendment to the museum's Conditional  
17 Permit to account for a 2.393 acre expansion in the museum's leased area.

18  
19 I'm sure everyone's familiar with the museum but just to provide some historical context. The  
20 museum was established by a grant with A&B in 1980 as a memorial to the founders of A&B. It  
21 was originally developed on a 1.773 acre portion of a larger TMK which is identified by...as  
22 TMK: (2) 3-8-006: 004. The museum is currently housed in an original Puunene town structure  
23 which dates back to 1902, and the museum serves as a cultural and historical repository for  
24 artifacts, photos and documents related to the sugar industry on Maui.

25  
26 Just to point out the location. The red outline here is the overall TMK, Parcel 004 and the  
27 museum sits on a portion of the TMK here just off of Hansen Road across the street from the  
28 former HC&S sugar mill. The museum site consists of the museum building, the former  
29 executive director's residence, garage and shed as well as exhibition spaces.

30  
31 In terms of land use considerations, the museum site is within the State Urban District. It's  
32 within the Urban Growth Boundary as designated in the Maui Island Plan. The Wailuku-Kahului  
33 Community Plan designation is Heavy Industrial, and as Livit mentioned the Zoning is R-1,  
34 Residential and it's because of that Residential zoning designation that a Conditional Permit  
35 was originally granted for the museum in 1989 and since then subsequent time extensions were  
36 approved in 1992, 94, 99 and 2004. Most recently, a ten-year extension was approved in 2014.  
37 So currently the Conditional Permit will expire in 2024.

38  
39 Some photos of the site. The first photo is of the entrance to the parking lot off of Hansen Road.  
40 The second photo is of the museum facade from Hansen Road looking north. Photo three is of  
41 the former museum director's residence, photo four is the garage and shed located to the rear  
42 of the director's residence. Photo five is of the existing outdoor exhibition area. Photo six is a  
43 view of a future exhibition building which I'll explain in a few minutes looking towards the rear of  
44 the site which would be the site for the proposed special events. Photo seven is of the special  
45 event area as you can see it's currently undeveloped. Photo eight is of future outdoor exhibition  
46 spaces. And Photo nine is of a future parking expansion area, and again, I'll go through all  
47 these proposed uses in just a couple of minutes.

1  
2 So the museum recently received a new 30-year lease from A&B in 2017. So this new lease  
3 will terminate in 2047. The new lease included an additional 2.393 acre expansion area.  
4 Currently it's vacant and undeveloped. So this expansion area brings the total leased area for  
5 the museum up to 4.166 acres. Following the execution of this new lease the museum  
6 underwent a master planning process to envision proposed expansion of uses within this new  
7 leased area. Just to provide a visual representation, the current leased area is here, 1.773  
8 acres which is on the Hansen Road side of the leased area and the expansion area is located to  
9 the rear, 2.393 acres. So again, total 4.166 acres currently leased to the museum by A&B.

10  
11 So the master plan entailed the development of a new multi-purpose building which would  
12 house a meeting room, restrooms and additional exhibition space as well as other uses around  
13 the site including additional outdoor display and garden areas, additional vehicle and bus  
14 parking, upgraded visitor circulation throughout the site. Use of the former director's residence  
15 for meeting and community spaces as well as use of the grounds for special events. And this is  
16 the conceptual master plan. The existing museum structure is here. Adjacent to that the  
17 residence and the garage and shed to the rear, the existing parking area off of Hansen Road  
18 and the proposed new uses would be the future multi-purpose building, additional outdoor  
19 exhibition space, additional parking and the remainder of the site for the special event area.

20  
21 With regards to the special events, the museum is proposing to hold special events to include  
22 sugar and plantation themed events as well as other events by other cultural groups. The  
23 museum has requested as part of their application to host up to six events per year with the  
24 number of guests varying between events no more than 200. The museum would also like the  
25 option to host an all-day plantation themed event similar to past events that they've held at the  
26 museum.

27  
28 In terms of impacts with regards to noise, events with music will be held within reasonable hours  
29 so that they don't create any noise related nuisances. In regards to parking, should any of the  
30 events require additional offsite parking the museum will coordinate with neighboring properties  
31 to secure temporary offsite event parking. And in regards to visitor counts, the proposed uses  
32 are not anticipated to significantly increase the visitor counts at the museum. More the  
33 improvements are intended to enhance the visitor experience for the existing guests.

34  
35 In terms of next steps, again we are here today to request the Planning Commission's  
36 recommendation of the request to the Maui County Council. After referral to the Council it will  
37 be heard by the Sustainable Planning and Land Use Committee who will make a  
38 recommendation to the full Council for action, and if approved the amendment to the CP will be  
39 adopted by ordinance.

40  
41 Again to summarize, the A&B Sugar Museum is requesting the Planning Commission's  
42 favorable recommendation to the Maui County Council of an amendment to the Conditional  
43 Permit to account for the expanded lease area, total lease area now 4.166 acres. Thank you  
44 very much.

45  
46 Mr. Carnicelli: Thank you Bryan. Livit I need...before we go to public testimony can you clarify  
47 one thing for us please? In your recommendation on Number 7, it says 18 events,

1 50 attendees, and then no more than six events shall be highlighted to celebrate, you know, the  
2 sugar museum. And in Bryan's...in his presentation he said 200 people. So I'm just trying  
3 to...the staff report doesn't match up kinda with what it is that they said, so if you would please  
4 clarify.

5  
6 Ms. Callentine: Yes, thank you Mr. Chair. This condition was crafted in consultation with our  
7 Director Michele McLean and I would like to ask her if she could address that...the crafting of  
8 Condition Number 7.

9  
10 Ms. McLean: Okay, so no more than 18 outdoor events with more than 50 attendees so the 200  
11 attendees would be an event with more than 50 attendees.

12  
13 Mr. Carnicelli: Okay.

14  
15 Ms. Callentine: I think—Mr. Chair did I understand...you're asking how did it go from what the  
16 applicant requested to what the Department is recommending? Was that more your—

17  
18 Mr. Carnicelli: Yeah, is I mean it just reads kinda wonky for me right now in that is like this  
19 maximum of 200 is not in here at all and it says no more than 18 events, okay, with more than  
20 50 attendees may be held each calendar year. Can we say with less than 200? I mean, is  
21 it...you know what I'm saying?

22  
23 Ms. McLean: The idea Chair was that if there are fewer than 50 attendees then—

24  
25 Mr. Carnicelli: It doesn't count.

26  
27 Ms. McLean: --then there isn't a limit. If it's smaller like that.

28  
29 Mr. Carnicelli: Okay.

30  
31 Ms. McLean: If it's a smaller event with fewer than 50 attendees then there isn't a limit. If  
32 there's more than 50...if there's 50 or more or more than 50 attendees then there's a limit of 18.

33  
34 Ms. Pali: Eighteen total events.

35  
36 Ms. McLean: Total events per year. So if you want to put a maximum on that too—

37  
38 Ms. Pali: So we're recommending more than they want. He's saying only he only wants six, six  
39 events.

40  
41 Mr. Carnicelli: No it—okay, I'm just trying to get clear before we have public testimony though.  
42 Okay, so we're gonna have to I guess wordsmith this a little bit at the end. But just I just wanted  
43 to kinda address that before public testimony and somebody else goes down the rabbit hole like  
44 I just did. So I'll take myself out of the rabbit hole and we'll open up for public testimony. Let's  
45 see who do we have, Roger MacArthur. Oh, and also just so you guys know you have up to  
46 three minutes and we have a brand new little blinky thing that Carolyn put up there for us so we  
47 have a green light which means go, the yellow means you have 30 seconds left you don't have

1 to stop at the yellow light, and then the red means that your three minutes is up. So good  
2 morning Roger.

3  
4 Mr. Roger MacArthur: Good morning what's the purple light for? Merry Christmas everybody.

5  
6 Mr. Carnicelli: Merry Christmas.

7  
8 Mr. MacArthur: And thanks for listening to our presentation. I'm Roger MacArthur and I'm the  
9 treasurer of the organization and I have been for a number of years. I'm asking your support for  
10 the A&B's Sugar Museum's expansion of their acreage of their leased lands has been extended  
11 and planned use to include development of the heritage garden for public employment,  
12 enjoyment, space for outdoor events available for community use and additional exhibit  
13 buildings to house the museum's 1883 Claus Spreckels and the Kalakaua coach car and  
14 expanded display areas. You know with the closing of the Sugar Museum....plantation, the  
15 need for the sugar museum to continue its education people about one of the most significant  
16 and influential periods in Maui's history is more important now. The sugar museum provides  
17 educational programs that teach and inform the people of Maui and the world about Maui's  
18 sugar industry and the plantation heritage.

19  
20 Further, the requested expansion will hopefully generate further financial support for the  
21 museum because the new attractions being added to the premises. It is noted that the  
22 attendance at the museum has been on a steady decline since the closure of the sugar mill and  
23 I as a treasurer have continued to be concerned about that dropping revenue and admissions.  
24 To give you an idea of that in the last ten years our revenue has dropped from \$153,000 down  
25 to a \$117,000 which is a 23 percent decline in revenue. Furthermore, the attendance has  
26 dropped from about 28,900 per year down to 24,354 people so that's a 16 percent decline. It  
27 just was magic to have that plantation with the smoke coming out of the chimney and the green  
28 beautiful fields of sugar and people were attracted to the museum. Well we've lost that  
29 wonderful asset. It's no longer there. And so we have now had to decide what can we do to  
30 generate interest of that museum. And so that's part of our plan as it's being presented to all of  
31 you. Hopefully we can expand upon our marketing skills in order to get people to come back  
32 and understand the beauty of the sugar industry and what it meant to Hawaii and more  
33 importantly to Maui. So that is our presentation and we hope that you will favorably and  
34 approve our request. I thank you very much. Aloha.

35  
36 Mr. Carnicelli: Thanks Roger. Is there any questions for the testifier? Roger I actually have a  
37 question for you. Is I'm glad you testified first 'cause when I was going through this my question  
38 is you know you see A&B and you think that there's this unlimited amount of funds to be able to  
39 you know run something like this. Are you guys a stand-alone?

40  
41 Mr. MacArthur: We are stand-alone. We're nonprofit, yes. And the bulk of our...we do not  
42 make money from revenues. We are very fortunate getting foundation help and from grants,  
43 and A&B does provide us with a nice grant on an annual basis but yes, we are independent, we  
44 are nonprofit.

45  
46 Mr. Carnicelli: So this is going to help with that?

47

1 Mr. MacArthur: Absolutely.  
2  
3 Mr. Carnicelli: Okay, thank you. Thank you Roger.  
4  
5 Mr. MacArthur: Any other questions?  
6  
7 Mr. Carnicelli: Commissioner Thompson.  
8  
9 Mr. Thompson: I was wondering about the proposed steam engine.  
10  
11 Mr. MacArthur: Yes.  
12  
13 Mr. Thompson: And have you acquired one already?  
14  
15 Mr. MacArthur: We have two of them, yes.  
16  
17 Mr. Thompson: You have, okay and you're going to operate those there?  
18  
19 Mr. MacArthur: Yes.  
20  
21 Mr. Thompson: Are they going to run on like kerosene or something or are they gonna use—  
22  
23 Mr. MacArthur: I'll let Doug who really knows all about that. He's the mechanical guy, but we  
24 already have one steam engine that we just put together. We had a grant, fortunately got a  
25 grant and so we...part of our proposal we will be building a building to cover it up, provide  
26 elements not coming into wipe it out. But yes, exactly.  
27  
28 Mr. Thompson: And right now you have what, 90 people a day or so go through there is that  
29 what it is?  
30  
31 Mr. MacArthur: Yeah, about 90 to 100 I believe it is, yes.  
32  
33 Mr. Thompson: All right and how many people would it take to make it self-sufficient.  
34  
35 Mr. MacArthur: A lot more than we're getting right now. In answer to your question we get  
36 about 2,000...the last count November we had 1,700 people going through the front door.  
37  
38 Mr. Thompson: Thank you.  
39  
40 Mr. MacArthur: Thank you for your question.  
41  
42 Mr. Carnicelli: He's an engineer over in Lahaina that's why he wants to  
43 know...Commissioner Castro.  
44  
45 Mr. Castro: I didn't know you could drive a choo choo. Well first of all it was a sad day when  
46 the plantation closed and you are correct coming in on the airplane seeing that smoke you  
47 know, coming up and seeing all the green lush green fields.

1  
2 Mr. MacArthur: Yes.

3  
4 Mr. Castro: Kinda takes away from those C&H sugar commercials.

5  
6 Mr. MacArthur: Yeah, it sure does. It's a sad, sad day.

7  
8 Mr. Castro: Are you acquiring any other equipment from the mill for display?

9  
10 Mr. MacArthur: We have one more piece of equipment that will be on display to the big field  
11 that we have and that's part of our marketing skills. We're trying to get that equipment out onto  
12 Hansen Road and on out to the highway to bring it to the attention of passerbyers. You know  
13 we're really in a very fortunate location, Hansen Road, people going to Hana and people going  
14 up to Haleakala. So we're very fortunate with the location and we're trying to expand our  
15 marketing skills and bringing out some of the heavy equipment because it does catch their eye,  
16 but that's a good question. Thank you.

17  
18 Mr. Castro: And as far as your marketing have you reached out to the hotels or condominiums  
19 with brochures?

20  
21 Mr. MacArthur: We're in the process of...yes, we have had to reevaluate our marketing. We  
22 took it for granted for so many years because we had the mill, the smoke, and the beautiful  
23 green velvet of sugar cane. It ain't there anymore and interesting enough for all of you, the  
24 museum attendance throughout the country is down. People just...their desires when they  
25 travel, museums aren't the top list anymore. Not that they...but you know, people are finding  
26 other activities when they're here so it's required us to try to be more innovative and creative  
27 and we are now in the process of really giving that some serious thought as to how to improve  
28 it. So if any of you got any better ideas to help us out we'd appreciate it.

29  
30 Mr. Carnicelli: Plantation themed weddings. Commissioner Tackett.

31  
32 Mr. Tackett: Do you have plans for any maybe, maybe just a small portion of maybe organic  
33 cane or something for people to look at and is there any thought towards...I think we have a few  
34 people making vodka and things like that with some organic cane or something like that on  
35 island. Is there any thought maybe a partnership with that?

36  
37 Mr. MacArthur: That's a very good question. Yes, we are gonna do that because so many  
38 people do not even know what sugar cane looks like except for the vodka farm and I was up  
39 there the other day and they've done a great job of merchandizing that product. They've done a  
40 tremendous job and they have a different species of sugar cane up there. So yes, we are going  
41 to definitely implement the growth of some sugar cane to help give you a better feel of what, you  
42 know, people don't know what sugar cane is, they used to but yeah thank you for that and  
43 answer that question, yes we are.

44  
45 Mr. Carnicelli: Commissioner La Costa.

46



1 Ms. La Costa: Thank you Chair. I have two questions for you Roger. Thank you for coming  
2 and testifying today.

3  
4 Mr. MacArthur: Thank you.

5  
6 Ms. La Costa: So the sugar cane was part of my...there are several different species so would  
7 that be some kind of exhibition that you would have so people would be drawn there additionally  
8 to see agriculture?

9  
10 Mr. MacArthur: That is our intent, yeah. Yeah, you gotta have some description of what kind of  
11 sugar cane it is. I didn't really know there were different kinds of sugar cane until I went up to  
12 the vodka farm and then they've got different species for different causes and maybe we'll come  
13 back to you for an alcohol license I don't know, it sounds good to me, but anyway we're going to  
14 be planting...plantation.

15  
16 Ms. La Costa: I have traveled to several countries that have sugar cane and they also have  
17 little stalks that they give to people so they can chew on them and everybody's walking around  
18 with a stalk of sugar cane, and you know, all the kids are quiet because they're chewing on the  
19 sugar cane so that's you know.

20  
21 Mr. MacArthur: Or something like that.

22  
23 Ms. La Costa: I love my cats, yes. So my second question is I notice a lot of reference to  
24 cultural activities here, but is there any anticipation or are there any plans to allow other parties  
25 like Christmas parties or weddings or receptions, anything like that?

26  
27 Mr. MacArthur: That is our intent, yes. We have the...was formerly the manager's residence  
28 and we have felt that have not been used to the max and so we are going, we are planning to  
29 definitely expand the use of that facility. Ironically one of the problems we've had was the flies.  
30 When the mill was operating there were so many flies there it was just really a tough, tough  
31 thing to have an outdoor festivity during the day 'cause the flies would just drive you crazy, but  
32 the mill is closed now so we're thinking maybe the amount of flies is not going to be that much  
33 of a problem when we have outdoor events during the day time. But we think that the residence  
34 hall has got a lot of opportunities for additional income from us and it's...we're excited about  
35 what we have ahead of us. We're interviewing new director and the people we've talked to  
36 have really been excited about the potential opportunity for getting that facility well-known. But  
37 you know we've got other museums on this island they're all vying for the same dollar, but we  
38 think that we've got, we've got a real advantage in our location and again, the fact that it's  
39 Hawaii's oldest industry and it has so much heritage and history to Maui. I was going to  
40 mention something else what I thought would be important but I've forgotten.

41  
42 Ms. La Costa: And one last quick question please Roger. On the new section that you are  
43 looking at it says events and future development. What kinds of future development have you  
44 anticipated or are there any plans for that?

45  
46 Mr. MacArthur: Well we wanted to put in additional...some of that equipment we feel might be  
47 better under roof and because Mother Nature does take its toll and we're continually having to

1 paint and maintain the equipment because it's appealing to the people and so...and also maybe  
2 have a larger facility, facilities at night that would lend itself to additional revenue and interest.  
3 So you know it's...we're basically...we're in the entertainment business, we really are, we're  
4 there to...and to make people aware of the sugar industry. I mean we...I think we have to help  
5 people remember that Hawaii was sugar and pineapple that's what made this place so great  
6 and we don't want to lose that, we want to continue that history of a great industry and that's  
7 really our goal.

8  
9 Ms. La Costa: Thank you.

10  
11 Mr. Carnicelli: Thanks Roger appreciate it.

12  
13 Mr. MacArthur: Anyone else? One more.

14  
15 Mr. Carnicelli: Commissioner Thompson.

16  
17 Mr. Thompson: I apologize for never being there, but do you have a gift shop?

18  
19 Mr. MacArthur: Yes, we do.

20  
21 Mr. Thompson: Okay, great, yeah 'cause museums don't make money but gift shops do.

22  
23 Mr. MacArthur: Well, you know that was my other point, for years when sugar was...when the  
24 mill was open we would get a lot of...they would donate...HC&S would donate sugar to us and  
25 that was a big, big source of income, you know, little packets and people...it's easy to put in  
26 your purse or put in your suit case and take it home. And that generated a lot of income for us  
27 and well of course with the mill closing down we don't have that avenue, that opportunity with  
28 that product but it was a great source and at that time the facility was making money, the gift  
29 shop. It's not making money now so we're getting...trying to be creative, t-shirts everybody got  
30 to get a t-shirt.

31  
32 Mr. Carnicelli: And booze.

33  
34 Mr. MacArthur: Yeah, right.

35  
36 Mr. Carnicelli: Thanks Roger, appreciate it. Bill Kohl.

37  
38 Mr. Bill Kohl: Good morning.

39  
40 Mr. Carnicelli: Good morning Bill.

41  
42 Mr. Kohl: My name is Bill Kohl and I just came here to show support for the museum. Over the  
43 years I've worked with them on indirectly on other projects. Well, for example the  
44 Claus Spreckels steam engine that is currently over in Waikapu at the Maui Tropical Plantation.  
45 I was the guy that came up with the whole thing of putting in the barn, the steam engine and the  
46 train over there. I don't know if anybody's been there but...and then I put the big gears in the  
47 middle of the pond. Anyway I'm really into preservation of history in that way and kinda telling a

1 story and I think a real good opportunity here is to allow them to kind of expand on their facility  
2 and keep that history going 'cause I think it's really important and I think if they add plants and  
3 landscaping and kinda make it a really nice place for people to come visit their numbers will go  
4 up you know it's part of the whole marketing. The visibility should improve. But I just want to  
5 show support and I think it would be great if you guys could help them out.

6  
7 Mr. Carnicelli: Thank you Bill. I love the way that you design by the way. Super cool so help  
8 these guys out.

9  
10 Mr. Kohl: Yeah, I also helped out Mama's Fish House, put those augers in and all that stuff in.

11  
12 Mr. Carnicelli: Yeah, yeah, awesome. Thank you very much. Any other questions? Thank you  
13 Bill. Theo Morrison. Good to see you not on the west side.

14  
15 Ms. Theo Morrison: I do come over. Good morning, my name is Theo Morrison, Executive  
16 Director of Lahaina Restoration Foundation. We're here to support this project and are very  
17 excited to see the expansion plans of the sugar museum. Lahaina Restoration Foundation has  
18 a variety of museums in Lahaina for the different eras of Lahaina's history and we have a very,  
19 very small plantation museum so I believe that, I'm not sure about this, but Maui, the sugar  
20 museum has the largest collection of plantation artifacts in Hawaii...Maui, Maui for sure very  
21 close to being the largest in Hawaii. Doing the history of an era which has recently closed is  
22 probably one of the most difficult things because everybody just looks at your stuff as old junk  
23 and it's hard to...(inaudible)...collect it because people are just throwing it away. So it's critical  
24 that this expansion especially according to what I read they're going to be collecting or they  
25 already have collected some of the big agricultural equipment from the plantation. If they don't  
26 get it now they will never get it, and it just won't be there. And there's a world of difference  
27 between looking at a photo of some of those huge machines and standing next to one to  
28 experience you know, the enormity of the equipment, which was the enormity of this industry.  
29 So we think it's fabulous that they're expanding and really hope you support this project. Thank  
30 you.

31  
32 Mr. Carnicelli: Awesome. Thank you Theo. Any questions for the testifier? Doug Sheehan.

33  
34 Mr. Doug Sheehan: Good morning Commission Members. I'm Doug Sheehan.

35  
36 Mr. Carnicelli: Good morning.

37  
38 Mr. Sheehan: I'm going to be deferring until later during the question and answer time rather  
39 than testifying right now if that's all right?

40  
41 Mr. Carnicelli: We may not have questions for you so speak now or forever hold your peace.  
42 You never know, you got your three minutes take it.

43  
44 Mr. Sheehan: Okay, I've been the president since 2007 so I've certainly seen a lot there. We  
45 are...this expansion is exciting obviously for all of us. I've always been involved. I moved to  
46 Maui in 1980 with my wife and kids, born and raised on Oahu. But anyway I was always  
47 working with the sugar industry in my occupation. I'm retired now. So I understand all

1 that...pretty much all that has gone on in what makes sugar and it's just amazing the size, the  
2 amount of torque. You're an engineer. I was talking to a gentleman yesterday from Arizona  
3 who was looking at some of the crushing equipment, rollers we had and he said, you know we  
4 have cane over in Arizona and I didn't believe him and he says, no we do but the rollers are only  
5 about this big and so he's looking at these monstrous things that we have and so I threw out a  
6 figure to him. I said, the crushing plant, the final mill at HC&S we calculated it about 16 million  
7 inch pounds of torque which means one inch away you'd have to put 16 million pounds to turn  
8 that thing, correct me if I'm wrong now. I just know enough to be dangerous. Anyway, there's  
9 just a lot of facts like that that are not known by people out there that we're trying to get more  
10 and more to the people so they go, wow I didn't know it was so involved. I found a book the  
11 other day...I still go into the mill, I'm able to sign a waiver and I'm trying to collect a lot of the  
12 history that's still there that's a lot of it is just being thrown away. And I found a bunch of  
13 manuals that were made not too long ago and it talks about for a new employee the whole  
14 history of what's involved in making sugar and so I have maybe three of about 20 these  
15 manuals and I'm trying to get the rest of them 'cause it just talked about sugar cane as an  
16 example and I had no idea like Roger said you think it's called a grass and you just grow it.  
17 Well, this one book talked about hundreds of varieties and how the temperature and the bugs  
18 and the soil...what does that mean?

19

20 Ms. Pali: You're up.

21

22 Mr. Sheehan: That mean I'm talking too much.

23

24 Mr. Carnicelli: No, it just means your three minutes is up.

25

26 Mr. Sheehan: Anyway there's a lot of stuff like that that we're involved with. We're trying to  
27 bring the last cane haul truck is still over there with a 80-foot long trailer. It's a 772 Cat. It's  
28 made for rock quarries, they take the dump bed off and they make a big fifth wheel and then  
29 HC&S would build the actual trailer to haul 70 or 80 tons of cane that's sitting there waiting to  
30 come over. We've had to have the County cut down trees so that the only way we can get it in  
31 is down through old Puunene Highway. We're gonna bring that in on display.

32

33 Mr. Carnicelli: Awesome. Thank you so much. If we have more questions for you we'll bring  
34 you back up. Thanks Doug. Holly Buland.

35

36 Ms. Holly Buland: Good morning. My name is Holly Buland. I'm the current director of the  
37 sugar museum. I've been with the museum for ten years, mostly as assistant director, and then  
38 recently as the interim executive director and it's so important to preserve the history of the  
39 sugar industry but mostly the heritage of the plantation and the immigrants that came from all  
40 over the world to work in the fields in response to the needs, the labor needs of the industry.  
41 You know, today's island society is descended from those original immigrants who came here, a  
42 lot of today's society it's the social makeup of our islands and it's very important to preserve that  
43 for future generations and to educate them. Some people may not even know their ancestors  
44 had come here originally in the 1800's to work in the fields and we have a lot of information that  
45 can help them in our archives for genealogical purposes and we're educating our elementary  
46 school students right now with our education program we've had for 30 years that maybe your  
47 children might have gone through, the second grade school program. It's just incredibly

1 important to continue to educate our youngsters about this really important part of history and  
2 now that the mill is gone it's even more important to keep that up 'cause now there's no more  
3 visual for anyone to look at so that's my two cents. Thank you very much.  
4

5 Mr. Carnicelli: Awesome. Thank you Holly. Any questions for the testifier? Seeing none, thank  
6 you Holly. Would anybody else like to testify on this particular item? Please come forward.  
7 Good morning.  
8

9 Mr. Warren Shibuya: Good morning Commissioners. Good morning Director, Michele.  
10

11 Ms. McLean: Good morning former Commissioner.  
12

13 Mr. Carnicelli: Please state your name for the record.  
14

15 Mr. Shibuya: Warren Shibuya.  
16

17 Mr. Carnicelli: Thank you Warren.  
18

19 Mr. Shibuya: I'm a former Variance and Appeals Member, and Planning Commissioner and  
20 Maui Advisory Group, advisor. I just wanted to lend my support for this expansion of the  
21 museum and I hope that we can have this...your concurrence for it. I am one of the docents  
22 there and I invite you to join me or if you are planning to visit the museum I'd be willing and very  
23 happy to guide you through it. You give me the one-hour bit or you give me the two-hour bit or  
24 you want the Japan General Counsel bit, I'll give you whatever you want. I grew up in Camp 5,  
25 Puunene and after the strike my family was actually moved out, I mean asked to move out and  
26 we went to Kula and actually it changed my life because now I was closer to the stars and I  
27 could see many of the things. I actually retired from the Space and Missile System Center as a  
28 aerospace type of an engineer. And so I just want you to know that yes, we have local folks that  
29 have been part of the aerospace industry but yet I have a aloha for Hawaii and Maui in  
30 particular and so please come to my briefing I would love to do that. Please work with the staff  
31 and they'll give me a call and we'll arrange the time. Are there any questions?  
32

33 Mr. Carnicelli: Seeing none, thank you Warren. Really appreciate you coming. Is there  
34 anybody else that would like to come forward and testify on this particular item? Then without  
35 objection we'll go ahead and close public testimony. I guess at this point in time we can open  
36 up the floor for questions unless Bryan do you have anything else that you want to add or Livit?  
37

38 Mr. Esmeralda: I don't, no.  
39

40 Ms. Callentine: I do not, Mr. Chair.  
41

42 Mr. Carnicelli: Okay, then we'll go ahead and start questions with Commissioner Freitas. And  
43 guys just this first round, we'll do as many rounds as we need, let's do two questions each and  
44 we'll go around and then after that, so Commissioner Freitas.  
45

46 Mr. Freitas: Okay, my question is have you considered changing the zoning from Residential  
47 because the last time I saw a house there was probably in the 80's that people actually lived in

1 and I think it would be so much easier than going through the many conditional permits that over  
2 the years that you've gone through. Is there an obstacle or challenge that restricted you folks  
3 from considering that?

4  
5 Mr. Esmeralda: Thank you for that question. The issue is that the land is leased from A&B so  
6 they retain the rights on the...you know to retain the land use designations should the lease  
7 expire and not be renewed. But you know that question has come up, but at this time the desire  
8 is to keep the conditional permit as long as possible. Thank you.

9  
10 Mr. Carnicelli: Commissioner Thompson.

11  
12 Mr. Thompson: No.

13  
14 Mr. Carnicelli: Commissioner Pali. Commissioner Robinson.

15  
16 Mr. Robinson: Thank you Santa. I have two questions. The first question is in the report it says  
17 that we might expect up to 2,000 people a day like the old days and that you guys will find  
18 parking from neighbors. Do you have any letters from neighbors saying that they will agree to  
19 that or what is...or how many parking stalls do you have now? Can you help me grasp the  
20 numbers and how that kind of event will happen through that?

21  
22 Mr. Esmeralda: Sure, so with regards to that event it would be similar to events they've had in  
23 the past and that would be maybe 2000 people over the course of the day. Like I mentioned  
24 they've had events like that in the past so if I can maybe bring Holly or Doug up to kind of give  
25 more information as to how they've handled those events in the past.

26  
27 Mr. Robinson: Thank you.

28  
29 Mr. Carnicelli: Just state your name for the record.

30  
31 Mr. Sheehan: Doug Sheehan, President of the Board of the Directors. Around 2007 in that  
32 area we had a Plantation Festival went on three or four years in a row. We were able to get  
33 permission from the church at the far end on the highway there.

34  
35 Mr. Castro: King's Cathedral.

36  
37 Mr. Sheehan: King's Cathedral, and we had SpeediShuttle would offer their services and so we  
38 took care of a lot of parking that way. Actually now with HC&S closed I'm sure we'd be able to  
39 get permission in that lot right across the street where the old Puunene swimming pool was.  
40 There's probably more parking available than there used to be when we did it. It went without a  
41 hitch, you know, I mean the road, yeah there were a lot of people...we had police and we had  
42 everything set up so it was pretty safe and stop the traffic if people were walking across the  
43 street into the facility. And we are, you know, thinking that may be a way to generate more  
44 interest. We are trying to get the local people to come in 'cause most of our visitor, you know  
45 our admissions are tourists, so that's why we had these festivals.

46  
47 Mr. Robinson: Thank you.

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Mr. Sheehan: That's all?

Mr. Robinson: Another question to the Director, not the Planning Director, what was his name? I'm sorry, whoever's in charge of the museum.

Ms. Buland: My name is Holly Buland and I'm the museum director.

Mr. Robinson: Thank you Holly. Is you were talking about the history of the museum and unfortunately I haven't been to the museum, but have you folks reached out to any part of the Native Hawaiian community and the effects the sugar cane had on Maui as maybe as part of your exhibit. I know people are getting a lot more, a lot more open on the effects of everything, you know over the years of the maybe the...you know a little small place, the displacement, the water and how it came about. There's a lot of great things that happened but I think a whole history, is might be you know, might be time where you know everybody gets a little say in it becomes more of a whole full circle thing of what happened and where it was. That's just a recommendation.

Ms. Buland: Right. Yes, we have not specifically reached out to any groups but that is something to take into consideration, yes.

Mr. Robinson: Thank you so much.

Ms. Buland: Thank you.

Mr. Carnicelli: Commissioner Tackett.

Mr. Tackett: I have no questions at this time.

Mr. Carnicelli: Thank you. Commissioner Castro.

Mr. Castro: No questions.

Mr. Carnicelli: Commissioner La Costa.

Ms. La Costa: Thank you Chair. My only question is will there be activities and forgive me if I didn't understand this previously, will there be activities that are non-cultural because everything again that I've seen all talks about cultural, cultural, cultural, so opening it up to non-cultural events might also help with the coffers so that's my question.

Mr. Esmeralda: Well the intent is to highlight the sugar and plantation multi-ethnic, cultural history of Maui but in terms of maybe revenue generation perhaps, but of course the main focus would be cultural events.

Mr. Carnicelli: Commissioner Freitas.

1 Mr. Freitas: It says in this description of the project that the intent of the museum was a  
2 memorial to the early sugar pioneers, Alexander and Baldwin. If you would like to get more of  
3 the local community to attend and recommend this location based on what the intent of the  
4 museum you kind of missing a good point was that the Hawaiians brought sugar cane here.  
5 Maybe you could consider a small, small section that talks about that you know.  
6

7 Mr. Esmeralda: Yeah, thank you for that.  
8

9 Mr. Freitas: And then that way locals that come would be like okay, it's I mean little bit of what  
10 Commissioner Robinson is saying you know, something cultural added in there.  
11

12 Mr. Esmeralda: Thank you for that.  
13

14 Mr. Carnicelli: Any other questions at this time? One quick question just because we've had  
15 issues with boundaries in the past. It's gonna be surveyed?  
16

17 Mr. Esmeralda: Yes.  
18

19 Mr. Carnicelli: The addition will be surveyed, staked out, clearly delineated.  
20

21 Mr. Esmeralda: I'm not sure that it has but—  
22

23 Mr. Carnicelli: Not, not, I mean it will be.  
24

25 Mr. Esmeralda: Right. Yes.  
26

27 Mr. Carnicelli: Okay. Who should I ask the question about events? Holly do you want to do  
28 that or—  
29

30 Mr. Esmeralda: Or perhaps Doug maybe?  
31

32 Ms. Buland: Say my name again?  
33

34 Mr. Carnicelli: Sure.  
35

36 Ms. Buland: Holly Buland, museum director.  
37

38 Mr. Carnicelli: Thanks Holly.  
39

40 Ms. Buland: Can I answer your question about the...we do in our, in our exhibit gallery we do  
41 spotlight that the Hawaiians did bring sugar cane in its origination things so we do have a little  
42 bit of that, but we could certainly expand on it too, that's also possible.  
43

44 Mr. Freitas: Thank you for sharing that.  
45

46 Ms. Buland: Thank you.  
47



1 Mr. Carnicelli: So I'm just going to other conditional permits that we've had that are in this sort  
2 of thing, I'll just be direct are you guys okay if we say no pyrotechnics?

3  
4 Ms. Buland: Yes.

5  
6 Mr. Carnicelli: Okay. Especially in light of some of the things that recently happened it's just  
7 like I think that that would be a good condition to put on the permit is to say that okay you can  
8 events but I think in the past we've said, you know no open fire greater than a candle or no open  
9 fire greater than a tiki torch maybe or something to that effect just being what it is. I mean,  
10 would you guys be open to that? I mean we're just a recommendation to Council so they're  
11 ultimately going to make the decision but would you guys be open to that?

12  
13 Ms. Buland: Yes.

14  
15 Mr. Carnicelli: Okay.

16  
17 Ms. Buland: You know if they ever come up with battery powered fireworks that would be great  
18 too...(inaudible)...battery powered candles. Yes.

19  
20 Mr. Carnicelli: And now I want to just go back to the events because if what we're trying to do is  
21 allow you guys to generate income, right? I mean that's really what we want to do. So we have  
22 six events up to 200 people, it's not like you guys have direct neighbors there, right at least now  
23 you might eventually. I know a lot of people would like for you guys to have neighbors, but why  
24 only six?

25  
26 Ms. Buland: That is a good question. It is not...it was a number that was pretty much just  
27 thrown out thinking, thinking about the past plantation days events was one a year. So why not  
28 try to do six in light of us trying to put ourselves out in the community we can think of several  
29 more than just one event a year. So it was just a random number thrown out.

30  
31 Mr. Carnicelli: Cause a wedding can be more than 50 people.

32  
33 Ms. Buland: Yes.

34  
35 Mr. Carnicelli: Very easily. So if you're wanting to do weddings that you know plantation days  
36 and five weddings 'cause that's all you got.

37  
38 Ms. Buland: Yeah.

39  
40 Mr. Carnicelli: And then you're trying to do a bunch of events less than 50 people. If really what  
41 you're trying to do is generate income through doing events that's really kind of ultimately what  
42 this is I think you're handcuffing yourselves.

43  
44 Ms. Buland: Yes, and I'm not clear about where the 50 persons came into play 'cause I would  
45 think that any event would be more than 50 people. I mean just a farmer's market is more than  
46 50 people so I'm not clear about that.

47

1 Mr. Carnicelli: True, right, yeah, that be actually kinda a cool place for a farmer's market.

2  
3 Ms. Buland: Yeah, that's one of our ideas too. When the agriculture in the area starts  
4 producing that would be nice to have.

5  
6 Mr. Carnicelli: Either Livit or Director I'm trying...I'm just amiss right now like what would be  
7 something more normal that we would do for a conditional permit like this. You know somebody  
8 that wanted to do events. I'm thinking of the Baldwin House out in Haiku.

9  
10 Mr. Tackett: Baileys

11  
12 Mr. Carnicelli: Oh Bailey House, you know some things like that. Is, is especially if they're  
13 talking about okay, we're competing with other museums. Okay.

14  
15 Ms. McLean: The condition that's in front of you now far outceeded, far exceeded what the  
16 original request was.

17  
18 Mr. Carnicelli: Okay.

19  
20 Ms. McLean: And this was a Department recommendation because we want the museum to  
21 succeed we wanted them to have more opportunities to do events than what they had  
22 requested. And looking at this today if they want to do more then that's something the  
23 commission can consider. But the way the condition is written right now there would not be a  
24 limit on outdoor events with up to 50 people. For events with more than 50 people the limit is 18  
25 and only six of those could not have any relation to sugar, the plantation era, so those could just  
26 be a wedding without any connection to the museum. The remaining 12 would have to be  
27 related to the museum, would have to have the plantation or cultural theme. So that's what...so  
28 the Department looked at what they had requested and went beyond that and used this  
29 description for them. Whether that's what the commission wants, if you want to allow more  
30 people, if you want to allow more events, if the applicant wants to allow more events or change  
31 those parameters then that's up for the discussion right now, but that's how this came about.  
32 It's was based initially on what the applicant requested and then we broadened it somewhat.

33  
34 Mr. Carnicelli: Got it. So less than 50 unlimited. From 50 to 200, 18 of which 12 have to be  
35 plantation themed, 6 can be whatever. So I'm gonna put it to you guys. What are you guys  
36 okay with? I mean, how would you like to see this written or given? I'm seeing a no.  
37 Commissioner Pali I'm gonna go to you first.

38  
39 Ms. Pali: Oh okay. Yeah, I don't...is it normal that we would restrict? I mean it is kind of right  
40 now out in nowheresville so to speak. There's no neighboring neighbors, we have Omaopio up  
41 there but I don't feel like I have to...this is, this is good stuff. This is part of all of our history. I  
42 don't feel like we have to micromanage so I don't feel like I need any of this for me personally.

43  
44 Mr. Carnicelli: Okay. Commissioner Robinson.

45  
46 Mr. Robinson: I just want to get some, some general clarification on things. You know we have  
47 events, Town Action Committees they have their events, they come in for special permits. If it's

1 over, they're gonna be developing a new area, they're gonna have a Fire Code. Fire Code is  
2 gonna give the amount of people can have inside, they're also gonna have recommendation on  
3 what they can carry outside with the fire and I think that's the only thing that we really care  
4 about. We did parking. So you know churches have weddings all the time and as much as  
5 people can fit in the church you know. This is a nonprofit, this isn't a for profit entity. You know  
6 I think that's where we just have to use our common sense and you know, and just County  
7 guidelines I think should warrant this. I know it's in a special area. But you know my  
8 personal...(inaudible)...you know it's exempt and should be treated like any other nonprofit, you  
9 know facility. Because the words cultural, I don't know why it has to be in there. You know, I  
10 think again it's a nonprofit and the reason...anything to benefit that nonprofit no matter how they  
11 use it you know shouldn't be something that we should hand-tie them with is my feelings.  
12 Thank you.

13  
14 Mr. Carnicelli: So you want no limit to events or it's...and just say basic Fire Code is gonna limit  
15 the number of people.

16  
17 Mr. Robinson: Yeah.

18  
19 Mr. Carnicelli: And then so number of events just say whatever they can do, they can do.

20  
21 Mr. Robinson: For me, it's you know it's putting cultural in there it's trying to...it's unfairly doing  
22 it to somebody else that's in that same tax code or that same...you know to have a wedding or  
23 an event. Now you know, it's to me it's all about safety, right. It's not gonna affect the  
24 neighbors because of the parking. This is a five-year permit. This isn't a forever. You know it  
25 could always be, but if there's complaints so my personal thing is is I want them to be  
26 successful. I just hope they include more in the history of the museum than just the one angle  
27 of it and that's what kind of what I'm going for, but other than that that's my idea.

28  
29 Mr. Carnicelli: Okay, Commissioner La Costa.

30  
31 Ms. La Costa: Thank you Chair. I concur with my fellow commissioners because I was  
32 concerned about the Fire Code but it will be regulated but to hamstringing them by saying it has to  
33 12 cultural events I don't think that that benefits the museum. So if you all want to have  
34 plantation day I will be there, if you want to have someone's wedding then you'll get revenue  
35 from that and help the museum grow and so best of luck and I don't want to restrict it.

36  
37 Mr. Carnicelli: Does anybody else have any comment? So...oh, Commissioner Tackett, sorry.

38  
39 Mr. Tackett: So I agree with what was said here today. No matter what your outlook on the  
40 industry was, the fact is is that my son, his grandparents one of them owns a house in Wahikuli  
41 and they were over three-quarters Hawaiian and one of them owns a house up Lahainaluna  
42 Road and they are also three-quarter Hawaiian and it was an industry that allowed Hawaiians to  
43 purchase a house and to own land at those times just like there are very few opportunities now  
44 for people of that descent to achieve those goals. I'm always supportive of anything that  
45 allowed people from an area to stay in an area and to support families and this is an imperfect  
46 world and I'm not saying that everything was good or that everything was bad about it but I do  
47 know for a fact that a lot of families derived their livelihood from this industry and a lot of them

1 weren't natives in nature and so I'm completely supportive of what you guys are doing and I  
2 know that my son's grandparents were fortunate to have opportunities that allowed them to stay  
3 here and to purchase a home in this place, so yeah I'm totally, totally in favor.

4  
5 Mr. Carnicelli: Thank you Commissioner. So do we have an appetite of just scratching  
6 Number 7?

7  
8 Ms. La Costa: Yes.

9  
10 Ms. Pali: Yep.

11  
12 Mr. Carnicelli: Just scratching it. Okay. Right, and then are you guys okay with adding  
13 something about fireworks, pyrotechnics, Commissioner Robinson.

14  
15 Mr. Robinson: The question I have is the candle thing if they have a...of course fire is  
16 everywhere I understand and dry and that's where I think the special events if they're gonna  
17 have a cookout you know that's more than a candle you know just on a regular gas flame so I'm  
18 not sure. The pyrotechnics I understand that's one thing but if they're gonna have...you're  
19 gonna use all that outdoor area that's where I'm concerned about limiting that unless...I don't  
20 know what the normal function is for an outdoor event if they do get a special permit or they do  
21 have to go through there I'm not sure. But I am concerned about fires, but besides pyrotechnics  
22 that other limit I'm not.

23  
24 Mr. Carnicelli: Okay, so I mean we don't have to do the open flame thing, we can just...'cause  
25 like you said what if they're doing a barbeque gas grill something like that. Pyrotechnics though  
26 you guys okay with limiting pyrotechnics, yes? Okay, Director if you would read kind of what it  
27 is that you scribbled down.

28  
29 Ms. Pali: I have a question.

30  
31 Mr. Carnicelli: Yeah, Commissioner Pali.

32  
33 Ms. Pali: If we were to want to do let's say pyrotechnics is that...they still have to go through  
34 certain County permits anyway whether we exclude it or I mean let's say we kept it open they  
35 would still have to go through the proper permitting process anyway, right? And at that time  
36 wouldn't they look at the area and deem like oh, that's probably not the best area, it's not over  
37 water, it's where all the bush fires are common, so do you feel like you still want to add that in  
38 there?

39  
40 Mr. Carnicelli: Let's hear what her answer is.

41  
42 Ms. McLean: Yes a permit is needed for aerial fireworks but I don't know what review process  
43 entails. I simply don't know if it includes concerns about fireworks because my guess is that  
44 they don't anticipate fire coming to the ground so I don't know if it's...I don't know what kind of  
45 review there is for it.

46

1 Mr. Carnicelli: The other thing too is we're recommendation so we can have it in there or not  
2 and it's gonna go to Council and they have the final say. Director if you would read just what it  
3 is that you kinda scribbled out if we in fact want to use that as a condition?  
4

5 Ms. McLean: Just that no fireworks and pyrotechnic displays shall be allowed or that fireworks  
6 and pyrotechnic displays shall be prohibited.  
7

8 Ms. Pali: Okay.  
9

10 Mr. Carnicelli: Okay, we kinda okay with that consensus? Okay, Livit I see you grabbed the mic  
11 did you want to say something?  
12

13 Ms. Callentine: Yeah, I was just gonna, just to kinda craft it just a little bit more that no fireworks  
14 I forgot what did she say, aerial...pyrotechnic displays shall be deployed from the property.  
15

16 Mr. Carnicelli: It seems to be okay, yeah. And then you know Bryan you guys can maybe  
17 before it goes to Council do a little homework on finding out like what it takes to get that permit  
18 and how safe it is and isn't or something like that. You can say that you know we're not married  
19 to this when it comes to Council if in fact there is as Commissioner Pali said, if there's you know  
20 safeguards in place and this is something that you guys would like to have then you know make  
21 your case in front of Council that's fine with us.  
22

23 Mr. Esmeralda: Thank you.  
24

25 Mr. Carnicelli: Anything else? So Livit if you would give us your recommendation please.  
26

27 Ms. Callentine: Thank you Mr. Chair. The Department finds that the proposed uses would not  
28 be significantly detrimental to the public interest, convenience, and welfare and will be in  
29 harmony with the area. The Department is recommending that the Commission recommend  
30 approval to the Maui County Council of an amendment to the existing conditional permit subject  
31 to six standard conditions and one new amended condition, Number 7 which we just discussed.  
32 So that would delete the Condition 7 that is shown in your recommendation and that would add  
33 the new condition. And I'd also like to amend the last paragraph on Page 20 of the report  
34 just...we erroneously referred to a Land Use Commission permit so I'd like to actually read the  
35 correct language and I will make this correction. In consideration of the foregoing the  
36 Department of Planning recommends the Maui Planning Commission recommend approval of  
37 the Conditional Permit with conditions to the Maui County Council and authorize the Director of  
38 Planning to transmit its recommendation to Maui County Council and adopt the Planning  
39 Department's report and recommendation prepared for the December 10, 2019 meeting as its  
40 findings of fact, conclusions of law, and decision and order and authorize the Director of  
41 Planning to transmit said written decision and order. Thank you.  
42

43 Mr. Carnicelli: Thank you. Do I have a motion? Commissioner La Costa.  
44

45 Ms. La Costa: I so move to approve pursuant to Ms. Livit's readings.  
46

1 Mr. Carnicelli: Move to approve as recommended by Staff. Do I have a second? Seconded by  
2 Commissioner Pali. Any discussion on the motion? Commissioner Pali.

3  
4 Ms. Pali: Yeah I think this is just one of those feel good requests. It's sometimes we don't get  
5 fill good ones and this feels really good and all of the above just being able to just pass down  
6 the legacy of the people who came before us. I had many summers at Lahaina pump and so I  
7 have my fair share of memories being there and I think that our kids and their kids and their kids  
8 should know and so I appreciate all the hard work that you guys do and we're happy to support  
9 this.

10  
11 Mr. Carnicelli: Good. Anybody else? Yeah, this is one of those rare ones where nobody walks  
12 out sad or mad. Director...oh, Commissioner Freitas.

13  
14 Mr. Freitas: I'd like to say to Roger that I am one that like to go to museums when I go on  
15 vacation and I'd like to see this one go through as well.

16  
17 Mr. Carnicelli: And Warren is gonna give you too. Actually I was fortunate enough to actually  
18 do the tour of the mill while it was running that was powerful, that was super powerful, that was  
19 super cool. I wish we could still do that, but Director.

20  
21 Ms. McLean: Thank you Chair the motion on the floor is to approve the...or excuse me, to  
22 recommend approval to the County Council of the conditional permit subject to the seven  
23 conditions and language as modified.

24  
25 Mr. Carnicelli: All those in favor please raise your hand? Unanimous, seven ayes.  
26 Congratulations. Good luck at the County Council and good luck getting all your events filled up  
27 as well.

28  
29 Mr. Esmeralda: Thank you very much for your time and support today.

30  
31 **It was moved by Ms. La Costa, seconded by Ms. Pali, then unanimously**

32  
33 **VOTED: To Recommend Approval of the Conditional Permit to the County**  
34 **Council as Recommended by the Department with the Seven**  
35 **Conditions and Language as Modified.**

36  
37 **(Assenting – P. D. La Costa, K. Pali, K. Freitas, D. Thompson,**  
38 **K. Robinson, C. Tackett, S. Castro)**  
39 **(Absent – T. Gomes)**

40  
41  
42 Mr. Carnicelli: Merry Christmas, yes. Livit are you ready to move forward on the next item?

43  
44 Ms. Callentine: Just got to switch up the slides.

45  
46 Mr. Carnicelli: Okay. Quick recess.

47

1 A recess was called at 10:07 a.m., and the meeting was reconvened at 10:12 a.m.

2  
3 Mr. Carnicelli: The Maui Planning Commission of December 10, 2019 is now back in session.  
4 Director.

5  
6 Ms. McLean: Thank you Chair. Next you have a request from Ms. Trina Pinsky for a  
7 Conditional Permit and a State Special Permit in order to establish and operate the  
8 Haleakala Upcountry Market, to be comprised of retail flowers, gifts, craft workshops, parking,  
9 and Stewz Burgers food truck, on approximately 2.530 acres at TMK: 2-3-013:025 at  
10 16157 Haleakala Highway in Kula, and once again Livit Callentine is the Project Planner.

11  
12 **2. MS. TRINA T. PINSKY requesting a Conditional Permit and a State Special**  
13 **Permit in order to establish and operate the Haleakala Upcountry Market, to**  
14 **be comprised of retail flowers, gifts, craft workshops, parking, and**  
15 **Stewz Burgers food truck, on approximately 2.530 acres at**  
16 **TMK: (2) 2-3-013:025, 16157 Haleakala Highway, Kula, Island of Maui**  
17 **(CP 2018/0003, SUP2 2019/0012) (L. Callentine)**

18  
19 Ms. Livit Callentine: Good morning again Commissioners.

20  
21 Mr. Carnicelli: Good morning again.

22  
23 Ms. Callentine: This item is before you for review because the applicant is proposing a retail  
24 market and food truck on about two and a half acres in the State and County designated rural  
25 land. A Land Use Commission Special Permit is required because the market is not a permitted  
26 in the State Rural District. And then a Conditional Permit is necessary is because the market is  
27 neither a permitted nor a special use in the County Rural District.

28  
29 So the proposed market will be located in one dwelling onsite, and I'm going to try to navigate  
30 my slides. This is a location map. So it's kinda hard to see but this is Crater Road so they're  
31 right at the base, almost...just a little bit above the base of Crater Road at 16155 Haleakala  
32 Highway. The site...here's an overview of the site. So the blue line you see are...the blue lines  
33 that you see are the border of the whole entire property but on the next side you'll see that this  
34 corner right here, a quarter acre of this corner is actually...the property's been condominiumized  
35 is what I'm trying to say, and so this area right here a quarter of an acre right here is Unit A, is  
36 Unit B, and all the rest of the property is Unit A and that is the property on which the market and  
37 food truck are proposed to take place. The green line around this area just to show the area  
38 where the activities will be taking place in regards to the market and the food truck.

39  
40 This is the CPR map. Now it's a different orientation so it didn't look right when I tried to twist it  
41 so this again this is the quarter acre parcel or part of the lot and the rest of it is in the Unit A  
42 CPR unit.

43  
44 These are photographs of the approach to the project. This is just about to make the turn onto  
45 Highway 377 off of Highway 378 probably you guys have seen that many times. Having gone  
46 around the curve this shows in the left-hand side this is a peak at the structure that is proposed  
47 to be used for market. And here's the driveway on Ponimoi and the—on the way to the parking

1 areas and the property. The parking plan shows that they have a total of 12 stalls. However,  
2 two of them...sorry I should be speaking into the mic, 12 stalls however two of them are going to  
3 be dedicated to the food truck aspect over there on the left-hand side right here, food truck, and  
4 there's two more stalls right here and eight stalls up here for a total of ten stalls available. They  
5 need eight stalls for the uses they're proposed according to our Zoning and Administration  
6 Division and the Maui County Code.

7  
8 So this is a picture of the...currently it's a dwelling, and it will become a market. It was  
9 previously a market. Let me talk about that for a minute. So the market will be located in this  
10 one dwelling and which was constructed in approximately 1982. The market will have retail,  
11 office and storage space and it has one bathroom. Also on the property are two open pavilions  
12 with picnic tables which guests may use while consuming the food purchased on site and  
13 there's also two storage buildings. I'll go through a couple more pictures right now. This is the  
14 upper parking area which was shown as having...the parking stalls are along this side of the lot,  
15 eight stalls. Again, another little shot of the stalls. This is showing the overview of the site, it's  
16 fairly heavily wooded on the right-hand side of the picture which I can't think of the directions  
17 right now, but anyway these are two open pavilions that have picnic tables in them and they will  
18 be available for guests to use if they want to take a break from shopping or eating.

19  
20 The market will sell flowers and vegetables and made on Maui products and initially the  
21 applicant intended to provide quarterly craft workshops but as of now that portion of the request  
22 has been withdrawn. The applicant expects to employ four to five employees to operate the  
23 market and food truck.

24  
25 So the property has a history as a retail market. Previously John Hiroshima operated the  
26 Sunrise Market for approximately 30 years and he closed in 2012. The property was sold and  
27 the new owner established this condominium regime and the applicant, Trina Pinsky purchased  
28 Unit A which is about a two and a half acre parcel. The property has been used to grow protea  
29 for many years and the applicant will continue this use. In addition she plans to grow  
30 vegetables for the commercial...licensed commercial kitchen that she operates in Kihei under  
31 the name Stew's Maui Burgers. This kitchen is also where the food preparation will take place.

32  
33 We transmitted the application to various agencies and I have a summary of their comments. I  
34 don't know if that's necessary. I'm looking to the Chair for a little direction. How would you like  
35 me to go into that?

36  
37 Mr. Carnicelli: I don't think at this point you need to do that.

38  
39 Ms. Callentine: Needless to say, I'll suffice to say all the comments have been or will be  
40 addressed through the conditions of approval. It was nothing really significant. There  
41 were...also you like to hear about Requests for Service. So there were several Requests for  
42 Service but they were all filed prior to the applicant's purchase of the property. They were  
43 included in the report as Exhibit 31 if you're interested. Three people offered written testimony  
44 in support of the applications and no protests were received.

45  
46 At this point, let's see at this point I'd like to just go through the rest of the slides real quickly for  
47 you. This is the...an upper storage building. This is a storage building at the lower end of the



1 property. This is just a picture showing the corner of the, a corner of the dwelling and some of  
2 the plantings and this looks as though she's preparing to make planting beds here in these  
3 frames. Another...you can see it's not flat, it's fairly level but it's not completely flat. And then  
4 this is of course, some of the lovely protea that she's growing on site. So with that I'd like to  
5 introduce Trina Pinsky who would like to introduce herself and say a few words.

6  
7 Mr. Carnicelli: Okay, thank you Livit.

8  
9 Ms. Callentine: Thank you.

10  
11 Ms. Trina Pinsky: Aloha and Mele Kalikimaka to all. I want to thank you for your time, your  
12 dedication Commissioners in serving the County of Maui.

13  
14 Mr. Carnicelli: Thank you. Actually you do need to say your name for the record.

15  
16 Ms. Pinsky: Oh I'm sorry. My name is Trina Pinsky.

17  
18 Mr. Carnicelli: Thank you Trina. Do you have anything else that you would like to add? Livit  
19 covered a lot.

20  
21 Ms. Pinsky: Yeah she did. No, I just wanted to say that this is a project I am very excited about  
22 and passionate about. In the retail market area I was going to be looking for Maui...Made in  
23 Maui products handcrafted here in Maui supporting the local businesses here that do that. And  
24 so yeah ...(inaudible)... So I have a sample of some of the products, just a glimpse of what we  
25 would be selling in the market portion. This is a pineapple that's handcrafted by Gina Teruya.  
26 She's been doing this for almost 20 years by hand here on Maui. Also, I have...I also have  
27 paper from Wrappily and they...yeah, handmade paper. Okay, let me get my...so this wrapping  
28 paper is made on Maui. It's processed and printed in bee wax, but it's made on 100 percent  
29 recyclable newsprint. I also have Maui Cattle Company beef jerky and supporting things that  
30 are born and grazed in Hawaii as well as bamboo straws by Wahi Hawaii. So a part of their  
31 proceeds to supporting the environment and the turtles here in Hawaii. And so that's just a  
32 glimpse of some of the things that I would be selling in the market. I am passionate about  
33 supporting things that are made in Hawaii on Maui and working with local handcrafters and  
34 artists. Also, yeah there's the food truck, and so the burger part of the food truck we've been in  
35 Kihei for about eight years and we use Maui Cattle beef and local produce for that and I think  
36 that would be just a good combination for the community to have and those are some of the  
37 protea flowers that are blooming right now, the King Proteas. So yeah, I think that's all. Thank  
38 you.

39  
40 Mr. Carnicelli: Thank you Trina, we appreciate it. So before we open this up for public  
41 testimony I think just in an abundance of caution I would like to address the letter that we  
42 received from Warren and JoAnn Shibuya on November 25, 2019, it's titled, Petition to  
43 Intervene. So I just out of an abundance of caution I would like to before we open up for public  
44 testimony have you address this please?

45  
46 Ms. Callentine: Mr. Chair, we received this letter from Mr. and Mrs. Shibuya into the  
47 Department and several of the administrators in the Department and managers looked at this

1 and said he wants to intervene but it was filed the day of the deadline of intervention and yet he  
2 said he was supportive of it. So it was a confusing letter so we actually just went ahead and  
3 called Warren or emailed him...I think we called him, yeah. Ann Cua and I called him. And he  
4 said, no, no, no I thought was just...I just I got...he thought he was...he thought he was  
5 supposed to call it a Petition to Intervene but he said I do not intend to intervene. I intend to  
6 support the project but I am raising some concerns which you can see those. I asked him  
7 subsequently would he be willing to then put that in writing to us that it was not a Petition to  
8 Intervene which he did and I believe that was also forwarded to the Commission the last week  
9 by email. He's not intervening. He's supporting with comments that's the way I would  
10 characterize it.

11  
12 Mr. Carnicelli: Okay. And hopefully since he's sitting here he can come up and clarify that for  
13 us as well. But I just wanted...because it says Petition to Intervene I just wanted to get that out  
14 of the way before we move forward. So thank you, I appreciate that.

15  
16 Mr. Carnicelli: Sure.

17  
18 Mr. Carnicelli: Okay. So at this point in time we are gonna go ahead and open up the floor for  
19 public testimony.

20  
21 Ms. La Costa: Chair, I have a clarification from Livit as well if you don't mind?

22  
23 Mr. Carnicelli: Okay, Commissioner La Costa.

24  
25 Ms. La Costa: Thank you. There is an RFS noted in...dated 2018.

26  
27 Mr. Carnicelli: Okay, we'll get to that. I just wanted to clarify the petition before...we'll get to  
28 Q&A after the public testimony. So at this point in time we have nobody signed up to testify on  
29 this particular item, but Warren if you would go and come forward and please give us your  
30 mana'o.

31  
32 Mr. Warren Shibuya: Thank you Commissioners. I'm Warren Shibuya. I'm actually a neighbor  
33 that's quite a distance away from Pinsky's property and grew up with John Hirashima and in fact  
34 I was disappointed when he sold the place and nobody was running that store. It's a good rest  
35 stop area for many of the visitors coming down and I support this project very much.

36  
37 The only concern I have is actually the standard of care that we need to somehow express with  
38 people driving down the highway. It's not a regular roadway it's a highway and buses actually  
39 cannot get into the parking lot so they park on the side of the road and you now have tourists  
40 and visitors all over the place and that can be of concern. And that's all I'm saying. Maybe we  
41 can have you know the State doesn't like to have the County telling them what to do so  
42 somehow maybe someone can mention it to the State that perhaps we have a flashing light  
43 saying 30 miles an hour or something to this effect. It might be something to make them aware,  
44 the motorists aware that we have visitors around who are more concerned of taking pictures or  
45 getting to the store or away from the store. Thank you.

46

1 Mr. Carnicelli: Thank you. Any questions for the testifier? Warren I have one quick question for  
2 you.

3  
4 Mr. Shibuya: Yes.

5  
6 Mr. Carnicelli: And this just popped up and it might be in here, parking on Haleakala Highway is  
7 there room on the shoulders to do that in this particular area?

8  
9 Mr. Shibuya: Barely.

10  
11 Mr. Carnicelli: Barely.

12  
13 Mr. Shibuya: Barely. In fact there was a concern and the Hirashimas put in that asphalt  
14 layment in that area so it's easy for the visitors to walk on because it was before it was just  
15 grass and rocks and soil.

16  
17 Mr. Carnicelli: How about on the opposite side of the highway though 'cause that's...to me that  
18 would be the bigger concern, right. They park on the other side then have to walk across the  
19 highway.

20  
21 Mr. Shibuya: Yes well, generally people don't see it until they come back down.

22  
23 Mr. Carnicelli: Got it.

24  
25 Mr. Shibuya: And also the interest is getting up to the summit first. So I don't see that as being  
26 a parking.

27  
28 Mr. Carnicelli: Have a burger on the way back.

29  
30 Mr. Shibuya: Yes.

31  
32 Mr. Carnicelli: Got it. Okay. Commissioner Freitas.

33  
34 Mr. Freitas: Mr. Shibuya—

35  
36 Mr. Shibuya: Yes.

37  
38 Mr. Freitas: What did Mr. Hiroshima or the previous owners sell?

39  
40 Mr. Shibuya: Proteas and they also had sandwiches and drinks and that sorta thing. But it was  
41 mainly for proteas, the flowers.

42  
43 Mr. Freitas: Okay, thank you.

44  
45 Mr. Carnicelli: Thank you. Thank you.

46  
47 Mr. Shibuya: Thank you.

1  
2 Mr. Carnicelli: Is there anybody else that would like to testify on this particular item? Then if  
3 there are no objections we'll go ahead and close public testimony and open up for Q&A.  
4 Commissioner La Costa.

5  
6 Ms. La Costa: Thank you Chair. So my question goes to Livit please. Thanks. On your  
7 introduction and your summary you said that there were no RFSs after the property was sold yet  
8 this is one showing 2018.

9  
10 Ms. Callentine: Right, let's take a look at that.

11  
12 Ms. La Costa: Will you please give us some information on that?

13  
14 Ms. Callentine: That is in, I believe it's in Exhibit 31 and—

15  
16 Ms. La Costa: It's on Page 5. It was not included in the Exhibits but it is on Page 5.

17  
18 Ms. Callentine: It is not. Oh I'm sorry, it was summarized that's right, it's summarized on  
19 Page 5, yeah I didn't include them all, thank you.

20  
21 Ms. La Costa: Thank you.

22  
23 Ms. Callentine: So you know, this I actually understood this to be that the property was being  
24 rented out as dwelling to a tenant who without permission from the owner at the time began  
25 using it as a short-term rental. And I can't tell you anything more about it than that but I would  
26 imagine that the applicant might be able to illuminate us if you wish to hear from her.

27  
28 Ms. La Costa: May I? Ms. Pinsky please, thank you. So you purchased the property in 2014,  
29 this RFS was in '18 is that on A or B?

30  
31 Ms. Pinsky: Okay, so my name is Trina Pinsky and I purchased the property in 2018 not in  
32 2014.

33  
34 Ms. La Costa: Okay, there's something in here that said 2014, okay.

35  
36 Ms. Callentine: It was sold in 2014 to Gregg Blue who then subsequently condominiumized it  
37 and in 2018 sold a portion to Ms. Pinsky.

38  
39 Ms. La Costa: Thank you. That was not delineated here. Thank you.

40  
41 Mr. Carnicelli: So before you go anywhere just procedurally I skipped something. There's a  
42 Conditional Permit and a Special Use Permit, the Special Permit is actually technically a  
43 contested case so I need to ask you if you need to cross-examine Warren or not. If you don't  
44 have any questions for him that's fine. It's just you have the opportunity to do that, I did not  
45 grant that to you when you were...when he was up here. If you don't have any questions for  
46 him that's fine. If you do, now is your opportunity.

47

1 Ms. Pinsky: Okay. No I don't have any questions for him.

2

3 Mr. Carnicelli: Okay, I just...it's a procedural thing that I forgot to do. So thank you for allowing  
4 me to do that. Commissioner Castro do you have any questions?

5

6 Mr. Castro: Yes—

7

8 Ms. La Costa: Well I didn't get that...Ms. Pinsky didn't answer this question please.

9

10 Ms. Pinsky: Could you please repeat your question?

11

12 Ms. La Costa: Surely. The RFS shows that the property was being rented short-term illegally  
13 by a tenant so was that on your portion of the CPR or the other portion of the CPR, did you have  
14 any control over that?

15

16 Ms. Pinsky: No, I didn't have any control over that. That was Gregg Blue's tenant that was  
17 doing that, and when we purchased the property his tenant had about two months to leave and  
18 so we were unaware of what she was doing.

19

20 Ms. La Costa: Okay. And I just have one other? Thank you. And Ms. Pinsky have you  
21 operated the market currently or are you waiting for your permit to do so?

22

23 Ms. Pinsky: Oh, I'm waiting for my permit to do so.

24

25 Ms. La Costa: Thank you.

26

27 Mr. Carnicelli: Commissioner Castro.

28

29 Mr. Castro: In regards to the sewers that you're exploring the use of portable toilets to service  
30 the customers. If you don't take it into consideration will they be using the restroom in the  
31 dwelling?

32

33 Ms. Pinsky: No. That's why I would get the porta potties that they would use those.

34

35 Mr. Castro: Okay, so you're—

36

37 Ms. Pinsky: So the restroom would mainly be for employees.

38

39 Mr. Castro: Are you still considering it or are you going to get porta potties?

40

41 Ms. Pinsky: Oh, I am going to get porta potties.

42

43 Mr. Castro: Okay, that's a concern if you know people needing to use the restroom up there  
44 and there's nowhere to go.

45

46 Ms. Pinsky: Yeah, no, yeah, so we've decided to get some porta potties.

47

1 Mr. Castro: Thank you.

2

3 Mr. Carnicelli: Commissioner Tackett, do you have any questions at this time?

4

5 Mr. Tackett: I have no questions.

6

7 Mr. Carnicelli: Commissioner Robinson.

8

9 Mr. Robinson: Good morning.

10

11 Ms. Pinsky: Good morning.

12

13 Mr. Robinson: Can you, and Livit I hope you can help with the slide, can you run down again  
14 exactly where the location of the fire truck...or the location of food truck is gonna be and where  
15 the patrons would park and then use the food truck?

16

17 Ms. Callentine: Absolutely. So this is one view which shows there's two parking stalls to the left  
18 that are occupied right now by cars and then there are two to the right, you only see a portion of  
19 one of them. The location where the two cars are that is the site plan that's been presented to  
20 us is that the food truck will be in one of those two stalls but it will take up those stalls for the  
21 you know, for the movement around it. Then this is another image that shows that same thing,  
22 shows the food truck's parking in here and then room for maneuvering next to it and the other  
23 two stalls here and the other eight stalls up here in the upper parking lot.

24

25 Mr. Robinson: And are those, are those picnic benches are the square areas after the people  
26 grab their food from, you know it's a burger so they can't...it's not a stick so is there a place  
27 where you're planning for them to sit down and eat while there?

28

29 Ms. Pinsky: Wait did you say that the burgers were on a stick?

30

31 Mr. Robinson: No, they're not on a stick so you are gonna sit down and I assume you're gonna  
32 eat.

33

34 Ms. Pinsky: Yeah, okay so the two squares there next to Unit A you see—

35

36 Mr. Robinson: Those are tables?

37

38 Ms. Pinsky: Yeah, so they can sit, four picnic tables, two under each.

39

40 Ms. Callentine: And I'll show you another photo that shows you here's the two pavilions in the  
41 foreground or in the mid-ground from the upper parking lot looking down at the market and you  
42 can just barely make out, you can make out right, the picnic tables right underneath.

43

44 Mr. Robinson: Okay, I have another comment or you wanna?

45

46 Mr. Carnicelli: Go, go, go.

47

1 Mr. Robinson: It's I just want to make a comment about how we treat our tourists and your  
2 bathroom situation.

3  
4 Ms. Pinsky: Yes.

5  
6 Mr. Robinson: Is I understand that you're gonna use a porta pottie. I think if you service your  
7 current system I think you might be able to let them use inside and I think the cost you might  
8 want to look at it instead of having something outside. It's cold up there.

9  
10 Ms. Pinsky: Yes.

11  
12 Mr. Robinson: ...(inaudible)...and that's all. You know, I'm glad you're gonna open up that  
13 market again, and I hope that the signage on the truck isn't too, too loud for the street.

14  
15 Ms. Pinsky: Sure.

16  
17 Mr. Robinson: Again, I'm not gonna say what it is, I just hope it will blend in and I hope that you  
18 really promote that it is upcountry cattle I think that's a, you know Kahuku shrimp, you know  
19 upcountry cattle, I think that be, that be something great that people will see on the way up will  
20 say on the way back down let's go and have lunch there, so good luck.

21  
22 Ms. Pinsky: Thank you.

23  
24 Mr. Carnicelli: Thank you. Commissioner Pali. Commissioner Thompson.

25  
26 Mr. Thompson: So to fix the parking problem for the buses is there any way for them to park  
27 now on property?

28  
29 Ms. Pinsky: No, there's no way for them to park on property because they can't get into the  
30 parking.

31  
32 Mr. Thompson: And so it's—

33  
34 Ms. Pinsky: And...oh, go ahead.

35  
36 Mr. Thompson: I wanted to say so these are tour groups and they...so they already they  
37 prearrange with you to come there? Is that how it works?

38  
39 Ms. Pinsky: No. Actually no one has prearranged to come, to do a tour or groups to come. I  
40 would think that when you're taking a tour on the big buses that seat 24, they're on a schedule  
41 so I think before if they ever wanted to stop they would notify us?

42  
43 Mr. Thompson: And second on the bathrooms, I know that's a hot seat for this and looking at  
44 before there's also Bill Gate's company and there's others that make compostable toilets,  
45 they're about a thousand bucks.

46  
47 Ms. Pinsky: Yes. Wow.

1  
2 Mr. Thompson: So you know for your porta potties they're gonna charge like 75 bucks a month,  
3 get one in there and maintain it so it maybe 'cause yeah your septic system now a thousand  
4 gallons won't handle it. I don't think it's even legal to do because of the amount of people there.  
5 So you'll have to have ...(inaudible)...

6  
7 Ms. Pinsky: I like that idea, thank you.

8  
9 Mr. Thompson: Yeah, worth looking into. I don't know if it should be a condition on there but it  
10 certainly would help, help you and help everybody and you're not pumping poop into the ground  
11 there. And then the rest of the people coming down, the bicycles and all that come down, they  
12 stop there regularly?

13  
14 Ms. Pinsky: Well, it's not open for operation, but I would think that when they're coming down  
15 again they would probably contact us to see if they could park their vans in there and make a  
16 stop.

17  
18 Mr. Thompson: You'd have a heck of a business there won't you? Okay, thank you.

19  
20 Mr. Carnicelli: Commissioner Freitas.

21  
22 Mr. Freitas: This might be a typo but on Page 15 under water it states that the existing farm  
23 currently utilizes 93 million gallons a day if I'm reading that correct. You're using a lot of water.  
24 I know it's a misprint but what should that have been, 93 gallons a day or what happened there?

25  
26 Ms. Callentine: Let's take a look. Let's take a look at the actual words.

27  
28 Mr. Freitas: Page 15 it's the aquifer.

29  
30 Ms. Callentine: And then also you can see the actual words of the Water Department on Exhibit  
31 14 so I will find this. It says that the agricultural and commercial demand is approximately  
32 4,523 gallons per day which is what I say in here so...oh seven, okay the 7 million gallons per  
33 day that is the aquifer sustainable yield. That is nothing to do with this project that is the  
34 sustainable yield of the aquifer.

35  
36 Mr. Freitas: No it says the existing farm currently utilizes 93 mgd.

37  
38 Ms. McLean: Looking at Exhibit 14, Water Department's letter—

39  
40 Ms. Callentine: Right, right, right, I see —

41  
42 Ms. McLean: --it's 93 gallons per day.

43  
44 Mr. Freitas: So I'm saying this is a misprint.

45  
46 Ms. McLean: Yes, we're a million times off.

47



1 Mr. Freitas: I read that, I forgot where I was headed with talking, asking questions about the  
2 water so I don't have a water question but wanted to make sure that that was correct. But I do  
3 have a couple of real quick questions. When I saw that there was gonna be a market that was  
4 gonna have like a...I thought first thing was a farmer's market and I thought that would be great  
5 for us there and then I started to read what you were selling, and then I looked at the picture of  
6 the farm, I can't you know the vegetable part. I can't see that you're gonna be growing a lot of  
7 vegetables in the small space that you have and it just says vegetables on your permit. What  
8 were you gonna grow or sell?  
9

10 Ms. Pinsky: So the vegetable boxes that you see I was going to be...or planning on planting  
11 lettuce and tomato in those boxes and that would be for the food truck and if there's any extra it  
12 would be for sale, but mainly to do like a farm to table type of concept where we plant...and  
13 onions, onions, lettuce and tomatoes for the burgers and for the salads. Yeah, there's a lot of  
14 work to do.  
15

16 Mr. Freitas: Okay, so it seemed more like some of the Maui made and the food truck is gonna  
17 be more of the business than actually the vegetable and maybe flowers are gonna...the proteas  
18 are probably gonna be the bigger sellers. So I was just kinda thinking that gosh I wish there  
19 would be more vegetables for the residents around 'cause it seems like a lot of this is more for  
20 visitors than the locals.  
21

22 Ms. Pinsky: No, it's also for the locals too. As far as vegetables I am very open into partnering  
23 with the other farmers that have like commercial crops going like they have lots of yields.  
24

25 Mr. Freitas: Okay, that's what I was hoping to hear.  
26

27 Ms. Pinsky: Yeah, so I can bring those in and that's again, lettuce, beans, tomatoes, pumpkins,  
28 yeah.  
29

30 Mr. Freitas: Okay, good, good. Okay, thank you.  
31

32 Mr. Carnicelli: So my questions I think the biggest concern for me on this is going to be traffic  
33 and parking. I mean that just seems to be the biggest issue. And when I look at the State  
34 DOT's response it says an existing parking lot with proximately eight parking spaces is located  
35 on Ponimio Place, right? It says, based on description...but it will not significantly impact the  
36 State highway system. However if there's an expansion of the operating system we should  
37 revisit. Well, we have ten so the DOT is commenting on eight but we actually have ten and I  
38 don't know how much it is to put a blinky light in, to you know whatever, I mean we're probably  
39 talking it makes it cost prohibitive most likely to do something like that I don't know. Actually you  
40 know what let me ask Deputy Director of Public Works, to put in something like that on the state  
41 highway system how expensive is that for a landowner to do and obviously would have to  
42 coordinate with DOT, right?  
43

44 Mr. Molina: Good morning Planning Commission Chair and Members. Yeah, so that...I mean  
45 we would not have jurisdiction so that would be to coordinate with State DOT. The price range  
46 for those type of message, you know, speed limit message boards I mean range potentially in

1 \$5,000 range, and I'm not familiar with how DOT would handle a request from a private  
2 landowner to install such a facility in the right of way.

3  
4 Mr. Carnicelli: Okay. All right, thank you. Do you want to say something to that effect? I'll give  
5 you an opportunity to respond.

6  
7 Ms. Pinsky: Thank you. I do know that there is a sign on the right side of the highway that says  
8 no parking. There is a no parking sign.

9  
10 Mr. Carnicelli: On the right side going up or the right side going down?

11  
12 Ms. Pinsky: The right side going up not down.

13  
14 Mr. Carnicelli: Okay, yeah Director.

15  
16 Ms. McLean: Thank you Chair. Looking at the State Department of Transportation's letter they  
17 reference a parking lot with approximately eight parking spaces. Looking at the site plan, the  
18 parking lot, the larger parking lot has eight spaces, the other two are in that initial front portion.

19  
20 Mr. Carnicelli: Right.

21  
22 Ms. McLean: So it's possible that State DOT didn't see those other two.

23  
24 Mr. Carnicelli: Got it.

25  
26 Ms. McLean: And also noted that if there is expansion as you pointed out Chair, the applicant  
27 shall mitigate them to the satisfaction of the Maui District Engineer so that would be for the  
28 applicant to work out with State DOT if mitigation is needed at some point beyond what's being  
29 proposed today because they looked at what's being proposed now if that were to expand and  
30 they would need to discuss mitigation with State DOT.

31  
32 Mr. Carnicelli: Okay, thank you. Employee parking is where?

33  
34 Ms. Pinsky: That's a good question. We have...(inaudible-not speaking into microphone)...

35  
36 Mr. Carnicelli: You gotta speak into the mic just for the record.

37  
38 Ms. Pinsky: Okay, so for employee parking there is...

39  
40 Ms. Callentine: You can walk up there if you want to point at it.

41  
42 Ms. Pinsky: Oh okay. So you can't really see here this is like open land here, there's a bridge  
43 right there, it would take one stall away from...but not during the day they could...the employees  
44 would park earlier before customers come and so they could go down here there's a road  
45 actually that leads from here all the way back down to the highway. So they could park right  
46 here or there's a fence by the highway that has parking for like eight parking stalls. So they can

1 either...on the property...so they can either come from the gate over here which is right on  
2 Crater Road or to go through here.

3  
4 Mr. Carnicelli: Thank you. So the semi-gravel road that's direct access off of Haleakala  
5 Highway?

6  
7 Ms. Pinsky: Yes.

8  
9 Mr. Carnicelli: Do employees and/or patrons use that?

10  
11 Ms. Pinsky: In the future, employees could use that also patrons could use that because it's  
12 very easy to come in one way and go out the other way.

13  
14 Mr. Carnicelli: Is it safer?

15  
16 Ms. Pinsky: Oh, it's very safe, yeah.

17  
18 Mr. Carnicelli: Is it safer than turning onto your street?

19  
20 Ms. Pinsky: It's easier because they're coming down. If they're coming down from the crater  
21 coming down, coming down from the crater making a right is easier than going up and making a  
22 left turn.

23  
24 Mr. Carnicelli: Okay, okay, thank you. Do you guys have more questions?  
25 Commissioner La Costa.

26  
27 Ms. La Costa: Thank you Chair. My question, I have actually two of them. Has there been any  
28 comment from the owner of CPR- A?

29  
30 Ms. Callentine: Yes, as a matter of fact, as a matter of fact thank you for the question. He did  
31 submit a letter of support and that is shown in, testimony on 30, Number 30. This is a short  
32 letter from Gregg Blue dated February 15, 2019.

33  
34 Ms. La Costa: Okay, thank you very much for that and my other question would be Ms. Pinsky I  
35 am concerned because the highway does turn there right before the road, Ponimoi Road and so  
36 looking at the overview of the map it would seem that it would be better accessed at the curve  
37 where you could have a sign so you can turn right or as you come down the hill turn left but I'm  
38 not a traffic engineer so that might be something...I'm really concerned about people pulling off  
39 because we know that they're more excited to get where they're going rather than watching for  
40 traffic. So that's my biggest concern there aren't crosswalks or any lights or anything for safety  
41 there.

42  
43 Ms. Pinsky: Okay, thank you. So what I was suggesting this is like a better view of it. This is  
44 Ponimoi Road so this is coming down from the crater. If people would make a right turn it's very  
45 safe then they go in and park. So if there was...for the employees they could go through here  
46 which is a gravel road and they can park here and this would only be an exit. There would be a

1 sign down here that says exit only for the employees and this would be enter. Does that answer  
2 your question?

3  
4 Ms. La Costa: So if you were to enter off the road where you're showing and then that's an exit  
5 only is that for everyone or just the employees?

6  
7 Ms. Pinsky: It could be very everyone.

8  
9 Ms. La Costa: Okay. I'm just again, concerned about traffic at the curb and accidents and that  
10 kind of thing I'm concerned about safety. Thanks.

11  
12 Ms. Pinsky: You're welcome.

13  
14 Mr. Carnicelli: Does anybody else have any other questions at this time? You have enough  
15 information to make a decision? Okay, thank you Ms. Pinsky. So at this point in time, Livit if  
16 you could give us the recommendation from the Department please?

17  
18 Ms. Callentine: So we're gonna take these two one at a time.

19  
20 Mr. Carnicelli: Okay.

21  
22 Ms. Callentine: We'll start with the Land Use Commission Special Permit. The application, we  
23 found that the application meets all the criteria for a Land Use Commission Special Permit  
24 therefore the Department is recommending approval of the permit until December 31, 2022  
25 subject to 12 conditions. That is the...and we ask that you adopt our report and  
26 recommendation for this meeting and authorize the Director of Planning to transmit that written  
27 decision and order on behalf of the Planning Commission. So I don't know, do you want to take  
28 these both separately?

29  
30 Mr. Carnicelli: Yeah, let's do that. Let's go ahead and do that. So if we go to our  
31 recommendation just basically the Land Use Commission Special Permit with which Livit just  
32 addressed. Do I have a motion?

33  
34 Ms. Callentine: One thing I wanted to ask were there any...did you...were there any  
35 amendments to any of the conditions you wanted to—

36  
37 Mr. Carnicelli: I need you to clarify 12.

38  
39 Ms. Callentine: Okay, well Condition No. 12 is based upon the comments made by the State  
40 Department of DOT, Department of Transportation, excuse me so they ask for this condition to  
41 be in the approval.

42  
43 Mr. Carnicelli: I see, so this is, this is based on what the Director just read from the DOT.

44  
45 Ms. Callentine: Correct.

46  
47 Mr. Carnicelli: 'Cause it's kind of like one of these it says something but it doesn't say anything.

1  
2 Ms. Callentine: Yes, if we put some kind of a, I mean, this...there will be a compliance report  
3 required. You might want to require a compliance report after a year for example to report on  
4 what happened and we could bring that report back to the Commission if you wanted. Because  
5 you can't really put a time limit on this right now because there's nothing concrete to do yet.  
6 This is a you know a forward thinking in case anything happens kind of condition.

7  
8 Mr. Carnicelli: Right. Commissioner Robinson.

9  
10 Mr. Robinson: Thank you Chair. I'm comfortable with the ten stalls even if two stalls are for the  
11 employees. We got 7-Eleven, Minit Stop, ...(inaudible)... and they got five, six stalls. So to  
12 think that a Kula Upcountry place is gonna be busier than something in the central area I think  
13 be hard to find. It's always great to have more parking but like I think the DOT has it right, and if  
14 it becomes a problem I think that's when they're gonna make the owner mitigate it and I think  
15 there's enough overflow land on the side to where I think that they can be addressed easily.  
16 Thank you.

17  
18 Mr. Carnicelli: Anybody else? So is there, before we move forward, while she's giving the  
19 recommendation is there anything else that you guys want to address in these conditions?

20  
21 Mr. Freitas: I do.

22  
23 Mr. Carnicelli: Commissioner Freitas.

24  
25 Mr. Freitas: I'm not sure if this is the one that we want to consider. I had assumed that the  
26 restroom was going to be in the building too and I kind of agree that treating guests to maybe a  
27 temporary outhouse you know when you have one-day party is one thing but if this is how it's  
28 going to be I don't think it's fair. Is there a way we can, our engineer friend here who has a  
29 special type of restroom or something. Could we add that a condition?

30  
31 Mr. Carnicelli: If only the Director of Environmental Management was here.

32  
33 Ms. McLean: Chair can I make a comment?

34  
35 Mr. Carnicelli: Director.

36  
37 Ms. McLean: Before Director Nakagawa may get called to the podium the information provided  
38 in the packet talks about the capacity of the existing system and with the number of anticipated  
39 customers if all of those were to use the restroom in the structure I don't think it would have  
40 sufficient capacity looking at the calculations that are provided. Their engineer provided  
41 calculations for employees of the market and employees of the food truck but if you were to—

42  
43 Mr. Freitas: I got a little worried when they said that the bikers may be stopping there 'cause  
44 that's gonna, that's gonna be a lot of people, but anyway okay.

45  
46 Mr. Robinson: Chair?

47

1 Mr. Carnicelli: Commissioner Robinson.

2

3 Mr. Robinson: On that, on Commissioner's note is so what is the capacity of porta potties? I  
4 mean, we have a thousand gallons right now and it's going to leach field or is that just a holding  
5 septic tank that has to be pumped out.

6

7 Ms. Callentine: I'm not sure what the applicant is planning to do so we could ask her. The  
8 capacity is infinite it just depends on how many times you empty it. So I believe with porta  
9 potties when you rent a porta potty from someone you also engage in a maintenance contract.

10

11 Mr. Robinson: Yeah, well, and that was our point is if they have a septic tank as often as they're  
12 gonna pump the porta potties they could pump the septic tank. And that's what I'm trying to get  
13 the clarification on what the difference is unless there's a code to where if you're going to have  
14 it, so you know...but that's our...that's our question.

15

16 Ms. Callentine: You're asking if they could dump the porta potties into the septic tank.

17

18 Mr. Robinson: No—

19

20 Ms. Callentine: Of if they could have the septic tank serviced the same.

21

22 Mr. Robinson: Service.

23

24 Ms. Callentine: Well, I think they do have the septic tank serviced. There was quite a bit of  
25 information about the septic system.

26

27 Mr. Robinson: And that's what we're—

28

29 Ms. Callentine: But that's to service the market which is at this point in time not gonna be  
30 servicing guests. It's just going to be four to five employees.

31

32 Mr. Robinson: I understand but what we're saying is we'd like if we're going to have the permit  
33 we would like to have people that are going to have a bathroom not a porta potty you know for  
34 that area instead of having porta potties outside and that's what we're trying to get the  
35 clarification on what, how many gallons...(inaudible)...and if you've ever been up to the summit  
36 there is no places to stop and coming down I think that's gonna be one of the draws to come  
37 into the market is you know, stop by and use the facilities.

38

39 Ms. Callentine: Well, just one other thing about porta potties, I am going on record is I am no  
40 fan of porta potties I'll tell you but being on Maui I have seen some of cleanest and nicest porta  
41 potty interiors I have ever seen and I've been many events where they used because there's too  
42 many people and the plumbing system couldn't handle all those people and the other thing is  
43 that I would expect that there would be washing, hand washing stations outside the porta potties  
44 that makes all the difference in the world being able to wash your hands afterwards.

45

1 Mr. Robinson: Event porta potties and stationary porta potties like Launiupoko you know on  
2 beach there and along Ukumehame those are different...they look different when you go in  
3 there and so...when a—

4  
5 Ms. Callentine: They take a lot of maintenance.

6  
7 Mr. Robinson: --when a for-profit entity is in charge of how often something gets serviced you  
8 know and the Department of Health they could be there every day that's our concern right now  
9 is we don't want it to be a money decision on how clean these porta potties are gonna be more  
10 or less if we can get it done inside. Director.

11  
12 Ms. McLean: The report indicates that there's a thousand-gallon septic tank serving the  
13 property. The information provided by the applicant's engineer that does an analysis of the  
14 employees anticipated uses an estimate of 20 gallons per employee per unit per day. So if you  
15 were to with four employees of the...on two shifts for the market and then two employees of the  
16 food truck those six employees and their demand at 20 gallons per day. But if you were to use  
17 50 customers at 20 gallons a day that's a thousand gallons. That would fill this up in a day. So  
18 I don't think it's...(inaudible)...

19  
20 Mr. Robinson: So is it a holding tank or is it part of a leach field.

21  
22 Ms. McLean: There's a seepage pit and a thousand gallon septic tank. I don't know that the  
23 Department of Health would permit that septic tank to serve that many people. I mean this is  
24 just my layman's —

25  
26 Mr. Robinson: Yeah, I got you

27  
28 Ms. McLean: --math. I don't know if Director Nakagawa can comment any more on it because  
29 the Department of Environmental Management does not administer individual waste water  
30 systems but he may know just in general.

31  
32 Mr. Robinson: Thank you.

33  
34 Mr. Carnicelli: I don't know if this is accurate but I do believe that if it services more than 15  
35 people a day it's considered high capacity.

36  
37 Ms. McLean: That is...yes.

38  
39 Mr. Carnicelli: So Livit is...you know the Item 12 and 9 are kind what I think we're talking about  
40 or wait is that what we're talking about here is...but the you know 12 isn't really about parking  
41 it's more about traffic. I liked your idea about let's have a compliance report a year from now,  
42 come back, we can find out if traffic has been an issue and if porta potties have been an issue.

43  
44 Ms. Callentine: I like...I'd like to tighten up what it is you'd like to see in the compliance report I  
45 mean because typical compliance reports the applicant will state what the condition is and then  
46 they'll either state you know I'm in compliance and it was here's the certificate and they attach  
47 that. In this case, I'm not sure what they would show maybe the absence of complaints—

1  
2 Mr. Carnicelli: Traffic accidents.  
3  
4 Ms. Callentine: Yeah, accident reports. We could request a report from the Police Department  
5 on any traffic accidents that sort of thing.  
6  
7 Mr. Carnicelli: I think that that, as far as traffic goes I mean that, that seems to be the only  
8 measurable that we could kinda go to would be you know reported traffic incidents I guess is the  
9 only...you know, to use it broad enough but or I don't know...  
10  
11 Ms. McLean: You're going down the rabbit hole again.  
12  
13 Mr. Carnicelli: Okay.  
14  
15 Ms. McLean: Because—  
16  
17 Mr. Carnicelli: I'll reel myself back in.  
18  
19 Ms. McLean: It's a state highway so issues would be reported to the State Department of  
20 Transportation and if there are attributed to this project then the State Department of  
21 Transportation would indicate whether mitigation is expected, is needed. And so that would be  
22 involving us and the applicant.  
23  
24 Mr. Carnicelli: Okay, so it takes care of itself. All right then—  
25  
26 Ms. Callentine: And what we will do with that compliance report is send it to the engineer who  
27 wrote this comment letter and say here's their annual compliance report can you comment on  
28 whether you are aware of any issues that have happened in the...(inaudible)...year.  
29  
30 Mr. Carnicelli: Right, the other part too for me with the porta potties is I hate to use the word but  
31 the terminology is the free market takes care of that. If she's got horrible porta potties then it's  
32 going to be all over Twitter and what is it, what's the one, Trip Adviser and Yelp and all like that,  
33 I mean it's just like that kinda takes care of itself I think so I'm not really worried about the porta  
34 potties because if the word gets out you got bad porta potties real quick.  
35  
36 Ms. Callentine: So if they're bad they won't come.  
37  
38 Mr. Carnicelli: Right. Commissioner La Costa.  
39  
40 Ms. La Costa: So if I might ask the applicant, having heard all of our concerns about waste  
41 water issues what are your thoughts about correcting it, changing it, what are you offering for us  
42 please?  
43  
44 Ms. Pinsky: I would look into the...I don't know his name, the commissioner here that brought  
45 up the compostable system. I definitely would look into that. I definitely know that the porta  
46 potties that I would have would be nice ones and having a washing station next to it and being  
47 clean all the time or as clean as you know as possible. I would look into talking with an



1 engineer and seeing how much if it would be to use the one toilet that there is there how much  
2 would it cost to or you know is it even allowed...how many times you can pump that in a month  
3 or three months, I'm not sure, but that would be information that I would need to like look into.  
4

5 Ms. La Costa: Might I suggest when you're speaking with the engineer that you ask about a  
6 larger capacity septic system that might help with that.  
7

8 Mr. Carnicelli: So I'm gonna pull us back out of the rabbit hole that I put us in, I apologize that's  
9 my fault. So we have a recommendation from the staff, 12 conditions do we want to amend any  
10 of these conditions is Livit has presented us with the staff report, do we want to make a motion  
11 to approve, deny or defer on the Land Use Commission Special Permit.  
12

13 Ms. La Costa: Is the one-year compliance in that?  
14

15 Mr. Carnicelli: No, not as it sits right now.  
16

17 Ms. La Costa: Okay.  
18

19 Mr. Carnicelli: I'm just saying is Livit has given the...she's given us what the staff report is do I  
20 have a motion?  
21

22 Ms. Callentine: Actually can I just correct, a compliance report is required in...wait a minute—  
23

24 Ms. McLean: Condition 5.  
25

26 Mr. Carnicelli: It's initially though right, not a year from now but it's...which is fine.  
27

28 Ms. Callentine: So we could amend that condition to say that a preliminary compliance report  
29 will be filed after...at one year from the date of approval.  
30

31 Mr. Carnicelli: We okay with that?  
32

33 Mr. Robinson: So moved.  
34

35 Mr. Carnicelli: All right so we have motion on the floor to approve as recommended by staff with  
36 the amendment to Item No. 5.  
37

38 Ms. La Costa: Second.  
39

40 Mr. Carnicelli: Okay, moved by Commissioner Robinson, seconded by Commissioner La Costa  
41 this is on the special...this is on the Land Use Commission Special Permit. Any discussion on  
42 the motion? Seeing none, Director.  
43

44 Ms. McLean: Thank you Chair. The motion is to approve the State Special Permit subject to  
45 the 12 conditions with the amendment to Condition 5 that the compliance report shall be  
46 submitted after one year.  
47

1 Mr. Carnicelli: All those in favor please raise your hand. That is seven ayes, unanimous.

2  
3 *(Motion was made at 01:58:44 of the audio recording.)*

4  
5 **It was moved by Mr. Robinson, seconded by Ms. La Costa, then unanimously**

6  
7 *(Vote was taken at 01:59:10 of the audio recording.)*

8  
9 **VOTED: To Approve the State Special Permit as Recommended by the**  
10 **Department with the 12 Conditions and Amendment to Condition 5**  
11 **that the Compliance Report Shall be Submitted after One year.**

12  
13 **(Assenting – K. Robinson, P. D. La Costa, K. Freitas, D. Thompson,**  
14 **K. Pali, C. Tackett, S. Castro)**

15 **(Absent – T. Gomes)**  
16

17  
18 Mr. Carnicelli: So then Livit let's go to the Conditional Permit please.

19  
20 Ms. Callentine: Thank you. The Department has found that the proposed uses would not be  
21 significantly detrimental to the public interest, convenience or welfare and will be in harmony  
22 with the area. The Department is recommending that the commission recommend approval of  
23 the Conditional Permit to the County Council subject to six conditions and we also ask that the  
24 commission adopt the Planning Department's report and recommendation for this meeting and  
25 authorize the Director of Planning to transmit said written decision and order on behalf of the  
26 Planning Commission.

27  
28 Mr. Carnicelli: Do I have a motion? Commissioner Robinson.

29  
30 Mr. Robinson: Livit I have a question for you. Handicap parking stalls are we to assume that  
31 two stalls that are next to the food truck are gonna be a handicap stall, at least one?

32  
33 Ms. Callentine: I do not know the answer to that. We have not discussed it.

34  
35 Mr. Robinson: Okay, would that be under following the conditions and permits of the permit or  
36 is that something that we have to...

37  
38 Ms. Callentine: I am not aware of any requirements to provide handicap parking even though  
39 we do, but I think...yeah, go ahead Director. You look like you want to take this away from me.  
40 Please take it away from me.

41  
42 Ms. McLean: Thanks Livit. The requirement for ADA stalls is administered by the State  
43 Disabilities Communications and Access Board (DCAB) and that, in this particular case I believe  
44 would come when a building permit and C.O. has to be obtained to convert the dwelling from  
45 single family residential to the market. That building permit would be routed to DCAB and then  
46 they would impose the requirement at that time.  
47

1 Mr. Robinson: And I... 'cause just looking at that I would assume that the access point because  
2 the one is at a different level I would assume that the access point would be one of those two  
3 parking stalls that are in the front. Figure that would be a handicap. And commissioners I'd like  
4 to, I'd like to add a condition to where that employee bathroom is also going to be an ADA  
5 bathroom. I think our seniors should not be in a porta potty, I think our ADA, you know should  
6 not be in a porta pottie to that and we are... this is a place that's gonna try and draw people you  
7 know this is a place that's gonna be a for-profit and I think we should, consider that as a  
8 condition. Thank you.

9  
10 Mr. Carnicelli: Ms. Pinsky would you come forward please? Would you be open to what  
11 Commissioner Robinson just threw out there as a far as having the employee bathroom also  
12 upon request being a ADA bathroom rather than you know, porta potty.

13  
14 Ms. Pinsky: Yeah, the current space—

15  
16 Mr. Carnicelli: Before I ask you that question, I got ahead of myself, Corporation Counsel just  
17 actually informed me that you know if there's gonna have to be improvements to the property,  
18 something to that effect. So I don't know. So let me ask that of you, could that bathroom right  
19 now as it exists be ADA compliant?

20  
21 Ms. Pinsky: No. The space is small for that.

22  
23 Mr. Carnicelli: Would you agree to have an ADA porta potty? An ADA compliant porta potty.

24  
25 Ms. Pinsky: Yes.

26  
27 Mr. Carnicelli: Okay, thank you. Commissioner Pali.

28  
29 Ms. Pali: But would you be open, would you be able to represent this morning that if you had a  
30 special situation and someone needed a real restroom would your staff be able to make that on  
31 a case by case?

32  
33 Ms. Pinsky: Yeah, for sure. Yeah.

34  
35 Mr. Carnicelli: Commissioner Freitas.

36  
37 Mr. Freitas: Because you're serving food I heard you say you hope that you have a nice hand  
38 wash station, I think you're required to have a hand wash station without having to go into the  
39 porta pottie to wash your hand to wash your hamburger.

40  
41 Ms. Pinsky: Yeah.

42  
43 Mr. Freitas: What... is it written anywhere that you are gonna have a hand wash station  
44 somewhere that has soap, paper towel and water?

45

1 Ms. Pinsky: No, I don't think that it is written anywhere but I've seen a few at different locations  
2 and different farms that have porta potties with washing stations in them too. So would have  
3 those for sure.

4  
5 Mr. Freitas: Okay so someone would have to go in a porta potty to wash their hand to go eat  
6 the hamburger

7  
8 Ms. Pinsky: Well, no, no, no, there's also one that I saw at Costco, yeah, like they have a round  
9 one where you can just wash your hands, yeah

10  
11 Mr. Freitas: Okay.

12  
13 Mr. Carnicelli: Commissioner Robinson.

14  
15 Mr. Robinson: Is can you please pull up Exhibit 4 please?

16  
17 Mr. Carnicelli: So while we're doing that Director if you would please read the proposed  
18 condition that we could potentially add to this permit?

19  
20 Ms. McLean: Thank you Chair, and taking liberties that the applicant shall provide an ADA  
21 accessible restroom for customers and employees and shall provide a separate hand wash  
22 station.

23  
24 Mr. Carnicelli: So is we're asking her in that...to me that condition states the what not the how,  
25 right? This is kind of what we want, we want ADA, we want a hand washing station, how she  
26 does it, how she figures that out we don't try to micromanage that now. So I don't know if that  
27 works for you guys or not, but Livit if you now have what Commissioner Robinson is asking for?

28  
29 Ms. Callentine: ...(inaudible)...there's something wrong with this—

30  
31 Mr. Robinson: Is the applicant able to look at it on the paper form?

32  
33 Ms. Pinsky: Which exhibit?

34  
35 Mr. Robinson: Exhibit 4. It's your layout. So on the...can we look towards the right side—

36  
37 Ms. Callentine: ...(inaudible – not speaking into the mic)...

38  
39 Mr. Carnicelli: That's okay, she's got it in front of her and he can ask the question. She's got it  
40 in front of her.

41  
42 Mr. Robinson: We know it's not your fault. So the question I have I'm looking at the restroom  
43 inside the building right now and it was said that we don't think that we could accommodate a  
44 ADA in that bathroom. Is can you explain to us what that square piece of the where it shows a  
45 four-foot width is inside of that bathroom.

46  
47 Ms. Pinsky: The square piece between the two walls?

1  
2 Mr. Robinson: Yeah.  
3  
4 Ms. Pinsky: that's a washer and dryer.  
5  
6 Mr. Robinson: It's a washer—  
7  
8 Ms. Pinsky: Yes, stackable.  
9  
10 Mr. Robinson: And so I mean, is that wall a load bearing wall?  
11  
12 Ms. Pinsky: What do you mean by load bearing?  
13  
14 Mr. Robinson: Can that wall be removed?  
15  
16 Ms. Pinsky: Oh.  
17  
18 Ms. Callentine: Is it supporting the roof or is just used for a partition.  
19  
20 Ms. Pinsky: Yeah, I'm not sure, but I wouldn't want to...yeah, I'm not really sure if that wall  
21 would change anything as far as the structure.  
22  
23 Mr. Robinson: Okay.  
24  
25 Mr. Thompson: ...(inaudible-not speaking into mic)...  
26  
27 Mr. Carnicelli: Speak into the mic.  
28  
29 Mr. Thompson: Yeah, since that's a septic tank we can't use it for commercial use. So they  
30 can't use that one anyway.  
31  
32 Mr. Robinson: The washer and dryer.  
33  
34 Mr. Thompson: Well no, the bathroom. That bathroom can't be used because if they have  
35 more than 15 customers walk into it...yeah it's beyond capacity.  
36  
37 Mr. Robinson: Well, you think a commercial will have 15 ADA people in one day? Employees  
38 don't have to use the bathroom, employees can go outside.  
39  
40 Mr. Thompson: Yeah, but to fit in the septic rules like you can't have two house rentals run on  
41 one, you can't have all kinds of things and you can't have commercial use. So if we open it—  
42  
43 Mr. Robinson: You can't have commercial use for a septic tank is that what it is—  
44  
45 Mr. Thompson: Yeah.  
46  
47 Mr. Robinson: So no matter what we say it can't be used for commercial.

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Mr. Thompson: Right, they got a thousand tank.

Mr. Robinson: Okay, thank you Dale, that's good knowledge thanks.

Mr. Carnicelli: Okay, so at this point –

Mr. Robinson: Chair I withdraw my condition.

Mr. Carnicelli: Okay. So I think at this point in time what we've gotten is we have the recommendation from staff and then we're looking at adding a Condition No. 7 that will read, that the applicant shall provide an ADA accessible restroom for customers and employees and shall provide a separate hand washing station. So we've got six conditions in the staff report plus the seven sitting there. Can I have a motion please?

Ms. Callentine: I'm sorry would you read that one more time to me?

Mr. Carnicelli: That the applicant shall provide an ADA accessible restroom for customers and employees and shall provide a separate hand washing station.

Ms. Callentine: Great. Thank you.

Mr. Carnicelli: So those seven conditions. Do I have a motion?

Mr. Freitas: Motion.

Mr. Carnicelli: Motion to approve.

Mr. Freitas: To approve.

Mr. Carnicelli: As recommended by Staff with the amendment.

Mr. Freitas: With amendment.

Mr. Carnicelli: Okay.

Ms. La Costa: Second.

Mr. Carnicelli: Moved by Commissioner Freitas, seconded by Ms. La Costa. Discussion on the motion? Seeing none, Director.

Ms. McLean: The motion on the floor is to recommend approval of the Conditional Permit to the Maui County Council subject to the six conditions in the staff report and the added condition about ADA accessible restrooms and hand wash station.

Mr. Carnicelli: All those in favor please raise your hand. That is seven ayes. It passes unanimously. Congratulations Ms. Pinsky.

1  
2 **It was moved by Mr. Freitas, seconded by Ms. La Costa, then unanimously**

3  
4 **VOTED: To Recommend Approval of the Conditional Permit to the County**  
5 **Council as Recommended by the Department with the Six**  
6 **Conditions in the Staff Report and the Additional Condition**  
7 **Regarding ADA Accessible Restrooms and Hand Wash Station.**

8  
9 **(Assenting – K. Freitas, P. D. La Costa, D. Thompson, K. Pali,**  
10 **K. Robinson, C. Tackett, S. Castro)**  
11 **(Absent – T. Gomes)**

12  
13  
14 Mr. Carnicelli: At this point in time we are going to take a brief recess to reset, let Kurt get set  
15 up and use our own porta potty.

16  
17 A recess was called at 11:17 a.m., and the meeting was reconvened at 11:26 a.m.

18  
19 Mr. Carnicelli: The Maui Planning Commission meeting of December 10, 2019 is back in  
20 session. Director.

21  
22 Ms. McLean: Thank you Chair, next you have a request from Eric Nakagawa who is the  
23 Director of the County's Department of Environmental Management and this is for a an  
24 amendment to State Land Use Commission Special Permit SP97-390 and County of Maui  
25 Special Use Permit CUP 2008/0003 to include an approximate 39.573-Acre Project Area at  
26 TMK (2) 3-8-003:019 (por.) for development of the Central Maui Landfill Facilities Project  
27 involving offices; areas for abandoned vehicles, metals processing, open construction and  
28 demolition material recovery, household hazardous waste and electronic waste processing and  
29 storage; warehouse; storage; truck parking and maintenance; and associated infrastructure.  
30 The amendment also includes a Time Extension for SP97-390 and removal of TMK (2) 3-8-  
31 003:020 from both State Special Permit and County Special Use Permit. The total amended  
32 area covered by both permits will be approximately 95.659 Acres. The project is located at  
33 8100 Pulehu Road and Kurt Wollenhaupt is the Project Planner.

- 34  
35 **3. ERIC NAKAGAWA, Director, County of Maui, Department of Environmental**  
36 **Management, Requesting an Amendment to State Land Use Commission**  
37 **Special Permit SP97-390 and County of Maui Special Use Permit**  
38 **CUP 2008/0003 to Include an approximate 39.573-Acre Project Area**  
39 **(TMK (2) 3-8-003:019 (por.)) for Development of the Central Maui Landfill**  
40 **Facilities Project involving offices; areas for abandoned vehicles, metals**  
41 **processing, open construction and demolition material recovery,**  
42 **household hazardous waste and electronic waste processing and storage;**  
43 **warehouse; storage; truck parking and maintenance; and associated**  
44 **infrastructure. Amendment request also includes a Time Extension for**  
45 **SP97-390 and removal of TMK (2) 3-8-003:020 from both SP97-390 and CUP**  
46 **2008/0003. Total amended area covered by both permits will be**  
47 **approximately 95.659 Acres. Project is located at 8100 Pulehu Road TMK**

1                   **(2) 3-8-003:019 (por) and 020, Puunene, Island of Maui (SP97-390, CUP**  
2                   **2008/0003) (K. Wollenhaupt)**

3  
4                   Final EA     [http://oegc2.doh.hawaii.gov/EA\\_EIS\\_Library/2019-08-08-MA-FEA-](http://oegc2.doh.hawaii.gov/EA_EIS_Library/2019-08-08-MA-FEA-Central-Maui-Landfill-Facilities.pdf)  
5                   [Central-Maui-Landfill-Facilities.pdf](http://oegc2.doh.hawaii.gov/EA_EIS_Library/2019-08-08-MA-FEA-Central-Maui-Landfill-Facilities.pdf)  
6

7                   Mr. Kurt Wollenhaupt: Good morning Members of the Maui Planning Commission. The item  
8                   before while it appears that there are many moving parts is actually very straight forward. The  
9                   Central Maui Landfill has been successfully operating for many years, but it has to operate  
10                  under two kinds of permits, the County Special Permit in which you are the approving body, they  
11                  have that permit, we're looking for a slight modification, an expansion of the area in order to  
12                  facilitate a longer life of the landfill. Also, it has to operate under a State Land Use Commission  
13                  Permit because it's over 15 acres and it's in the Ag District and we're essentially replicating the  
14                  conditions for both. We want to extend both to 2028 and the applicant will be looking at the  
15                  specific enhancements that could be done to the landfill to extend its life to provide a centralized  
16                  facility for solid waste processing.

17  
18                  Just very briefly, if you look at the recommendation pages, the conditions are essentially staying  
19                  the same as they were in the past with the exception of extending the permits to 2028, filing a  
20                  revised metes and bounds map that will clearly show the project area. There is a comment on  
21                  the traffic impact report at Pulehu Road and Hansen Road and then there were three conditions  
22                  that relay to environmental planning for endangered or possibly endangered species during  
23                  construction. So the changes are really straight forward. Mr. Nakagawa is here today as the  
24                  Director of the Department of Environmental Management along with quite a few consultants  
25                  and the team at Munekiyo and Hiraga with Colleen Suyama and Mark Roy. So the next person  
26                  is going to be Eric who will talk about this project and his team.

27  
28                  Mr. Eric Nakagawa: Thank you Kurt. All right, Kurt actually covered all what I have to say, but  
29                  I'll say it anyway. Good morning, aloha. My name is Eric Nakagawa, I'm the Director of  
30                  Department of Environmental Management.

31  
32                  Mr. Carnicelli: Good morning Eric.

33  
34                  Mr. Nakagawa: Today we're just here before you as Kurt said is just to get an approval for  
35                  amending our Special Use Permit to include basically approximately 40 acres of land that we  
36                  bought north of our Central Maui Landfill and what this will do is allow us to centralize our  
37                  operations which will make it more efficient, saving taxpayer's dollars as well as continue our  
38                  landfill diversion programs. All of these efforts is to basically keep our...conserve on our  
39                  precious landfill space, yeah, throwing away. So you know all of this in line with our integrated  
40                  solid waste management plan. This helps us to stay in line with that which was approved in  
41                  2009 by Maui County Council as well as the State of Hawaii Department of Health. So other  
42                  than that, I mean, we just respectfully request approval for this amendment and actually  
43                  Colleen Suyama from Munekiyo and Hiraga will give you a little presentation to go over details  
44                  and then we can answer questions after.

45  
46                  Mr. Carnicelli: Thanks Eric.  
47



1 Mr. Nakagawa: Thank you.

2

3 Ms. Colleen Suyama: Good morning Members of the Commission, my name's  
4 Colleen Suyama.

5

6 Mr. Carnicelli: Good morning Colleen.

7

8 Ms. Suyama: I'm with the planning consulting firm of Munekiyo Hiraga. Also in terms of project  
9 team besides the Director, Eric Nakagawa, also we have Sage from the Solid Waste Division as  
10 well as Elaine Baker who is the project manager for the project. Our engineering consultant is  
11 A-Mehr and we Ali Mehrazarin. Also our surveyor is from R T Tanaka Engineering and  
12 Kurt Tanaka is here today. Our traffic engineer was Fehr and Peers. Originally our traffic  
13 engineer was gonna be present but unfortunately he just had a family emergency and he had to  
14 leave to go back home. And our cultural consultant is Cultural Surveys Hawaii and we have  
15 Hal Hammatt, Trevor Yucha, and Alulii Mitchell from Cultural Services.

16

17 In terms of our project description it includes another 40-acre expansion of the Central Maui  
18 Landfill. It is adjacent to the existing Central Maui Landfill and the project is proposed to divert  
19 waste from the existing Central Maui Landfill. The proposed facilities and uses include an 8,000  
20 square foot office, a two-acre abandoned vehicles area, a 40,000 square foot metals processing  
21 area, an open...a 40,000 square foot open construction and demolition material recovery area,  
22 a 20,000 square foot household hazardous waste and electronic waste collection and storage  
23 area, another 20,000 square foot warehouse and storage area, 12,000 refuge collection office, a  
24 two-acre truck parking area for the wastewater...solid waste trucks and a maintenance area,  
25 and also included are two drainage basins.

26

27 In terms of the project need, the Central Maui Landfill is the main landfill on Maui. The only  
28 other landfill is in Hana because of its distance from the rest of the island. The facility project  
29 will implement sustainability measures that are recommended in the County's integrated solid  
30 waste management plan. It would also consolidate the Department of Environmental  
31 Management solid waste operations at the Central Maui Landfill and currently the landfill is  
32 projected to have capacity until about 2026. With the implementation of the integrated solid  
33 waste management plan and the proposed facility it is expected to extend that capacity to 2042.

34

35 In terms of the permitting history there are two permits that are associated with the Central Maui  
36 Landfill. One is the State Land Use Commission Special Permit and the other one is the County  
37 Special Use Permit. In terms of the State Special Permit there are two special permits that were  
38 issued to the project. The first Special Permit was SP 86-359. This permit established the  
39 Central Maui Landfill which opened in 1987 on approximately 55 acres of the landfill property.  
40 Then in 2016, the first amendment to this permit was granted and this was to include special  
41 wastes at the landfill. There were no expansion of the area. Then in 1997, Special Permit SP  
42 97-390 was granted and this was to expand the landfill an approximately 29.34 acres of land.  
43 First amendment was done in 2002 for a new entrance facility which did not include any  
44 expansion of the area. A second amendment was granted in 2004 for approximately  
45 1.395 acres for a minor expansion of the landfill for an access road and a time extension. Also  
46 a third amendment in 2009 was granted and this was for an approximate 41-acre expansion for  
47 a total of this permit was about 70.5 acres and it also transferred the permit from the

1 Department of Public Works to the Department of Environmental Management and it granted a  
2 time extension to October 31, 2018. The transfer of permit was required because the County of  
3 Maui through a Charter Amendment divided the then Department of Public Work and  
4 Environmental Management into two separate departments so the transfer of the permit was to  
5 the then newly developed Department of Environmental Management. Also in 2008, a County  
6 Special Use Permit was approved the Maui Planning Commission and the reason in 2008 the  
7 County Special Use Permit was required is that the County Agricultural District was amended  
8 and at that...through that amendment landfills were then determined to be a special use so the  
9 Department of Environmental Management also had to get a County Special Use Permit.

10  
11 In terms of the request, the amendments being sought is an amendment to the Special Permit  
12 and the County Special Use Permit to include an approximately 40 acres for development of the  
13 Central Maui Facilities Project on Parcel 19. It's also a time extension to the State Special  
14 Permit to October 31, 2028 and this is to be concurrent with the County Special Use Permit  
15 which expires on October 31, 2028. Also it is to remove Parcel 20 from the State Special Permit  
16 and the County Special Use Permit due to the fact that the County of Maui no longer has  
17 jurisdiction over this parcel.

18  
19 In terms of the project if you'd look at the map this is Pulehu Road located here. The Central  
20 Maui Landfill property which is Parcel 19 and this is where the existing Central Maui Landfill is  
21 located. This is the proposed approximate 40-acre expansion and this is Parcel 20 which is  
22 being removed from both the State Special Permit and the County Special Use Permit.

23  
24 In terms of summary of the permit, the existing area of the Special Permit and the County  
25 Special Use Permit is approximately 73 acres. Parcel 20 which is to be removed is  
26 approximately...it's only a portion of the parcel, it's approximately 16.841 acres and the new  
27 facility is approximately 39.573 acres so the new permitted area once the approvals are granted  
28 is going to be approximately 96 acres. The net expansion with the removal of Parcel 20 is  
29 22.732 acres.

30  
31 In terms of the background of the project, the project because it involved both County land and  
32 funding it was subject to Chapter 343 our environmental impact rules. On July 19, 2019 a  
33 Finding of No Significant Impact Determination was made by the Department of Environmental  
34 Management. On August 8, 2019, the Final EA and FONSI document was published in the  
35 Office of Environment Quality Controls Environmental Notice. There were no legal challenges  
36 to the Final EA FONSI.

37  
38 In terms of the project plan, this is the conceptual plan of the project. Pulehu Road is located  
39 here. The new access road to the project site is located here. What they're proposing to do is  
40 the office building located here, the abandoned vehicle area, the metal processing area located  
41 here, the open construction and demolition materials recovery area. Then you have the  
42 household hazardous waste and electronic waste facility and storage area here and we have  
43 the new warehouse facility that they're proposing, the new refuge collection office and truck  
44 parking area located here and two new drainage basins.

45  
46 These are...the following slides are conceptual office building plans that are being proposed.  
47 This is the office building, the metals processing building, the hazardous waste...household

1 hazardous waste and electronic waste collection and storage area. The warehouse building,  
2 your refuge collection office and maintenance area building. In terms of the buildings as you  
3 can see they're basically warehouse facilities that are being proposed at the landfill. There  
4 also...the project includes what we call important agricultural lands and based upon that  
5 information approximately 22 acres of the 40-acre project site is identified as important  
6 agricultural lands. In accordance with the State requirements in the Hawaii Revised Statutes as  
7 well as the rules of the State Land Use Commission. Both the Department of Agricultural and  
8 the Office of Planning was notified of the Special Permit. Their comments were included in the  
9 Final EA FONSI which I believe the Commission Members were given a copy of the document.  
10 The project site also represents less than one percent of the 27,000 acres of important ag lands  
11 on Maui.

12  
13 This is a depiction of the important ag lands within the surrounding area. Pulehu Road is  
14 located here. The Central Maui Landfill site goes this way, it's a real weird project, is as you can  
15 see the green is all the surrounding agricultural lands, you know important agricultural lands  
16 including the portion of the project area that's identified as important agricultural lands

17  
18 In terms of the Special Permit criteria, the project complies with Chapter 205 which is our State  
19 Land Use Law and Chapter 205A which is the Coastal Zone Management Law located in the  
20 Hawaii Revised Statutes. In terms of making decisions for important ag lands it meets the  
21 criteria in Section 205-50(c) and 205-50(d) and this was the reason why the project was  
22 analyzed based upon this information was that both the Department of Agriculture and the  
23 Office of Planning recommended that during the EA process that we address, the Department of  
24 Environmental Management address HRS 205 as it relates to important agricultural lands.

25  
26 It also complies with the State Land Use Administrative Rules relating to State Special Permits  
27 and it also complies with Chapter 19.510.07(b) of the Maui County Code relating to the County  
28 Special Use Permit.

29  
30 In summary, we're asking for amendments to the State Special Permit and the County Special  
31 Use Permit in order to include approximately 40 acres for development of the Central Maui  
32 Landfill facilities project on Parcel 19. We're asking for a time extension to the State Special  
33 Permit to be concurrent with County Special Use Permit on October 31, 2028, and we're also  
34 requesting removal of a portion of Parcel 20 from both the State Special Permit and the County  
35 Special Use Permit and once approvals are granted the total area of the Special Permit and the  
36 County Special Use Permit would be approximately 96 acres.

37  
38 In terms of next steps action by the Maui Planning Commission on both the State Special Use  
39 Permit and the County Special Use Permit. Once that decision is made then it's transmittal of  
40 the Maui Planning Commission recommendation for the State Special Permit to the State Land  
41 Use Commission for further action and then finally action by the State Land Use Commission on  
42 the State Special Permit. So in terms of the State Special Permit it requires both the Planning  
43 Commission approval as well as the State Land Use Commission's approval. Mahalo. And our  
44 project team is available for any questions that they Commission may have.

45  
46 Mr. Carnicelli: Thank you Colleen. So at this point in time we will go ahead and open up the  
47 floor for public testimony. P. Denise can you see if anybody signed up please?

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Ms. La Costa: No.

Mr. Carnicelli: No. Is there anybody that would like to come forward and testify on this particular item? Then if there are no objections we'll go ahead and close public testimony. I think where I'd like to start with this is with the IAL portion of it and Mr. Hopper if you could address a couple of items and for the Commission, you can go to Pages 8 and 9 in the staff report that are about IAL.

Mr. Hopper: I'll try to clarify. You also have a pretty detailed analysis on Pages 17-22 of your staff report. They contain an analysis of HRS 205-50 as well as an analysis of the Administrative Rule 15-15-127 of the Land Use Commission's Rules. The titles of these sections, the HRS 205-50 is Standards and Criteria for the Reclassification or Rezoning of Important Agricultural Lands. The title of the Admin Rule is Standards and Criteria for the Reclassification or Rezoning of Important Agricultural Lands. So on their face they appear to apply only to a district boundary amendment or a change in zoning and in this case there's a Special Permit request. However, I think as the applicant's consultant had stated there is...there were comments by the State Department of Agriculture and the State Office of Planning that requested an analysis done of all of the sections relevant to important agricultural lands, and so I think what was done on Pages 17-22 by Planner and the consultant I think as closely as possible analyzes the special permit request before you now in light of the criteria under the HRS and Administrative Rule just referenced with the understanding that those sections on their face applied to district boundary amendments and changes of zoning specifically. But I think the criteria in them have been analyzed and as part of the criteria they do require you as a commission to make findings based on preponderance of the evidence that these criteria are met. I think it's part of the staff report, I think you should review it and adopt it along with you staff report out of an abundance of caution based on the State Department of Agriculture and Office of Planning's comments and to get it on record for the State Land Use Commission should you approve this they would also have to review this and may by looking for those findings as well.

So this is something along with the other criteria that you normally look at for State Special Permits that's also here that deals with the IAL, again, you not taking action on anything that would be either redistrict, so change the district boundary classification or change the zoning of the parcel. You're acting on a special permit. There is a requirement in 205-50 that any application for a special permit involving IAL be referenced...referred to the Department of Agriculture and the Office of Planning for review and comment so that's been done and is part of this staff report, but I wanted to note that for the record 'cause it's a bit awkward but I think the recommendation to you at this point is to leave that in the staff report, review it, if these are findings along with the rest of the staff report that you wish to adopt to go ahead and do so with any changes you might want to adopt or any conditions and have that transmitted along with the record to the Land Use Commission again, due to those requests by the State.

Mr. Carnicelli: Thank you Mr. Hopper. Does either the Director or Kurt do you have anything to add or clarify based on what it is that Mr. Hopper said. Okay, yep thank you very much. So guys, we're at ten minutes to 12:00, we can dig into this now and go as deep as we want or we can go ahead and recess and go to lunch and come ask and do Q & A after?

1  
2 Mr. Robinson: Keep going.  
3  
4 Ms. Pali: Is it heavy?  
5  
6 Mr. Carnicelli: It doesn't have to be heavy. If you look at the staff report, right. Let's go to the  
7 staff report in the green, on the State Land Use Commission Special Permit Item Number 1,  
8 we're changing the date. Item Number 6, we're deleting, we're adding 17 and 18, that's what  
9 we're doing.  
10  
11 And then if you go to the County Special Use Permit, we're deleting 6, making a change to 14,  
12 adding 16 and 17, that's what we're doing.  
13  
14 Mr. Hopper: Noting of course you're...they're expanding the area and in one case deleting the  
15 area from the project area.  
16  
17 Mr. Carnicelli: Correct, correct. And so, anyways that being said we can go...all right I think  
18 that have...all those in favor of lunch please raise your hand, one, two—  
19  
20 Ms. La Costa: I'm not shy, I am hungry.  
21  
22 Mr. Carnicelli: You know what let's go a little bit then, we'll go a little bit and then we'll break for  
23 lunch. So then since you raised your hand you want to go to lunch I'm gonna let you go first.  
24  
25 Ms. La Costa: Thank you sir.  
26  
27 Mr. Carnicelli: Commissioner La Costa.  
28  
29 Ms. La Costa: Mahalo sir. My questions have to do with the mitigation of pollution in the  
30 project. So I don't know whomever is responsible for addressing that please?  
31  
32 Ms. Suyama: In terms of mitigation of pollution, what type of pollution—  
33  
34 Ms. La Costa: Well, in the report that I have here you talked about recycling electronics so they  
35 have a lot of heavy metals in them. Cars, they have a lot of fluids that can also create pollution  
36 so my concern is if you're gonna be storing them in the new area and in larger areas what  
37 mitigation is in place to be sure that those fluids and/or heavy metals do not get into the ground  
38 water.  
39  
40 Ms. Suyama: Okay, I think it's best for our engineering consultant A-Mehr, Ali.  
41  
42 Mr. Ali Mehrazarin: My name is Ali Mehrazarin. Answer to your question is the fluids would be  
43 removed and taken to recycle facility and same thing with the electronics. It's just a receiving  
44 area and the actual recycling gets done after it's shipped out. So the heavy metals and all of  
45 that is under a roof ...(inaudible)...There is no chance of getting into the ground water or  
46 surface water.  
47

1 Ms. La Costa: How long are they gonna be stored before the dismantling?

2

3 Mr. Mehrazarin: They are normally stored somewhere between 30 to 90 days and then they  
4 will...when there is sufficient amount of the material then they get shipped out.

5

6 Ms. La Costa: So what mitigation is going to be used so that there aren't issues during those  
7 30 to 90 days?

8

9 Mr. Mehrazarin: The mitigation is you're in the building and you're basically control the storm  
10 water or any liquid. There is a SPCC plan per regulation that you have to have a plan. It's a  
11 thorough regulation to control any liquids from escaping your work area and that applies to most  
12 of the facilities that they handle this type of material.

13

14 Ms. La Costa: And how are you doing that please?

15

16 Mr. Mehrazarin: It's basically a plan, it's a federal regulation. It's a plan and you have a  
17 temporary or a permanent and temporary BMPs, berms and basically you berm the area and  
18 you control the liquids if there's any accident.

19

20 Ms. La Costa: Is there another comment or you're just standing up? You look like you got—

21

22 Mr. Eric Nakagawa: Eric Nakagawa, Director. We, Environmental Management we fight  
23 pollution every day. So what we're trying to do is, and you guys see it, all of these things are in  
24 the environment. There's people are illegally dumping them. What we do is we designate an  
25 area, we're heavily regulated by federal and state, Department of Health, EPA so we bring it to  
26 an area that is permitted that takes care of all of these concerns. So I'm just trying to give you  
27 without going into all these details, I mean, basically you create a impervious area where even if  
28 liquids come down they can collect it, they can dispose of it properly, but what I'm trying to do is  
29 give you more of a high level understanding so that it kinda helps you address your...any of  
30 your guys concerns because the whole point of us in Environmental Management is to protect  
31 the environment and so we do that by taking away all of this illegal dumping, illegal that kind of  
32 stuff and then putting it to an area that is already designated by and permitted by the feds and  
33 the state, yeah.

34

35 Ms. La Costa: So it's impervious is that what I heard you say? I'm concerned about it rains and  
36 everything else so that's what I want to hear there's an impervious surface that the runoff if it  
37 does get wet or whatever is not going to affect the groundwater.

38

39 Mr. Nakagawa: Right so whatever we do it, it creates some type of impervious area because  
40 the whole point of it is not for it to go into the ground, into groundwater. And so whatever those  
41 standards are which is dictated by the Department of Health, right 'cause they look at all our  
42 plans, they review it and by EPA who's the authority over them and we comply with that.

43

44 Ms. La Costa: Okay, one more.

45

1 Mr. Robinson: I'm going to jump on this and then you can jump—Eric one second. So in the  
2 report it says that the runoff will be collected, asphalt concrete and then sent to a storm drain  
3 and then from there go to bedrock.

4  
5 Mr. Nakagawa: Okay.

6  
7 Mr. Robinson: Road drainage ditches with adjacent AC berms and discharge into two proposed  
8 basins, right with a net capacity of 27,000 yards, storm water collected in the basins will be  
9 discharged ...(inaudible)...and into fractured bedrock. So it doesn't show it's not impervious it's  
10 gonna go, it's gonna go down so there's no lining.

11  
12 Mr. Nakagawa: All so, I think...I think it's two totally different questions.

13  
14 Mr. Robinson: Okay.

15  
16 Mr. Nakagawa: So what you're talking about and I'm not even the design engineer, he can  
17 answer in more detail, what you're talking about is surface runoff when it rains, right. So when it  
18 rains, right it has to collect like any post development, right when you guys...well, not you guys  
19 but approve subdivisions you create impervious area that doesn't go in that has to flow  
20 somewhere, it has to be mitigated, you can't let it go off your property, that's the same thing. So  
21 when you do these drainage improvements that's gets collected and that takes care of...but  
22 that's totally different than when you bring in these abandoned vehicles, all these other different  
23 types of hazardous waste you could bring it into a confined space that's controlled and then you  
24 mitigate that, those measure...so it can't be...so those two are totally—

25  
26 Mr. Robinson: So the vehicles are gonna be in the covered area and not be susceptible to rain  
27 water?

28  
29 Mr. Nakagawa: Oh, that's a little bit more detailed than for me, he can answer it.

30  
31 Mr. Mehrazarin: Yeah, the vehicles will be partly in the open areas but the hazardous materials  
32 from it is already removed and is safe for transportation and that's how you'd store them and  
33 transfer it.

34  
35 Mr. Robinson: The oils will be drained...(inaudible)...with be removed.

36  
37 Mr. Mehrazarin: Everything, yes absolutely, correct.

38  
39 Mr. Robinson: And the electrical is the same thing?

40  
41 Mr. Mehrazarin: Yes.

42  
43 Mr. Robinson: Refrigerators are the same thing?

44  
45 Mr. Mehrazarin: Correct. They take the Freon out. That's basically how you manage batteries  
46 and so on. You have to get it in a safe condition for transport so that's...

47

1 Mr. Robinson: There's a prestaging area that's contained and then it goes into a storage area  
2 that—

3  
4 Mr. Mehrazarin: That's correct.

5  
6 Mr. Robinson: Thank you.

7  
8 Mr. Carnicelli: Commissioner La Costa.

9  
10 Ms. La Costa: Thank you Chair. My other question please for the engineer I believe. In your  
11 new facility or in the future do you have any plans for any kind of H-power or is it just gonna be  
12 status quo as it is?

13  
14 Mr. Nakagawa: Eric Nakagawa, Director. I think it's more for this Administration so I'll speak on  
15 that. So you talk about H-power which is basically some type of either waste to energy or in that  
16 manner fashion. So this Administration is looking into waste to energy. I mean that is kinda the  
17 future of where everybody else is going. The question comes back to is, is the technology  
18 mature enough to where we can utilize that and we're currently in a waste to energy contract  
19 kinda-ish that expires maybe next year. If that doesn't come to fruition then we are absolutely,  
20 this Administration is dedicated in looking into future waste to energy projects because  
21 ultimately we feel that this waste is some type of resource that can create something good for  
22 the community and that's what we're gonna produce. We also have a update for our integrated  
23 solid waste management plan that's already contracted that's basically in layman's term the  
24 long term vision of what the department is supposed to be doing and that gets approved once  
25 again from the Department of Health. So we...that will kind of set that tone of are we...how  
26 much waste to energy, how recycling, how much composting, all that kinda long term visions,  
27 yeah for that.

28  
29 Ms. La Costa: Thank you.

30  
31 Mr. Carnicelli: Commissioner Castro.

32  
33 Mr. Castro: No questions.

34  
35 Mr. Carnicelli: No questions. Commissioner Tackett.

36  
37 Mr. Tackett: No questions.

38  
39 Mr. Carnicelli: Thank you. Commissioner Robinson.

40  
41 Mr. Robinson: I have a question with the numbers of the plus and the minuses and Eric or  
42 anybody, yeah or the consultant can answer that. Is I was trying to follow your presentation, I  
43 apologize I didn't want to stop you through it, so there was a net gain and net loss but is what I  
44 didn't see is was a...I saw a gain on cars and different type of things but I didn't see a gain on  
45 the landfill itself, are we not increasing the landfill? The landfill is still gonna be what it has been  
46 with its same date of expiration?

47



1 Ms. Suyama: The landfill...this is only a portion of the landfill operation. We're only adding  
2 approximately 40 acres to do the ancillary uses. The landfill itself is under another portion of  
3 where they have different phasing and maybe Eric can explain to you what those phasings are  
4 but none of the landfill, you know like just the dumping of the waste would occur on this  
5 40 acres.

6  
7 Mr. Robinson: Okay. And Eric, my question is I know the new Administration you guys are  
8 looking at different things, it's I just got a easy question is we want to extend the life of our  
9 landfill like everybody else and of course, separating green waste and recyclable waste like  
10 other islands do is a good leap towards that, do you have any updates on what this  
11 Administration is looking forward to do? I know we got a contract that you know, a year, but  
12 how we're doing with recycling and separation?

13  
14 Mr. Nakagawa: Eric Nakagawa, Director. So I think maybe to help clear and I don't know if this  
15 was your question but you had about adding and subtracting so we're adding 40 acres, right but  
16 then we're subtracting 17 or so acres so the whole reason for just bigger picture is a private  
17 entity bought that 17 acres so there's no reason for the County to have special use permits and  
18 county permits on that land. So that's purely why we're taking that out. So this hopefully  
19 probably gonna help you guys understand why we're subtracting those acres.

20  
21 As far as recycling I mean, and eco-compost, diversions, recycling you know as a whole the  
22 recycling market unfortunately is in a big downturn, right. I mean we're having nationwide  
23 everybody's trying to figure out what do you do, China shut off recycling basically right and so  
24 now they're looking at different venues and this Administration is still committed to doing as  
25 much landfill diversion which is recycling. The whole point is really to try to keep it out of our  
26 landfills, right, out of our land, conserve that space for the waste, but also to figure out like  
27 Hannah was mentioned to Member La Costa that we also want to utilize for some kind of  
28 beneficial use which is energy. So this...the key is gonna be this integrated solid waste  
29 management plan that will really determine look at the landscape of what's going on in the  
30 market today and where new technologies and that kind of things are coming up and then set  
31 our long-term vision on where we're gonna go. Hopefully you know that will flesh out is maybe  
32 recycling on a downturn so you do waste and energy with that stuff but yet eco-composting is  
33 still viable and a good product to do on an island that hopefully with larger ag developments  
34 they pursue this, agriculture, you know growing our own crops here on Maui, right and so that  
35 would be a venue of that.

36  
37 But those guys that are you know once again, I can bring the department up, in fact the division  
38 up, but they can answer like you know where we are with that integrated solid waste  
39 management plan which is just about to get kicked off. I think it takes around roughly  
40 18 months to two years to go through that entire process which is basically I think like City and  
41 County of Honolulu just finished theirs and took around that time two years so...but this  
42 Administration is still committed to recycling and reuse if you look at our EP&S Division that's all  
43 they do as far as landfill diversion with recycling yeah.

44  
45 Mr. Robinson: Thanks. Thank you Chair.

46  
47 Mr. Carnicelli: Commissioner Pali.

1  
2 Ms. Pali: Just for clarification Chair. This was a permit that was already issued and now they're  
3 coming back and amending it and that was the items you highlighted that's typed out here in the  
4 recommendation?

5  
6 Mr. Carnicelli: I'll let Kurt answer that directly. He's nodding yes, let the record show that Kurt is  
7 nodding yes.

8  
9 Mr. Hopper: And of course, adding additional acreage to those permits.

10  
11 Ms. Pali: Correct, but on a permit that was already issued. Okay, so I was trying to focus on  
12 those amendments.

13  
14 Mr. Carnicelli: Right.

15  
16 Ms. Pali: But I did notice if just for the record the amendment Number 6, I believe there's a  
17 typo, it should be May 13, 2020, it's reading May 13, 2002. So...

18  
19 Mr. Wollenhaupt: It's being deleted.

20  
21 Ms. Pali: Oh, you're deleting that whole thing?

22  
23 Mr. Wollenhaupt: Correct.

24  
25 Ms. McLean: Right.

26  
27 Ms. Pali: Oh we're deleting it.

28  
29 Ms. McLean: It's done.

30  
31 Ms. Pali: Okay, got it. Okay, so just we're deleting it completely.

32  
33 Mr. Carnicelli: Yes.

34  
35 Ms. Pali: Wonderful. Okay, thank you for the clarification.

36  
37 Mr. Carnicelli: Bracketed is deleted and then underlined and bold is the added.

38  
39 Ms. Pali: Okay, perfect. So good. So that's gone then. I actually have one question I'm not  
40 sure who it would be towards but I get to the dump often with my girls you know doing our part  
41 and these things you're adding on this acreage it doesn't seem like...do you have those  
42 services available now in the existing acreage because I don't remember seeing these available  
43 or at least when I'm driving through I stop, I do my cardboard dump, I go around for household  
44 stuff, are we adding services to the dump?

45  
46 Ms. Elaine Baker: Elaine Baker, civil engineer. Currently we do not collect these items at  
47 Central Maui Landfill.

1  
2 Ms. Pali: Okay, so we're adding new services. Again, what the other gentleman said...we're  
3 I'm trying to create a centralized point so yeah, okay well, I think it's a great addition so thank  
4 you.

5  
6 Mr. Carnicelli: Thank you. Commissioner Thompson. Commissioner Freitas.

7  
8 Mr. Freitas: I have two. About fees and all that, that's down the road? Are these free or are we  
9 gonna be charging people to drop their cars and washer, dryer and stuff?

10  
11 Ms. Suyama: My understanding its fees are set by the annual budget.

12  
13 Mr. Freitas: Okay.

14  
15 Ms. Suyama: So it's not set by the department, although the department makes a  
16 recommendation.

17  
18 Mr. Freitas: Okay. My second question, I was happy to hear you have a cultural team on board  
19 and in this, let's see what you got in this special permit I don't know, underlined Number 9, that  
20 the applicant shall immediately stop work and contact the State Historic Preservation Division,  
21 Department of Land and Natural Resources. Why wouldn't your cultural team also be  
22 contacted...one of the members be contacted as well? Can we add that or is that for her to...

23  
24 Ms. Suyama: We didn't change any of the conditions and this is an original condition of the  
25 Special Use Permit as well as the County Special Use Permit.

26  
27 Mr. Freitas: Okay. Can we add that as a...Chair?

28  
29 Mr. Carnicelli: Hang on one second, let me—

30  
31 Mr. Freitas: Okay.

32  
33 Mr. Robinson: And Commissioner if you look at the State Historic Preservation when they went  
34 through and they did their work it was because it was heavily used before in ag and other things  
35 I think that's why they kind of bypassed it 'cause they figured that's been tilled for so long, but I  
36 hear you on the...

37  
38 Mr. Freitas: That's what I'm afraid of they're gonna say that and some areas may have been  
39 just so many inches below the surface and some may have gone way down this area that we're  
40 talking about you know with some of the buildings that are being built I see the square footage  
41 but I don't see how deep you folks are gonna dig down into the ground. So how...that was  
42 going to be my other question how deep are you digging down to build some of these four or  
43 five facilities.

44  
45 Ms. Suyama: Because these are conceptual plans I don't think they know how much you know  
46 the extent of the groundwork until they actually start designing the structures, the facilities. And  
47 one of the things is that with this Condition 9, whenever they come in for a building permit for

1 the structures normally it is sent to the State Historic Preservation Division for review and  
2 recommendation or you know they make sure that if there's a monitoring plan involved or if  
3 there's any you know cultural resources that are involved that they get notified somewhere  
4 along the line.

5  
6 Mr. Freitas: Okay, to Commissioner Robinson it does say if they find bones and I did read the  
7 part that it was deemed ag land before and there was –

8  
9 Mr. Robinson: No, and you know what and you brought up a great point about the construction.  
10 I was just thinking about the land and being over it.

11  
12 Mr. Freitas: Right.

13  
14 Mr. Robinson: Again, we read or I read about the storm drains and all that so yes, I think that's  
15 something that was overlooked. That's a good catch.

16  
17 Mr. Freitas: So I still think that yes, but if there are bones there are things of cultural  
18 significance found you would be contacting your cultural team and since we're talking about the  
19 cultural team what other things would they do?

20  
21 Mr. Carnicelli: Actually Colleen, let's bring your archaeologist forward.

22  
23 Ms. Suyama: We have our cultural specialist.

24  
25 Mr. Carnicelli: Or cultural specialist then, yeah. We brought 'em, let's us him.

26  
27 Ms. Suyama: Yeah, this is Trevor Yucha from Cultural Surveys.

28  
29 Mr. Trevor Yucha: Hi, Trevor Yucha from Cultural Surveys.

30  
31 Mr. Freitas: Hi Trevor, so would you agree that if something is found that you would be one to  
32 be contacted?

33  
34 Mr. Yucha: Certainly as a cultural archaeological consultant we could be contacted, yes.

35  
36 Mr. Freitas: You can be, but I think it should be.

37  
38 Mr. Yucha: Yeah.

39  
40 Mr. Freitas: I mean I think you should be the first one to call depending on how fast the other  
41 departments move, more damage could be done if no one's right there and I would think that  
42 our cultural specialists would have little bit more passion for our Hawaiian cultural...things that  
43 might be found.

44  
45 Mr. Carnicelli: Director.

46

1 Mr. Nakagawa: Eric Nakagawa, Director. So the construction process is no different than any  
2 other construction process. We go through building permit approval. We gotta go through the  
3 Burial Council approval whenever you have excavations. These guys are hired to do their  
4 cultural survey impact you know the reports in the beginning. Typically what every project that  
5 I've been a part of, I came from waste water, but you are required to have archaeological  
6 monitoring so we have archaeological monitoring. If bones are ever found, the first person is  
7 not him who's called, it's SHPD and Hinano comes out with his team, they figure out what it is,  
8 can it be interred, is it something of cultural significance and they come up with a plan which is  
9 the State, comes up with a plan on how do you address that.

10  
11 Mr. Freitas: What department is that, you used acronyms I don't understand?

12  
13 Mr. Nakagawa: Oh, State Historic Preservation Division, sorry.

14  
15 Mr. Freitas: Oh, okay thank you.

16  
17 Mr. Nakagawa: So just to kinda mitigate your...or anybody's concerns whenever 'cause in  
18 Hawaii there's a lot of cultural significance in bones and stuff so every project that's done  
19 whether it's Environmental Management, Public Works, any type of excavation that's how it's  
20 addressed yeah.

21  
22 Mr. Freitas: Okay, thank you.

23  
24 Mr. Carnicelli: If you'd like we could also I guess add that the applicant's cultural specialist is  
25 also, you know informed.

26  
27 Mr. Freitas: I think so because not many have one or say that they have one. So if we know  
28 that there is one it should be added in.

29  
30 Mr. Carnicelli: Okay, thank you. Commissioner La Costa.

31  
32 Ms. La Costa: Thank you Chair. Two questions. Eric please, I'm not finished with you yet,  
33 thank you very much.

34  
35 Mr. Carnicelli: You're gonna earn your money tonight.

36  
37 Mr. Nakagawa: All right.

38  
39 Mr. Robinson: She's hungry.

40  
41 Mr. Nakagawa: Good, 'cause it will go quicker.

42  
43 Ms. La Costa: Not necessarily. So my moniker here is I'm the solar question asker, where are  
44 your solar panels on your buildings please?

45  
46 Mr. Nakagawa: Well, that will be a more detailed question for design, but—  
47

1 Ms. La Costa: While we're waiting for him I do have another question.

2

3 Mr. Nakagawa: Oh, okay, I can kinda, I'll just answer it a little more in general, I mean your  
4 facilities they don't really require much power. So I'm imagining and he can correct me if I'm  
5 wrong, are all gonna be rooftops because all of our land space we need for storage of  
6 equipment or buildings or mitigation measures to protect groundwater that kind of...drainage  
7 basins and all that kind of drainage, so...but I think he can answer.

8

9 Mr. Mehrazarin: Yeah, we have 80,000 square foot of building, the roof area and we only need  
10 about 10,000 square foot to have our solar panels and meet our demands.

11

12 Ms. La Costa: So there will be solar?

13

14 Mr. Mehrazarin: There will be solar, yes.

15

16 Ms. La Costa: Thank you very much. That answers that question and I have one more Chair if  
17 I might?

18

19 Mr. Carnicelli: Go ahead.

20

21 Ms. La Costa: I noticed somewhere amongst here or perhaps it was on the thumbdrive about  
22 Anagegras and I might be mispronouncing it. There was an area for that and I don't know...I  
23 need some additional information on that please?

24

25 Mr. Nakagawa: Oh, I went to public school I don't know what...nah I just joking.

26

27 Ms. La Costa: So did I.

28

29 Mr. Nakagawa: Well, I guess everybody else went to public school like me. Nah, I'm just  
30 joking. They said they don't...I'm not too sure what you're referring to, maybe you can point it  
31 out in the document?

32

33 Ms. La Costa: Well, I was...I've been leafing through this looking for it. There was an area that  
34 showed and it was A-N-A-G-E-G-R-A-S—

35

36 Mr. Carnicelli: Ingress, egress?

37

38 Ms. La Costa: No.

39

40 Mr. Nakagawa: Oh, okay, okay, okay. Okay, so—I mean, Eric Nakagawa here. That's  
41 Anagegras that is I was talking to you about it. It's a...that's the private entity that we're  
42 contracted with right now. Their contract potentially may end in July if they don't meet their  
43 milestones. But I don't think that's part of this 40-acre piece. So that's just another waste to  
44 energy venue that we tried to pursue back in 2015 I think, 2014 and that is still yet to see if it  
45 comes to fruition.

46

47 Ms. La Costa: Okay, so that's not part of this? Thank you.

1  
2 Mr. Carnicelli: Does anybody else have any other questions at this time? Okay, seeing none,  
3 Kurt, the man in white shirt with the black pants.

4  
5 Mr. Wollenhaupt: There are two permits here so we can take them all as one or however you'd  
6 like. The Department first on the County Special Use Permit, you are the approving the body.  
7 The Department recommends that the Planning Commission approve the amendments to  
8 County Special Use Permit to 2008/0003 to include the new uses, the addition of the 40-acre  
9 project area, the deletion of TMK: (2) 3-8-003:020 from the permit with the new permit area of  
10 approximately 96 acres subject to the conditions that are outlined on the staff report, conditions  
11 that are enumerated up to Number 17. Did you want to take...

12  
13 And the other recommendation that has to do with the State Land Use Commission Special  
14 Permit, the Department recommends the Maui Planning Commission approve the State Special  
15 Permit 97-390 and they also make a recommendation to the State Land Use Commission that  
16 the Land Use Commission also approves the amendments to the State Special Permit 97-390  
17 consisting of the time extension, the inclusion of the new uses, the addition of the 40-acre  
18 project area and the deletion of TMK: (2) 3-8-003:020 from the permit.

19  
20 There would be one change to the condition regarding the finding of potential archaeological  
21 resources and that Condition Number 9 "that the applicant shall immediately stop work and  
22 contact the State Historic Preservation Division, Department of Land and Natural Resources  
23 and the applicant's cultural specialist should any"...and then it would read as it says there. So  
24 we would add, "and the applicant's cultural specialist".

25  
26 Mr. Carnicelli: Thank you Kurt. Anything else to add Mr. Hopper?

27  
28 Mr. Hopper: Just to clarify for the State Special Permit you are actually approving that permit.  
29 The Land Use Commission is going to review the record on that and decide if they're also going  
30 to approve it. So you're not really making a recommendation to them, you are actually  
31 approving the State Special Permit and then it's going to go to them and they also have to  
32 approve it. So for example, if you denied the State Special Permit then it wouldn't move forward  
33 at all and the use would be denied. So it's different than the Council recommendations where  
34 you could recommend denial and the Council could approve it. In this case, if you  
35 recommend...or in this case if you decide to deny the State Special Permit the project would  
36 stop. I'm not saying you're going to do that, but to clarify what's happening is you're being  
37 requested to approve the State Special Permit and that would be forwarded if approved to the  
38 State Land Use Commission for their action and that's under HRS 205-6.

39  
40 Mr. Carnicelli: And also including the necessary findings under IAL.

41  
42 Mr. Hopper: I think if you adopt your staff report which includes those findings, if you so choose  
43 then you would be adopting that as part of your decision and that would hopefully make clear to  
44 the Land Use Commission that you had considered that criteria found by preponderance of the  
45 evidence it was met and forwarded to them with those findings and they could disregard if they  
46 find it inapplicable or they could see that analysis and decide to agree or disagree with it.

47

1 Mr. Carnicelli: Thank you very much. So with that...saying all that do we have a motion?  
2

3 Mr. Robinson: I'd like to make a motion first to accept the staff report so it can be clarified that  
4 way.  
5

6 Mr. Carnicelli: Okay, we have a motion to accept the staff report by Commissioner Robinson.  
7 Do I have a second? Seconded by Commissioner Pali. Any discussion on that particular  
8 motion?  
9

10 Mr. Robinson: Just housekeeping.  
11

12 Mr. Carnicelli: Sounds good. All those in favor of the motion please raise your hands? That is  
13 seven ayes, passes unanimously.  
14

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

16  
17 **VOTED: To Accept the Staff Report.**

18  
19 **(Assenting – K. Robinson, K. Pali, K. Freitas, D. Thompson,**  
20 **C. Tackett, S. Castro, P. D. La Costa)**

21 **(Absent – T. Gomes)**  
22

23 Mr. Carnicelli: Do we have another motion?  
24

25 Mr. Robinson: So moved.  
26

27 Mr. Carnicelli: Okay, so moved to approve—  
28

29 Mr. Robinson: We're doing two or we're doing one and one, right?  
30

31 Mr. Carnicelli: Oh—  
32

33 Mr. Robinson: Because approval and the recommendation is—  
34

35 Mr. Carnicelli: No, we'll just do it the entire staff report in total as read into the record by Kurt—  
36

37 Mr. Hopper: Including the recommendation.  
38

39 Mr. Carnicelli: --including the recommendation—  
40

41 Mr. Hopper: As revised.  
42

43 Mr. Carnicelli: --as revised. So the motion is to accept by Commissioner Robinson. Do I have  
44 a second? Seconded by Commissioner Pali. Discussion on the motion?  
45

46 Mr. Hopper: Did you want to restate the motion just to make it clear.  
47



1 Mr. Carnicelli: Right, we will do that. I guess, yeah we gotta approve it where else we're gonna  
2 put everything, right? We'll put it in your backyard. So Director.

3  
4 Ms. McLean: Thanks Chair. The motion is to approve the staff report, the findings and  
5 conclusions in the staff report to approve the State Land Use Commission Special Permit  
6 subject to the 18 conditions as amended and to transmit that to the State Land Use  
7 Commission, and to approve the County Special Use Permit subject to the 17 conditions as  
8 amended.

9  
10 Mr. Carnicelli: All those in favor please raise your hand. That is seven ayes, unanimous.

11  
12 **It was moved by Mr. Robinson, seconded by Ms. Pali, then unanimously**

13  
14 **VOTED: To Approve the Staff Report, Findings and Conclusions in the Staff**  
15 **Report to Approve the State Land Use Commission Special Permit**  
16 **Subject to the 18 Conditions as Amendment and to Transmit to the**  
17 **State Land Use Commission and to Approve the County Special Use**  
18 **Permit as Subject to the 17 Conditions as Amended.**

19  
20 **(Assenting – K. Robinson, K. Pali, K. Freitas, D. Thompson,**  
21 **C. Tackett, S. Castro, P. D. La Costa)**  
22 **(Absent – T. Gomes)**

23  
24 Mr. Carnicelli: We still get to lunch before 12:30. All right, thank you everybody for your help  
25 and your work. We are now in recess we'll be back at 1:30.

26  
27 A recess was called at 12:23 p.m., and the meeting was reconvened at approximately 1:30 p.m.

28  
29 Mr. Carnicelli: Good afternoon everyone the Maui Planning Commission meeting of  
30 December 10, 2019 is now back in session. Director.

31  
32 Ms. McLean: Thank you Chair the next item noted on the agenda is the request from Costco  
33 Wholesale Corporation for a Special Management Area Use Permit for the proposed  
34 construction of a five-island expansion of the existing fueling facility, canopy and related  
35 equipment located in the State Urban District on 4.08 acres at 548 Haleakala Highway,  
36 TMK: 3-8-103: 001 in Kahului.

37  
38  
39 **4. COSTCO WHOLESALE CORPORATION requesting a Special Management**  
40 **Area Use Permit for the proposed construction of a five-island expansion of**  
41 **the existing fueling facility, canopy and related equipment located in the**  
42 **State Urban District on 4.08 acres, at 548 Haleakala Highway, TMK (2) 3-8-**  
43 **103:001, Kahului, Island of Maui. (SM1 2019/0005) (P Fasi)**  
44

1 Ms. McLean: As you mentioned at the beginning of the meeting Chair, the applicant has asked  
2 that this public hearing be rescheduled so it will be renoticed and rescheduled for another day  
3 but because the item is on the agenda testimony can be taken.

4  
5 Mr. Carnicelli: So is there anybody that would like to come forward and testify on this particular  
6 item? Then without objections if...without objections we'll go ahead and close public testimony  
7 on that item. Director.

8  
9 Ms. McLean: Thank you Chair and the last public hearing item today is a request from  
10 Mr. Gene Matsushige, the State of Hawaii, Department of Transportation, Airports Division for a  
11 Special Management Area Use Permit for the Kahului Airport renovations and expansion to  
12 holdrooms A, B, and E and existing restroom facilities, gate realignments and related  
13 improvements located in the State Urban District at 1 Keolani Place, TMK: (2) 3-8-001:019 in  
14 Kahului. Paul Fasi is the Project Planner.

15  
16  
17 **5. MR. GENE MATSUSHIGE, STATE OF HAWAII, DEPARTMENT OF**  
18 **TRANSPORTATION, AIRPORTS DIVISION requesting a Special**  
19 **Management Area Use Permit for the Kahului Airport (OGG) renovations**  
20 **and expansion to holdrooms A, B, and E and existing restroom facilities,**  
21 **gate realignments and related improvements located in the State Urban**  
22 **District at 1 Keolani Place, TMK: (2) 3-8-001:019, Kahului, Island of Maui.**  
23 **(SM1 2019/0006) (P. Fasi)**  
24

25 Mr. Paul Fasi: Good afternoon Commissioners, happy holidays. The item before you is a  
26 Special Management Area Permit request and so we'll be reviewing this project in light of this  
27 permit. As you all are very familiar with the Kahului Airport it has been there since it was  
28 permitted. On all three levels of the government zoning, State, County, community plan, it's all  
29 a permitted use in that district. It's all Airport zoned. The State is Urban, community plan is  
30 Airport, the County zoning is Airport.

31  
32 Basically what we're looking at today is the expansion of holdrooms A, B. they're gonna create  
33 a new holdroom between, holdrooms A and B on the southern end of the terminal and they're  
34 going to increase and refurbish the existing holdrooms A and B, refurbish the bathrooms and  
35 include an outdoor kind of a garden patio area.

36  
37 In terms of government regulations on the State, County and community plan, the project  
38 meets, the proposed project meets the requirements on all three levels of zoning. It did trigger  
39 Chapter 343 because it's the use of State funds and State land. The Department of  
40 Transportation issued an exemption. The design went before the Urban Design Review Board  
41 on November 5<sup>th</sup>. They had a few items of discussion. They didn't make any substantive  
42 changes.

43  
44 I'm gonna turn it over to the applicant. The applicant is the State Department of Transportation,  
45 Airports Division. Representing the airport is Marvin Moniz and Gene Matsushige from the  
46 State, and their representing consultant is Munekiyo Hiraga, Malia Molina. That concludes the  
47 Department's representation. It's pretty straight forward. Any questions? Thank you.

1  
2 Mr. Carnicelli: I think we'll get to that, we'll get there. Thank you Paul.

3  
4 Ms. Malia Molina: Good afternoon Members of the Maui Planning Commission. My name is  
5 Malia Molina representing Munekiyo Hiraga and today our project team will be presenting to you  
6 information regarding the proposed Kahului Airport holdrooms and restrooms expansion and  
7 renovations project.

8  
9 So before we begin, I'd like to introduce our project team. So like Paul had mentioned, today  
10 we have Gene Matsushige and Ryan Kondo here representing State DOT, Airports Division.  
11 The architectural firm for the project is Design Partners Incorporated and from their office here  
12 today is Dayton Wong, Joy Chan and Mike Muromoto. There are two civil engineering firms for  
13 the project, Sean Kaui representing SSFM International, and Aren Cleven representing Orion  
14 Engineers & Associates. They focus on the air side of the project. And lastly the planners for  
15 the project are Tessa Munekiyo Ng and myself from Munekiyo Hiraga.

16  
17 So the objective of today's presentation is to provide you all with information regarding the  
18 proposed Kahului Airport holdrooms and restrooms expansion and renovations project. We had  
19 submitted a Special Management Area Use Permit application for the project with the Planning  
20 Department in September of this year and as part of that process we went before the UDRB at  
21 their November 5<sup>th</sup> meeting during which they voted unanimously to recommend approval with  
22 recommendations to the Planning Commission. So we're here before you today to request  
23 approval from the Commission on the SMA Use Permit.

24  
25 So to start the proposed project is located at the Kahului Airport at holdrooms A, B and E. To  
26 situate yourself once you've gone through security at the airport and go up the escalators near  
27 Starbucks you can either go right towards holdrooms A and B or left towards holdrooms C, D, E  
28 and F.

29  
30 So holdroom A and B are located in the south terminal of the airport. Holdroom A includes  
31 Gates 1, 5, and 7 while holdroom B includes Gates 9, 11, 13, and 15. The holdrooms are  
32 connected by a covered open air concourse walkway, but the holdrooms themselves are  
33 enclosed and air-conditioned and the restrooms are located across of the open air walkway  
34 from the holdrooms.

35  
36 Holdroom E is located in the north terminal and consists of Gates 29, 31 and 33. The holdroom  
37 and its restrooms as well as the concourse area are enclosed and air-conditioned and unlike the  
38 restrooms at holdrooms A and B, the restrooms at holdroom E were renovated in 1990 and  
39 have a different layout from the ones at A and B.

40  
41 So here's some photos of existing conditions at the airport. To the left is the concourse area  
42 fronting holdrooms A and B and so these will be enclosed and incorporated into the respective  
43 holdrooms and to the right is an interior view of the existing conditions of holdroom A and  
44 holdroom B. This is the open air concourse walkway that's between holdrooms A and B and  
45 this is the location of the holdroom expansion area. Here's some photos of the existing  
46 conditions of the restrooms, so above are existing conditions of the men's restroom at  
47 holdroom A and below is the existing women's restroom at holdroom E.

1  
2 So the project site is located with the State Land Use Urban District and is within the Maui  
3 Island Plan's Urban Growth Boundary. It's zoned by the County as Airport, and designated as  
4 Airport by the Wailuku-Kahului Community Plan.

5  
6 So the DOT is proposing two main actions. The first is to improve and expand holdrooms A and  
7 B. This would include enclosing the open air concourse walkway fronting holdrooms A and B  
8 and also infilling the area between the two holdrooms to create a new holdroom AB which will  
9 require the realignment of the existing gates.

10  
11 The second action is to expand and renovate the restroom facilities at holdrooms A and B and  
12 renovate the restrooms at holdroom E. Unlike the restrooms at holdrooms A and B there will be  
13 no building footprint expansion of the restroom facilities at holdroom E.

14  
15 Here's a diagram of the holdrooms A and B expansion. The dotted area is the enclosure areas  
16 fronting holdroom A over here and holdroom B, and the hatched area is the location of the  
17 holdroom AB...holdroom AB and then the new garden deck area as well. Some visual  
18 renderings of the expansion. This will be the new holdroom AB, the new garden deck area that  
19 will be facing mauka, here's another view of the expansion area. Visual renderings of the  
20 interior of holdroom AB and this is a visual rendering of the garden deck area and this area will  
21 act as additional space for visitors to wait for their flights if they don't want to wait inside. And as  
22 I had mentioned so this is facing the West Maui Mountains and this landscaped area will act as  
23 sort of a screen from operations below.

24  
25 This figure depicts the gate realignment that will result from the addition of holdroom AB. Can't  
26 really see it but right here is Gate 3. It was decommissioned to accommodate larger planes that  
27 were used for transpacific flights in the past, but now smaller aircrafts are being used for these  
28 flights because of their flexibility to increase and decrease passenger seating. So Gate 3 is now  
29 being reinstated at holdroom A and Gate 7 over here will be relocated to the new holdroom AB.

30  
31 Here's some renderings of the elevations of the new restroom areas at holdrooms A and B. The  
32 middle part is the existing restroom facility at holdroom A and holdroom B. The red arrows  
33 indicate the new expansion of the restroom facilities.

34  
35 So here's some interior elevations of the concourse...from the concourse area looking at the  
36 restrooms. So the holdrooms will now enclose this space with the restrooms so if you're  
37 walking...and similar to the north terminal, if you're walking on your right will be the restroom  
38 areas and this is what you're expected to see and on your left will be the gate waiting areas.  
39 And holdroom E will look similar to what is already existing at the north terminal.

40  
41 Visual rendering of the interior of the restrooms. They'll look similar to some of the restrooms at  
42 the north terminal, kind of this resort style theme and DOT is hoping to including some local  
43 artwork.

44  
45 So overall the proposed project consists of 16,125 square feet increase in new building area  
46 and 12,809 square feet of renovated building area. And the total number of new and renovated

1 square footage represent an approximately 6.1 percent increase of the existing building square  
2 footage of the main terminal.

3  
4 In general, the purpose of the proposed project is to upgrade traveler experiences at the Kahului  
5 Airport. Most times the Kahului Airport is visitor's first stop during their trip to Maui so it's  
6 important that the airport give them a positive first and last impression before they return home.  
7 There's also an insufficient seating capacity at holdrooms A and B. The additional seating  
8 within holdroom AB will be able to accommodate existing passenger loads arriving at holdroom  
9 A and B, and as I had previously mentioned the new garden deck area will also provide another  
10 space for passengers who prefer to wait outside.

11  
12 Similarly the restrooms at holdrooms A, B and E are currently undersized for existing passenger  
13 volumes. Often there's an overlap between flights when flights arrive as well as when they  
14 depart and many passengers like to use the restroom either before the board or once they land  
15 so this can result in a backup at the existing facilities in which passengers are left waiting in line  
16 before or shortly after their flight so the proposed project will address this congestion as well.

17  
18 As Paul had mentioned the project will utilize State funds and lands so it is subject to  
19 Chapter 343 of the Hawaii Revised Statutes, but on August 8<sup>th</sup> the DOT issued an  
20 EA Exemption for the project because the action is considered an exempt action and will only  
21 involve 28,934 square feet of new and renovated space representing less than 20 percent of the  
22 floor area of the main terminal.

23  
24 Other environmental considerations that we wanted to note were that petroleum contaminated  
25 soils were encountered during geotech surveys of the area. In response, an environmental  
26 hazard evaluation and mitigation plan will be prepared and submitted to the Department of  
27 Health prior to construction.

28  
29 No endangered or threatened species or habitats are located at the project site, and furthermore  
30 all ground altering work will be conducted in previously disturbed areas, but Chapter 6, HRS  
31 consultation with SHPD has been initiated.

32  
33 A utilities assessment for the proposed renovation and expansion was conducted by  
34 SSFM International. The assessment concluded that existing systems appeared adequate to  
35 support the project. With respect to water, systems were satisfactory to support the restroom  
36 expansions. Though the project could be accommodated for the short term ultimately the  
37 assessment stated that the State would need to auger or jet clean the existing sewer laterals  
38 servicing holdrooms A, B and E on a maintenance schedule or replace the existing sewer lateral  
39 to new six-inch lines. Additionally the new four-inch sewer lines supporting the mechanical  
40 room at holdroom AB will be connected to the existing eight-inch sewer line.

41  
42 In terms of drainage, the storm runoff from holdroom AB will be channeled via a new ten-inch  
43 drain line to the existing 24-inch drain line. However, holdroom AB will not increase the amount  
44 of storm water runoff to the existing system and similarly the apron expansion will maintain  
45 existing drainage patterns as well.

1 Finally the proposed project has been evaluated and was found to be consistent with  
2 Chapter 205A, Hawaii Revised Statutes relating to Coastal Zone Management Project  
3 Objectives and Policies. Chapter 205A-26, SMA Guidelines and Section 12-202-12 of the  
4 SMA Rules for the Maui Planning Commission.

5  
6 So in summary we are respectfully requesting approval of the SMA Use Permit for the proposed  
7 Kahului Airport holdrooms and restrooms renovation and expansion project and we thank you  
8 for your time and we're happy to answer any questions.

9  
10 Mr. Carnicelli: Thank you Ms. Molina. At this point in time, I think we will go ahead and open up  
11 the floor for public testimony. Anybody sign up?

12  
13 Ms. La Costa: No.

14  
15 Mr. Carnicelli: Nobody has signed up, would anybody like to come forward and testify on this  
16 particular item? Seeing none, then without objections we'll go ahead and close public testimony  
17 and open up the floor for questions. We'll start with solar, Commissioner La Costa.

18  
19 Ms. La Costa: Put a little sign here that says solar queen. So I do see that there are solar  
20 panels on some of the existing buildings at the airport. Will they be sufficient for the  
21 renovations?

22  
23 Ms. Molina: I will ask Marvin Moniz from State DOT to respond to your question about existing  
24 capacity of the solar panels as they are now, but for the purposes of this project there are no  
25 solar panels being proposed just want to note that but I'll pass it off to Marvin now. Thank you.

26  
27 Ms. La Costa: Thank you Ms. Molina.

28  
29 Mr. Marvin Moniz: Good afternoon Commissioners. Thank you for allowing us to give you our  
30 presentation today. Appreciate your guys' time. And to answer your question, currently we  
31 have 4,500 PV panels that installed about three and a half years ago. We also replaced  
32 transformers and 10,400 light fixtures throughout the entire airport. So we are currently, we'll  
33 have sufficient power. We also have a power EMCS, Electrical Management Control System  
34 that we shut power off and on throughout the day in areas that we need or we don't need such  
35 as AC, holdroom lighting and certain areas of the parking lot at baggage claim, so yes, we have  
36 sufficient power with the current PV that we have.

37  
38 Ms. La Costa: Thank you kind sir.

39  
40 Mr. Moniz: Thank you.

41  
42 Mr. Carnicelli: Just state your name for the record.

43  
44 Mr. Moniz: Oh, I'm sorry, Marvin Moniz. I'm the Airport District Manager for the Maui District.

45  
46 Mr. Carnicelli: Thank you.

47

1 Mr. Moniz: Thank you.

2

3 Ms. La Costa: I have one more question.

4

5 Mr. Carnicelli: Go ahead.

6

7 Ms. La Costa: I think this probably goes for Ms. Molina please, thank you. If I understand the  
8 renderings correctly there is no longer a passageway to go between holdingrooms A, B, E on  
9 the exterior. You have to go inside and travel among them?

10

11 Ms. Molina: Yes, so it would be similar to the north terminal where you're just passing through  
12 each holdroom with no kind of or with minimal I should say distinction between the holdrooms. I  
13 think currently the north terminal maybe I think, maybe holdroom C and D are separated from  
14 holdrooms E and F, so it would probably be similar but you're not outside, you won't be traveling  
15 outside.

16

17 Ms. La Costa: Commissioner Castro.

18

19 Mr. Castro: Yeah, just one question. By any chance is there gonna be a premiere lounge on  
20 that side added instead, you know, there's one on the other side but nothing on that side?

21

22 Ms. Molina: Thank you Commissioner, I'll have to defer to Gene Matsushige from the  
23 State DOT to answer I guess any plans or possibly Marvin Moniz for the area of holdroom AB.

24

25 Mr. Moniz: To answer your question on the lounge the first class or premiere club lounge,  
26 Hawaiian has leased a space on that side already. Currently they're kinda using it for a training  
27 room but there is plans to have a lounge there and whether they do sharing programs with other  
28 carriers or not they'll think that over but there is, there is plans because you know, Hawaiian  
29 being the biggest carrier and the home...(inaudible)... they operate on both sides, so yes there  
30 is plans for another lounge. The space is already there, the room is there, but they're just using  
31 it for training.

32

33 Mr. Castro: Just one more question.

34

35 Mr. Moniz: Yes.

36

37 Mr. Castro: So as you're putting all this together is there going to be any provisions outside of  
38 the airport when you arrive you know, and you have to wait for somebody to pick you up, you  
39 have the benches out there but man you can get a heat stroke out there, you know any  
40 provisions for shade out there?

41

42 Mr. Moniz: Interesting you brought that up, we were just speaking about that earlier today. So  
43 in front the ticket lobby areas we're looking to put some concrete benches so that people  
44 can...and that would be under the overhang fronting the ticket lobby section. There is a grass  
45 area that you saw we have some new grass there, there's some plans to put some benches in  
46 that area. So yes, we need more sitting area especially we gotta wait for our ride.

47

1 Mr. Castro: Okay, thank you.

2

3 Mr. Moniz: Sure.

4

5 Mr. Carnicelli: Commissioner Tackett.

6

7 Mr. Tackett: I have no questions.

8

9 Mr. Carnicelli: Commissioner Pali.

10

11 Ms. Pali: No questions.

12

13 Mr. Carnicelli: Commissioner Thompson.

14

15 Mr. Thompson: No questions.

16

17 Mr. Carnicelli: Commissioner Freitas.

18

19 Mr. Freitas: Yes please. Regarding construction I understand that to get to hold area A you  
20 have to go through hold area B and if that's being constructed will that whole A and B be closed  
21 or are we gonna go through tunnels or barricades?

22

23 Ms. Molina: Thank you Commissioner Freitas. So currently the construction of the project will  
24 be phased to limit these disruptions to the passengers. So the renovation and expansion of  
25 holdrooms A and B will be completed to prior to the renovation/expansion of the restroom  
26 facilities. So there will be a distinction between the holdroom renovations and the restroom  
27 renovations. And the restroom improvements at holdroom E will be constructed as a second  
28 phase. In terms of the phasing within just the, you know, expansion and renovation of  
29 holdrooms A and B I may defer to Gene Matsushige to speak a little bit just in terms of what  
30 DOT is thinking to limit those disruptions.

31

32 Mr. Gene Matsushige: Good afternoon, Gene Matsushige, construction engineer for  
33 Department of Transportation, Airports. Yeah, we'll be putting conditions in our plans and specs  
34 that the contractor will have to bid and they'll be able to shut down one gate and one holding  
35 area at a time. How they...those conditions will be put out to the contractor and they'll have to  
36 include that within the bids. So you know, they won't come back to us saying you know that  
37 there's unforeseen conditions and raise our cost so there are conditions.

38

39 Mr. Freitas: Can I ask you while you're here, so how long would that be shut down or how long  
40 will this take for A and B. I'm more concerned with A and B because you gotta pass the B to get  
41 to A I know that.

42

43 Mr. Matsushige: Yeah, right now the project we're looking at probably 20 to 22 months for  
44 construction for the entire phasing because we can shut down only one gate at a time. We  
45 don't want to limit the amount of visitors coming in as the DOT knows it does impact the  
46 economy of the islands.

47



1 Mr. Freitas: All right, thank you.

2

3 Mr. Carnicelli: Malia, you actually are gonna have to answer one of my questions. So the  
4 garden area is that were designated smoking is going to be?

5

6 Ms. Molina: Thank you Chair. That's a good question. I will ask Marvin Moniz from State DOT  
7 to address that question.

8

9 Mr. Carnicelli: Okay, thank you.

10

11 Mr. Moniz: Thank you. Great question. No. The State law on the smoking ban smoking within  
12 the facility. The allowable is 20 feet from the front of the building. So in other words, the front  
13 curb. So because our 20 feet would put somebody out in the middle of the street we've  
14 extended it into the parking lot and I know I think Sky Harbor Airport in Phoenix has got a  
15 smoking loft up on the roof, but I think for State law currently we don't allow it. So as it stands,  
16 no smoking within the facility.

17

18 Mr. Carnicelli: Well I was thinking jet fuel is coming that way so that might not be a good  
19 combination. But with that being said though since you know we are on the side, the runway  
20 side of the building is there measures to mitigate noise and fumes? 'Cause I mean like –

21

22 Ms. McLean: The garden is on the other side.

23

24 Mr. Carnicelli: Huh, I thought the garden is on the...is not on the plane side? On the other  
25 side?

26

27 Ms. McLean: If the applicant can confirm I believe the garden faces the West Maui Mountains.

28

29 Ms. Molina: Yes, that is correct.

30

31 Mr. Carnicelli: Oh, okay. Then never mind. Anyways, that's fine. I'll take your word for it.  
32 Does anybody else have any questions at this time? Nope. Paul.

33

34 Mr. Fasi: Thank you Chair. The Department recommends that the Maui Planning Commission  
35 accept the Department's report and recommendation and we do request the approval as  
36 presented to this body.

37

38 Mr. Carnicelli: Thank you. Do I have a motion?

39

40 Mr. Castro: So move.

41

42 Mr. Carnicelli: Move to approve as recommended by staff by Commissioner Castro, seconded  
43 by Commissioner La Costa. Would anybody like to speak to the motion? Commissioner Pali.

44

45 Ms. Pali: I think an expansion would do nicely. I know I just used the airport a couple days ago  
46 and the bathroom in A was actually quite packed and teeny, teeny, teeny and so you know you  
47 have a six-year-old that's go, you gotta go so I'm excited for this and as long as you know you

1 guys would mitigate any kind of inconvenience and have it done in a orderly fashion so that the  
2 people that are late for their flights can still get through safely I think I'm just fine with it and  
3 excited it's happening.

4  
5 Mr. Carnicelli: Thank you. Anybody else? Commissioner Castro.

6  
7 Mr. Castro: No ditto. I mean it's something that's probably overdue and looking forward to it.

8  
9 Mr. Carnicelli: Thank you. Commissioner La Costa.

10  
11 Ms. La Costa: I echo the sentiments of my other two commissioners and also with the little  
12 garden area I think that will be a really nice place for people especially if they have keiki who are  
13 kind of fussy then they can take them outside and let them run up and down and wear  
14 themselves out before they get on the airplane, but also it's just a really nice thing for people to  
15 say aloha to Maui sitting out there and looking at the West Maui Mountains.

16  
17 Mr. Carnicelli: Great, thank you. Commissioner Freitas.

18  
19 Mr. Freitas: Besides the keiki, the wives too get kinda fussy.

20  
21 Mr. Carnicelli: That's on the record you know.

22  
23 Mr. Freitas: I would like to say that when the terminal that's existing now was built I was  
24 working at the airport with Marvin, not the same company but about the same time and it was a  
25 real hassle trying to orchestrate movement of people in a safe environment with all the  
26 construction going on, but I have a lot of faith in Marvin in doing a really good job with this. I  
27 saw what you did with the rent-a-car facility, can't think of a better person to steer this forward  
28 and I would like to say that I'm in support of this.

29  
30 Mr. Carnicelli: Thank you. The only thing is this is obviously a well-needed and well-designed  
31 and it's a great project, my only thing is I love getting off the plane, taking a couple of steps and  
32 then smelling that Maui, sweet Maui air when you come back from the mainland. So that's the  
33 only thing is okay, you're gonna have to go through some air-conditioning to then get to it but  
34 that's all right, I can deal with the upgrade. So Director.

35  
36 Ms. McLean: Thank you Chair. The motion on the floor is to approve the Special Management  
37 Area Use Permit subject to the eight conditions in the staff report and recommendation.

38  
39 Mr. Carnicelli: All those in favor? That is six ayes, unanimous. Congratulations. Thank you  
40 very much.

41  
42  
43 **It was moved by Mr. Castro, seconded by Ms. La Costa, then unanimously**

44  
45 **VOTED: To Approve the Special Management Area Use Permit with the Eight**  
46 **Conditions as Recommended by the Department.**

47



1  
2 **It was moved by Ms. La Costa, seconded by Mr. Thompson, then unanimously**

3  
4 **VOTED: To Adopt the Proposed Findings of Fact, Conclusions of Law, and**  
5 **Decision and Order.**

6  
7 **(Assenting – P. D. La Costa, D. Thompson, K. Freitas, K. Pali,**  
8 **C. Tackett, S. Castro)**

9 **(Excused - K. Robinson)**

10 **(Absent – T. Gomes)**  
11  
12

13 Ms. McLean: And next similarly Chair, Proposed Findings of Fact, Conclusions of Law,  
14 and Decision and Order denying the request for a State Land Use Commission Special  
15 Permit and Short-Term Rental Home Permit by JANINE HOLSTEIN to operate a six bedroom  
16 STRH in the main and accessory dwellings in the State and County Agricultural Zoning Districts  
17 at 2460 Omaopio Road, Kula at TMK: 2-3-004:030. Action on the application was taken by the  
18 Commission following public hearing at the June 25, 2019 meeting.  
19

20 **2. Proposed Findings of Fact, Conclusions of Law, and Decision and**  
21 **Order denying the request for a State Land Use Commission Special**  
22 **Permit and Short-Term Rental Home (STRH) Permit by JANINE HOLSTEIN**  
23 **to operate a six bedroom STRH in the main and accessory dwellings in the**  
24 **State and County Agricultural Zoning Districts at 2460 Omaopio Road,**  
25 **Kula, Island of Maui, TMK (2) 2-3-004:030 (STMP T2019/0001)(SUP2**  
26 **2019/0004) (T. Furukawa) (Action on the application was taken by the**  
27 **Commission following public hearing at the June 25, 2019 meeting.)**  
28

29 **The Commission may take action to adopt, adopt with modifications, or**  
30 **take some other action regarding the proposed Findings of Fact,**  
31 **Conclusions of Law, and Decision and Order**  
32

33 Mr. Carnicelli: Are there any additions, subtractions or deletions, changes, comments to the  
34 Decision and Order as submitted? Seeing none, then I'll entertain a motion to adopt as written.  
35

36 Mr. Thompson: So move.  
37

38 Mr. Carnicelli: So moved by Commissioner Thompson.  
39

40 Mr. Castro: Second.  
41

42 Mr. Carnicelli: Seconded by Commissioner Castro. Any discussion on the motion? Seeing  
43 none, all those in favor? That is six ayes, unanimous. It is adopted.  
44

45 **It was moved by Mr. Thompson, seconded by Mr. Castro, then unanimously**  
46

1           **VOTED:       To Adopt the Proposed Findings of Fact, Conclusions of Law, and**  
2                           **Decision and Order.**

3  
4                           **(Assenting – D. Thompson, S. Castro, K. Freitas, K. Pali,**  
5   **C. Tackett, P. D. La Costa)**  
6                           **(Excused – K. Robinson)**  
7                           **(Absent – T. Gomes)**  
8

9 Mr. Carnicelli: Director.

10  
11 Ms. McLean: Okay, we will circulate those for signature.

12  
13 Mr. Carnicelli: Oh yeah, sorry. We need everybody's signature on these, yeah?

14  
15 Ms. McLean: I think there's one item, one of them, Commissioner Freitas was not yet on the  
16 Commission so he doesn't have a signature line, but the other one he does. Next on the  
17 agenda is the Director's Report.  
18

19  
20 **D.       DIRECTOR'S REPORT**

21  
22 **1.       SMA Minor Permit Report**

23  
24                           **This is for notification and review purposes. No action is anticipated.**  
25

26 **2.       SMA Exemptions Report**

27  
28                           **This is for notification and review purposes. No action is anticipated.**  
29

30 **3.       Discussion of Future Maui Planning Commission Agendas**

31  
32 **a.       January 14, 2020 agenda items**  
33

34 Ms. McLean: We have the SMA Minor Permit Report and SMA Exemption Report. Are there  
35 any questions on this? Seeing none, lastly the last next meeting is not until January 14<sup>th</sup>. We  
36 don't have a list of the public hearing items yet that may be because there are no...oh, we do,  
37 there it is. There are two public hearing items and one communication item so far scheduled for  
38 January 14<sup>th</sup>. Any questions on the next meeting date, January 14<sup>th</sup>? And Happy Holidays.  
39

40 Mr. Carnicelli: Thank you very much Director. Aloha and Happy Holidays to everybody. So I  
41 won't see you guys for like a whole month. It's gonna feel like forever. We'll have to have a  
42 holiday party and not talk about any planning commission related so anyways with that being  
43 said, we are now adjourned. Happy Holidays.  
44

45 **H.       NEXT REGULAR MEETING DATE: January 14, 2020**

46  
47 **I.       ADJOURNMENT**

1  
2 The meeting was adjourned at 2:05 p.m.

3  
4 Respectfully Submitted by,

5  
6  
7 CAROLYN TAKAYAMA-CORDEN  
8 Secretary to Boards and Commissions II  
9

10  
11 **RECORD OF ATTENDANCE**

12 **Present**

13 Lawrence Carnicelli, Chair  
14 Stephen Castro  
15 Kawika Freitas  
16 P Denise La Costa  
17 Kellie Pali  
18 Keaka Robinson (excused at 12:23 p.m.)  
19 Christian Tackett, Vice Chair  
20 Dale Thompson

21  
22 **Absent**

23 Tina Gomes

24  
25 **Others**

26 Michele McLean, Director, Department of Planning  
27 Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel  
28 Jordan Molina, Deputy Director, Department of Public Works (excused at 12:23 p.m.)  
29