

**MAUI PLANNING COMMISSION
SUMMARY MINUTES
FEBRUARY 25, 2020**

(HYPERLINK TO AUDIO RECORDING OF THE MEETING)

A. CALL TO ORDER

The regular meeting of the Maui Planning Commission was called to order by Chairperson Lawrence Carnicelli at approximately 9:04 a.m., Tuesday, February 25, 2020, Planning Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Maui.

B. PUBLIC HEARINGS (Action to be taken after each public hearing.)

1. MARLA ENGEL requesting a Short Term Rental Home (STRH) Permit in order to operate Turtle Cove, a three bedroom STRH located on a .209 acre oceanfront lot in the R-2 Residential District. The property is located at 31 Papaua Place, Lahaina, HI 96761, TMK: (2) 4-3-007:015-0000. (STWM T2019/0005) (J. Burkett)

The matter is being brought before the Maui Planning Commission for review because there are at least two permitted short-term rental home operations located within 500 feet of the subject property.

(Item B.1 begins at 00:01:12 of the audio recording.)

(Motion was made at 00:13:38 of the audio recording.)

It was moved by Mr. Freitas, seconded by Mr. Castro, then unanimously

(Vote was taken at 00:25:28 of the audio recording.)

VOTED: To Approve the Short-Term Rental Home Permit as Recommended by the Department.

**(Assenting – K. Freitas, S. Castro, D. Thompson, L. Carnicelli,
C. Tackett – Abstained)**

(Dissenting – K. Robinson, K. Pali)

(Excused – P. D. La Costa, T. Gomes)

With no objections by the Commission, Items D.1 and D.2 was taken up before Item C.

D. REVIEW OF PROPOSED RESOLUTION AND SETTLEMENT AGREEMENTS

1. Proposed Resolution Agreement between the COUNTY OF MAUI and PAUL D. GOSSMAN for converting a garage into a habitable dwelling and construction of an observation deck and related improvements within the Special Management Area and Shoreline Setback Area without first receiving SMA and

Shoreline Setback determinations or permits for such improvements on property located at 1047 Front Street, Lahaina, Island of Maui. SMA Notice of Violation: NOV 2013/0004; Shoreline Setback Notice of Violation: 2013/0005.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES, AND LIABILITIES PURSUANT TO SEC. 92-5(a)(4), HRS.

The Commission may take final action on the proposed Settlement Agreement pursuant to the provisions of Section 12-202-23(d)(3) of the Maui Planning Commission's Special Management Area Rules and Section 12-203-17 of the Shoreline Rules for the Maui Planning Commission.

(Item D.1 begins at 00:26:54 of the audio recording.)

(Motion was made at 01:10:13 of the audio recording.)

It was moved by Mr. Thompson, seconded by Mr. Robinson, then unanimously

(Vote was taken at 01:14:45 of the audio recording.)

VOTED: To Approve the Resolution Agreement.

**(Assenting – D. Thompson, K. Robinson - Abstained, K. Freitas,
K. Pali, S. Castro, C. Tackett)**

(Excused – P. D. La Costa, T. Gomes)

2. Proposed Settlement Agreement between the COUNTY OF MAUI and JASON T. STURGIS, TRUSTEE OF THE JASON TIMKEN STURGIS LIVING TRUST and JUDY P. STURGIS, TRUSTEE FOR THE WILLIAM T. STURGIS FAMILY TRUST for renovation of a single-family dwelling within the Special Management Area and National Historic Landmark District that exceeded the scope of the SMA minor permit on property located at 1057 Front Street, Lahaina, Island of Maui. SMA Notice of Violation: NOV 2019/0053.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES, AND LIABILITIES PURSUANT TO SEC. 92-5(a)(4), HRS.

The Commission may take final action on the proposed Settlement Agreement pursuant to the provisions of Section 12-202-23(d)(3) of the Maui Planning Commission's Special Management Area Rules and Section 12-203-17 of the Shoreline Rules for the Maui Planning Commission.

(Item D.2 begins at 01:15:44 of the audio recording.)

(Motion was made at 01:21:38 of the audio recording.)

It was moved by Mr. Tackett, seconded by Mr. Castro, then unanimously

(Vote was taken at 01:23:13 of the audio recording.)

VOTED: To Approve the Settlement Agreement.

**(Assenting – C. Tackett, S. Castro, K. Freitas, D. Thompson, K. Pali,
K. Robinson)**

(Excused – P. D. La Costa, T. Gomes)

C. ADOPTION OF WRITTEN DECISION AND ORDER

1. Proposed Findings of Fact, Conclusions of Law, and Decision and Order denying the request for a State Land Use Commission Special Permit (SUP2) by MICHAEL and MI RA FINNEGAN to operate Hale O Ka Pua B&B, a two-bedroom bed and breakfast located in the State Agricultural District located at 2350 Aina Mahiai Place, TMK: (2) 4-4-020:036, Lahaina, Island of Maui. (SUP2 2019/0008) (J. Burkett) (Action on the application was taken by the Commission following public hearing at the November 12, 2019 meeting.)

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

(Item C.1 begins at 01:23:40 of the audio recording.)

(Motion was made at 01:46:10 of the audio recording.)

It was moved by Mr. Robinson, seconded by Mr. Thompson, then unanimously

(Vote was taken at 01:47:00 of the audio recording.)

**VOTED: To Defer Action on the Proposed Decision and Order to the
March 10, 2020 Agenda.**

**(Assenting – K. Robinson, D. Thompson, K. Freitas, K. Pali,
C. Tackett, S. Castro)**

(Excused – P. D. La Costa, T. Gomes)

E. DIRECTOR'S REPORT

(Item E begins at 01:47:30 of the audio recording.)

1. SMA Minor Permit Report

This is for notification and review purposes. No action is anticipated.

2. SMA Exemptions Report

This is for notification and review purposes. No action is anticipated.

There were no questions or comments on the SMA Minor and SMA Exemption Reports.

3. Discussion of Future Maui Planning Commission Agendas

a. March 10, 2020 agenda items

Ms. McLean went over the items scheduled for the March 10, 2020 agenda.

F. NEXT REGULAR MEETING DATE: MARCH 10, 2020

G. ADJOURNMENT

The meeting was adjourned at 11:59 a.m.

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Present

Lawrence Carnicelli, Chair
Stephen Castro
Kawika Freitas
Kellie Pali
Keaka Robinson
Christian Tackett, Vice Chair
Dale Thompson

Excused

P Denise La Costa
Tina Gomes

Others

Michele McLean, Director, Department of Planning
Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel