

## Zoning Board of Appeals

---

**From:** Kevin Brennan <KBrennan@mvyairport.com>  
**Sent:** Tuesday, October 3, 2023 5:57 PM  
**To:** ZBA@WestTisbury-MA.gov  
**Cc:** Geoff Freeman  
**Subject:** Request for Public Information  
**Attachments:** Vineyard Tennis Center, Inc. Assignment of Lease Cover letter 05 11 2023.pdf; Undated Letter from J DuBard Airport Fitness Potential Future Use.pdf; AR24 Response for Subtenant approval Aline Cleaning company Change of Use 09 28 2023 .pdf

Dear Kim,

Thank you for your assistance today as I strive to understand the West Tisbury Zoning Regulations – I believe there were 147 pages.

The Martha's Vineyard Airport Commission received your request for Copies of Records related to Vineyard Tennis Center Inc. potential lease assumption. Attached are:

1. Cover letter sent May 11, 2023 outlining the Lease Assumption Consent Process.
2. Undated Letter from Potential Future Leaseholder received 8/2/2023. Land Use meeting was August 3, 2023. Minutes from that meeting should be approved at this Thursday's Land Use meeting – 3pm. I can send those minutes once they are approved by the Land Use Subcommittee.

Also attached are documents related to Vineyard Tennis Center's recent request to approve a subtenant which does not qualify based on the current approved use of the property as stated in their lease.

Best regards,

Kevin Brennan  
Airport Properties Manager  
Martha's Vineyard Airport  
71 Airport Road  
USPS: Vineyard Haven, MA 02568-8144  
Physical Address: West Tisbury, MA 02575  
508.693.7022 X 220  
[www.MVYAirport.com](http://www.MVYAirport.com)

May 11, 2023

Ms. Connie McHugh  
Vineyard Tennis Center, Inc.  
P.O. Box 1359  
Vineyard Haven, MA 02568  
**CONFIDENTIAL - Via Email**

Dear Ms. McHugh,

Thanks for the inquiry related to your interest in assigning the lease for your location at 24 Airport Road, West Tisbury, MA.

- 1) Please forward a letter of request for the land lease where you desire the change which includes the following information:
  - a. Name of Premises including description of the premises as found in an Exhibit of the lease
  - b. Name of Proposed assignee
  - c. Description of Proposed use
  - d. Financials of proposed assignee (5 years)
  - e. Evidence of Corporate Good Standing of new entity
- 2) Forward the completed **Assignment and Assumption of Lease and Landlord Consent** (attached) for the lease.
- 3) Include a check made out to the Martha's Vineyard Airport Commission for the MVY Legal Review fee in the amount of \$500 per assignment.

Once these documents are reviewed and approved by our legal counsel, the Airport will issue the **Landlord's Consent to Assignment and Assumption of Lease**.

Sincerely,



Kevin Brennan  
Airport Properties Manager

Airport Fitness Potential Future Use  
24 Airport Road  
West Tisbury, Martha's Vineyard, Massachusetts

Although there is no definitive plan to share at this time, we do have future considerations for a portion of the property.

The tennis component of the property offers great potential for a contributing solution to the housing crisis we are facing. Island Collaborative and our partners from Opal Build in Belfast, Maine have innovated a system for small, panelized homes that will be high performing and attainably priced for the year-round island community.

We envision the area of the property current utilized for racket sports to be a possible facility for storage and assembly of our panelized house sections. This would involve virtually no new construction as the facility is perfectly built as is for our vision.

All future potential would be based on Airport Commission and MVC review and analysis. We understand that this is not assured.

#### **Panelized Cross Laminated Timber Home("CLT") Assembly and Storage Facility**

Innovative, Technology driven planning and assembly to reduce complexity, time and risk.

- Office and client visiting center will not be located on site. Our showroom will be located in Tisbury
- All chemical and toxin free environment and materials
- Regimented schedule of activity on and off site to be coordinated with Airport Commission to have little impact on traffic and congestion
- Minimal noise
- 3-4 employees
- Assembly only. All fabrication of materials done off island
- Reduced labor and length of build time by 50% through precision manufacturing
- CLT assembly with precision tools & full digital twin computer model
- Full scope of the thermal / moisture system is assembled in our factory, transported to the site, and installed onsite in a matter of days
- Zero Waste
- Healthy + Carbon Negative; All wood, all natural
- Passive House



## Panelized Assembly Facility



### Passive House Principals

OPAL Build applies Passive House Principals through super insulated buildings to reduce operational energy use.



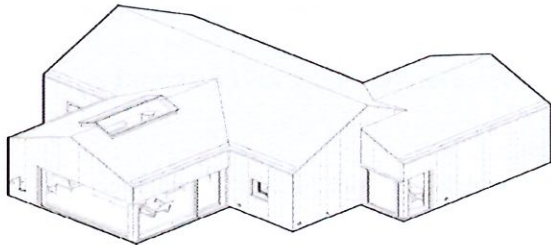
### Efficiency Through Automation

The OPAL Build System Improves planning and fabrication to reduce complexity, time and risk.



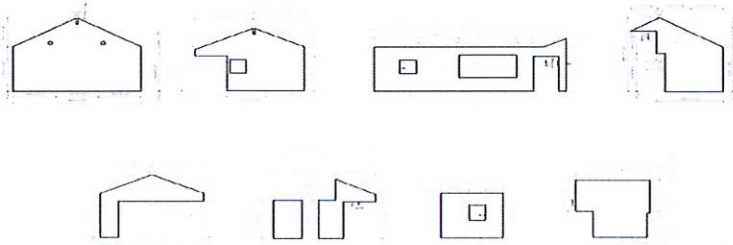
### Carbon Storing All Natural Materials

We utilize all-wood materials including wood fiber insulation and CLT / Mass Timber to increase stored carbon within our buildings.



### Improving planning and fabrication to reduce complexity, time and risk.

- Reduced labor and length of build time by 50% through precision manufacturing
- CNC fabricated with precision tools & full digital twin computer model
- Full scope of the thermal / moisture system is assembled in our factory, shipped to the site, and installed and dried-in onsite in a matter of days



September 28, 2023

Ms. Connie McHugh  
Vineyard Tennis Center, Inc.  
24 Airport Road  
West Tisbury, MA 02575  
**Via Email**

Dear Ms. McHugh,

We received your proposed sublease to Aline Cleaning, Inc. As you know, this proposed use, office and storage space for a cleaning company, does not fall within the approved use of your property as noted in SECTION FOUR-USE OF PREMISES of your lease effective September 1, 1996 or the four (4) subsequent amendments. To request an amendment to Section Four-USE OF PREMISES of your lease, please make this request in writing to me citing the current lease language and your proposed lease language.

After receipt, I will validate that your tenancy is in good standing looking at issues like:

- Current Insurance as noted in the lease is on file
- Annual Inspection issues have been rectified
- Ensure that prior complaints and all issues have been resolved to the satisfaction of the MVAC
- Rent, Water, Wastewater, and all other debt is paid in full
- Water and wastewater issues have been rectified
- Compliance with subtenant clauses of your lease

The MVAC will consider implications of your proposed change such as:

- FAA Regulations
- Known Legal implications
- Town Zoning and Building implications
- Does the proposed change of use create other liabilities for the MVAC
- Might the proposed change of use create a change to appraised rate and Fair Market Value of the property. If warranted the MVAC will request a property appraisal from MVAC-contracted appraisal service.

The request will then be reviewed by the MVAC Land Use subcommittee. If recommended, the request will be reviewed by the MVAC at their next meeting.

Sincerely,

  
Kevin Brennan  
Airport Properties Manager



## Martha's Vineyard Commission

### CERTIFICATE OF NO EFFECT

Reference is made to the following Decisions of the Martha's Vineyard Commission regarding DRI 425 Vineyard Tennis Center: the original DRI 425 Decision, dated April 18, 1996 and recorded Book 674, Page 883; DRI 425-M, dated January 7, 1999 and recorded Book 754, Page 97; 425-M2, dated August 8, 2002 and recorded Book 894, Page 826; 425-M3, dated May 17, 2004 and recorded Book 1001, Page 216 and 425-M4, not recorded, wherein certain findings and conditions were made. The Martha's Vineyard Commission Executive Director hereby certifies that the proposed modifications as outlined below and pursuant to DRI Procedures section 3.2.d.2 are not substantive in nature and would not have impacted the Commission's findings or decisions regarding DRI 425 or subsequent modifications.

#### Findings:

- The project site for DRI 425 and the project site for the modifications of DRI 425 are located at 24 Airport Road, West Tisbury.
- The athletic facility at 24 Airport Road is owned and operated by Vineyard Tennis Center, Inc.
- The land on which the athletic facility at 24 Airport Road sits is owned by Martha's Vineyard Airport and is leased to Vineyard Tennis Center, Inc.
- Constance "Connie" McHugh is president of Vineyard Tennis Center, Inc.
- The athletic facility at 24 Airport Road currently subleases to a spa and a karate school.
- The athletic facility at 24 Airport Road wishes to end its sublease arrangements with the spa and the karate school and begin a sublease arrangement with a cleaning business, according to Ms. McHugh.
- The cleaning business would have an office in the athletic facility at 24 Airport Road and would store some of its supplies there, according to Ms. McHugh.
- The proposed change of subtenants was referred to the Commission by the West Tisbury Building Department as a modification to a previous DRI (Checklist Item 1.3D).
- Based on the information provided, the change of subtenants would likely amount to a decrease in the number of people and vehicles visiting the athletic facility at 24 Airport Road and therefore represents a lessening of intensity.
- The change of subtenants is considered de minimis.

EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023

By: \_\_\_\_\_  
Adam Turner, Executive Director

Commonwealth of Massachusetts

County of Dukes County, Mass.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me, Lucy C. Morrison, the undersigned Notary Public, personally appeared Adam Turner, proved to me through satisfactory evidence of identity, which was personal knowledge to be the person whose name was signed on the preceding or attached document in my presence, and acknowledged to me that he signed it voluntarily for its stated purpose as a free act and deed, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Printed Name of Notary  
My Commission Expires \_\_\_\_\_