

Town and County of Nantucket Select Board • County Commissioners

Jason Bridges, Chair
Matt Fee
Dawn E. Hill Holdgate
Brooke Mohr
Melissa Murphy



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Nantucket, Massachusetts 02554

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C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD SEPTEMBER 28, 2022 - 5:30 PM PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD AND REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK FOR VIEWING ONLY:

<https://youtu.be/e1EDr-0vTHk>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_RDdxO8azQOm_CJdfd97uEQ

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio/Video Recorded.
2. Sewer Force Main Project Update.
3. May 6, 2023 Annual Town Meeting:
 - Warrant Opens for Citizen Warrant Article Submittals September 29, 2022 through November 14, 2022 at 4:00 PM.
 - Town Counsel Citizen Warrant Article Consultation Scheduled for Tuesday, October 4, 2022 from 2:00 PM - 4:00 PM; and Wednesday, October 5, 2022 from 9:00 AM - 11:00 AM via Zoom; email TownManager@nantucket-ma.gov for Zoom Links.
4. Select Board Announcements/Comments.

IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS

V. PUBLIC COMMENT*

VI. NEW BUSINESS*

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of September 21, 2022 at 5:30 PM.
2. Approval of Treasury Warrants for September 21, 2022.

VIII. REPORTS

1. Presentation of Diversity, Equity and Inclusion (DEI) Assessment Report.

IX. DEPARTMENTAL REQUESTS

1. Natural Resources Department: Request to Establish Harbor Plan Update Committee.

X. REAL ESTATE ITEMS

1. Request for Approval and Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcel Known as Parcel 5, Hawthorne Street as Shown on Plan of Land Entitled "Taking and Disposition Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket," Dated September 23, 2021, Prepared by Blackwell & Associates, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2021-67, Pursuant to Vote on Article 99 of 2011 Annual Town Meeting.
2. Request for Approval and Execution of Release of Subdivision Restriction to the Owner of 104 Surfside Road, the Owner of the Yard Sale Parcels by Virtue of Deed Recorded with Nantucket County Registry of Deeds in Book 1496, Page 335, Regarding Parcels 2 and 3, Cotton Street, Parcels 4 and 5, MacLean Street, and Parcel 6, Copeland Street, Shown on Plan Entitled "Taking and Disposition Plan of Land in Nantucket, MA Prepared for Nantucket 106 Surfside Realty Trust," Dated June 2, 2014 and Recorded with Nantucket County Registry of Deeds as Plan No. 2014-52.

XI. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. KOBO Utility Construction Corp.: Request for Waiver of Town Noise Bylaw from 10:00 PM September 29, 2022 to 7:00 AM September 30, 2022 at 1 South Beach Street for Environmental Spill Cleanup of Leaked Electric Transformer (Work to be Done with Clean Harbors).
2. Request for Approval of Application for Change of Manager of Annual All-Alcoholic Beverages Hotel License for LH Manager Northeast, LLC dba Faraway Hotel from Evan Bailey, Manager to MarcAnthony Crimi, Manager, for Premises Located at 11 India Street.
3. Request for Acceptance of Surrender of Annual Wine and Malt Beverages Restaurant License for NoMoDo, Inc. dba Sophie T's Pizza, Robert D. Noll, Manager, for Premises Located at 8 Bayberry Court.

XII. PUBLIC HEARINGS

1. Public Hearing to Consider Applications for New Common Victualler with Annual Wine and Malt Beverages Restaurant License and New Entertainment License for Annapurna Restaurants, LLC dba Sophie T's, Bharat Banjara, Manager, for Premises Located at 8 Bayberry Court.

2. Public Hearing to Consider Applications for New Common Victualler with Seasonal All-Alcoholic Beverages Innholder License and New Entertainment License for LH Manager Northeast, MMC dba Beachside at Nantucket, MarcAnthony Crimi, Manager, for Premises Located at 10 North Beach Street.
3. Public Hearing to Consider Application for New Annual Wine and Malt Beverages General-On-Premises License for Nantaco ACK LLC dba Nantaco, Cynthia Milazzo, Manager, for Premises Located at 21 South Water Street; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138.

XIII. SELECT BOARD'S REPORTS/COMMENT

1. Preliminary Discussion: Tax Rate Shift for FY 2023.
2. Committee Reports.

XIV. TOWN MANAGER'S REPORT

1. Select Board Strategic Plan/Transportation Focus Area, Goal Update: Downtown Parking Management System (Potential Paid Parking Program).
2. Monthly Town Management Report.

XV. ADJOURNMENT

****Identified on Agenda Protocol Sheet***

SELECT BOARD AGENDA PROTOCOL:

Roberts Rules: The Select Board follows Roberts Rules of Order to govern its meetings as per the Town Code Charter.

Public Comment: Public Comment is to bring matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Select Board. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action, if any. Except in emergencies, the Board will not normally take any other action on Public Comment in its sole discretion.

To facilitate that any individual who wishes to provide Public Comment has the opportunity and to ensure the ability of the Board to conduct its business in an orderly fashion, the following rules and procedures are adopted consistent with state and federal free speech laws:

- The agenda for regular Select Board meetings will include a Public Comment period at the beginning of the meeting unless there is more urgent business for the Board to take up first. This time is reserved for speakers to address the Board on matters that are not related to any other Agenda item. If a speaker wishes to address the Board on a matter that is related to another Agenda item, the Chair will accept public comment when that Agenda item is reached during the meeting.
- All speakers are encouraged to present their remarks in a respectful manner.
- All remarks will be addressed through the Chair of the meeting.
- The Chair of the meeting may not interrupt speakers who have been recognized to speak, except that the Chair reserves the right to terminate speech which is not constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests. Verbal comments may also be curtailed if they exceed three (3) minutes and to the extent they exceed the scope of the Board's authority.

Disclaimer: Public Comment is not a time for debate or response to comments by the Board. Comments made during the Public Comment period do not reflect the views or positions of the Board. Because of constitutional free speech principles, the Board does not have authority to prevent all speech that may be upsetting and/or offensive made during the Public Comment period.

New Business: For topics not reasonably anticipated by the Chair 48 hours in advance of the meeting may be brought up for discussion in accordance with the Open Meeting Law.

Public Participation: The Board welcomes valuable input from the public at appropriate times during the meeting with recognition from the Chair at his/her sole discretion. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Board Members may have questions on the clarity of the information presented. The Board will hear any staff input and then deliberate on a course of action.

Select Board Report and Comment: Individual Board Members may have matters to bring to the attention of the Board during a meeting. If the matter contemplates action by the Board, Board Members will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting and/or schedule the matter for a future Board meeting. Otherwise, except in emergencies, the Board will not normally take action on Select Board Comment.

Approved on February 17, 2021

TOWN OF NANTUCKET, MASSACHUSETTS
ROBERT B. OUR COMPANY
Sea Street Pump Station Force Main #3

CONSTRUCTION SCHEDULE – WEEKLY UPDATE

Date Submitted: September 23, 2022

Weekly Construction Hours:

Monday -Friday 7 AM – 4 PM

Current Road Closures:

Step Lane Close to Thru traffic

One Week Look Ahead (9/26-9/30)

- Monday thru Friday :
 - Commence Installation of Forcemain on Step Lane
 - Road Closed to Thru Traffic

Two Week Look Ahead (10/3-10/7)

- Monday thru Friday :
 - Continue Installation of Forcemain on Step Lane
 - Road Closed to Thru Traffic

Three Week Look Ahead (10/10-10/14)

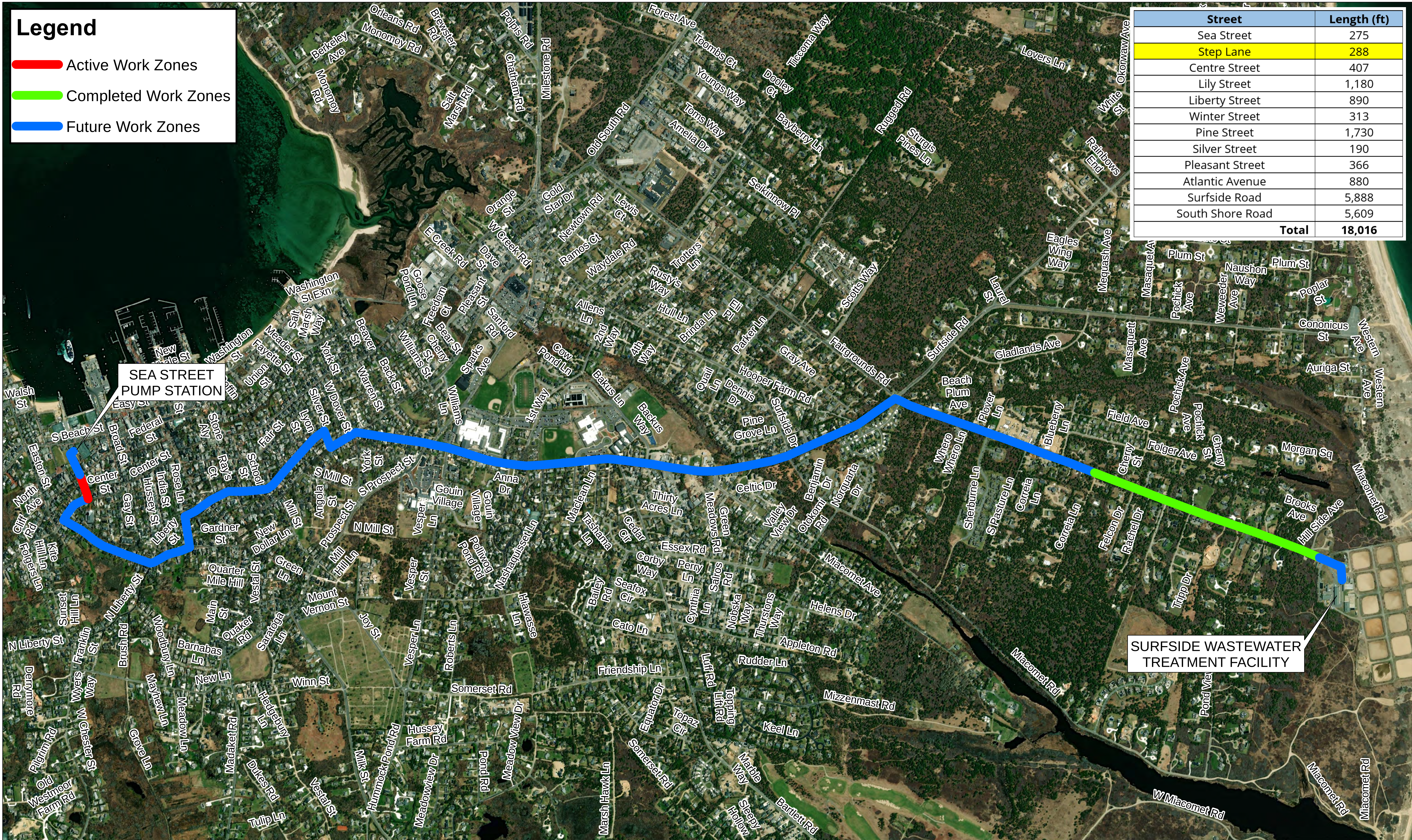
- Monday thru Friday :
 - Continue Installation of Forcemain on Step Lane
 - Road Closed to Thru Traffic

Please note that this is a projected schedule and will be adjusted accordingly based on Contractor's actual progress and potential weather cancellations.

Legend

- Active Work Zones
- Completed Work Zones
- Future Work Zones

Street	Length (ft)
Sea Street	275
Step Lane	288
Centre Street	407
Lily Street	1,180
Liberty Street	890
Winter Street	313
Pine Street	1,730
Silver Street	190
Pleasant Street	366
Atlantic Avenue	880
Surfside Road	5,888
South Shore Road	5,609
Total	18,016



TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

JEFF CARLSON, NATURAL RESOURCES DIRECTOR
131 PLEASANT STREET
NANTUCKET, MA 02554

JCARLSON@NANTUCKET-MA.GOV
508-228-7230



MEMO

9/14/2022

To: Select Board
Libby Gibson, Town Manager

From: Jeff Carlson, Natural Resources Director

Re: Harbor Plan Update Committee

The Town is currently in the initial stages of updating the state approved 2009 Nantucket and Madaket Harbors Action Plan with our contractor UMASS Boston's Urban Harbors Institute. As we are working on the Town's Notice to Proceed with Massachusetts Coastal Zone Management it requires the formation of a Plan Update Committee. The Natural Resources Committee is proposing the following mission statement and draft committee makeup. Included below will be the 2009 mission statement and committee for comparison purposes.

2009 Committee Mission Statement:

"The mission of the Nantucket and Madaket Harbors Plan Review Committee is to ensure the public's input and focus on: improvement and retention of public access, maintaining appropriate water-dependent uses within the harbors and protection of natural resources/water quality as it relates to commercial and recreational shellfishing as adopted by the Board of Selectmen."

Proposed 2022 Committee Mission Statement:

The mission of the Nantucket and Madaket Harbors Action Plan Update Committee is to update the existing plan to reflect our changing community incorporating diversity, population growth, and new challenges that our island waterways are currently experiencing. The plan will continue its focus on the improvement of equitable public access to the harbors, to foster traditional and new water dependent uses, protect natural resources, improve harbor water quality, restoration of aquatic and shoreline habitats, improve fisheries while preserving cultures and traditions for all residents. The plan will integrate coastal resiliency principles, promote adaptation to sea-level rise and changing coastal conditions. The committee will also seek to integrate existing goals and objectives from other relevant plans adopted by the Select Board and other Town agencies impacting the harbors.

TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

JEFF CARLSON, NATURAL RESOURCES DIRECTOR
131 PLEASANT STREET
NANTUCKET, MA 02554

JCARLSON@NANTUCKET-MA.GOV
508-228-7230



Committee Members:

2009 Committee - actual	2022 Committee - proposed
Harbor & Shellfish Advisory Board	Harbor & Shellfish Advisory Board
Nantucket Marine Trades Assoc.	Nantucket Marine Trades Assoc. – if active or similar organization
NP&EDC	NP&EDC
ConCom	ConCom
Marine & Coastal Resources Department	Land Bank – could be advisory and replaced by an at-large seat
At-Large	Coastal Resiliency Advisory Committee
At-Large	At-Large
	At-Large
	At-Large



Agenda Item Summary

Agenda Item #	X. 1.
Date	9/28/2022

Staff

Ken Beaugrand, Real Estate Specialist

Subject

Conveyance of fee interest in portions Hawthorne, as shown as Parcel 5 on a plan entitled "Taking and Disposition Plan of Land in Nantucket, Mass. Prepared by the Town of Nantucket," dated September 23, 2021, prepared by Blackwell and Associates, Inc. and recorded with Nantucket County Registry of Deeds as Plan No. 2021-67, for Public Access and Municipal Purposes for the purpose of Conveyance of the Fee Title or lesser interest, together with any public or private rights of passage as authorized by MGL Chapter 79 and vote on Article 99 of the 2011 Annual Town Meeting.

Executive Summary

This is the completion of the Yard Sale program pursuant to Article 99 as voted at the 2011 ATM. The parcel has an area of 10,000 +/- s.f. The Assessor recommends a price of \$30,000.

Staff Recommendation

Execute the conveyance as drafted by Town Counsel.

Background/Discussion

This transaction has been reviewed by and approved by the Planning Board on October, 5, 2021 and REAC at their meeting on September 12, 2022.

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

To complete the taking of previously authorized acquisitions and dispositions and increase the taxable land area.

Board/Commission Recommendation

N/A

Public Outreach

Award approved at Town Meeting

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

Consistent with the intent of the Yard Sale Program



Attachments

Quitclaim Deed, Purchase and Sale Agreement, Settlement Statement, Plan No. 2021-67



QUITCLAIM DEED

Parcel 5, Hawthorne Street, Nantucket, Massachusetts

The **Town of Nantucket**, a Massachusetts municipal corporation having a principal place of business at 16 Broad Street, Nantucket, Nantucket County, Massachusetts acting by and through its Select Board (the “Grantor”), in consideration of Thirty Thousand and 00/100 Dollars (\$30,000.00), the receipt of which is hereby acknowledged, pursuant to the authority of Article 99 voted upon at the 2011 Annual Town Meeting, a certified copy of which is attached hereto, grants to **Fifty-Nine Pochick Avenue LLC**, a Massachusetts limited liability company (the “Grantee”) having a mailing address c/o Paul Vaccari, 633 Ninth Avenue, 2N, New York, New York 10036, with QUITCLAIM COVENANTS, a certain parcel of land in Nantucket, Massachusetts shown as Parcel 5, Hawthorne Street, containing 10,000± square feet on a plan of land entitled “Taking and Disposition Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket,” dated September 23, 2021, prepared by Blackwell & Associates, Inc. recorded with Nantucket County Registry of Deeds as Plan No. 2021-67 (the “Parcel”). The Parcel hereby conveyed is a portion of Proprietors Road and is vacant land.

The Grantor’s conveyance of this Parcel is based in part on the Grantee’s warranty and representation to the Grantor that such Parcel shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property at 59 Pochick Avenue shown on Town Assessor’s Map 79 as Parcel 125 previously acquired by Grantee pursuant to Deed recorded with the Nantucket County Registry of Deeds in Book 1480, Page 272 (together, the “Combined Premises”), and that no part of such Parcel or the Combined Premises shall hereafter be used for non-residential purposes nor divided, subdivided or conveyed as a separate parcel or parcels into no more than three (3) buildable lots, unless prior written permission is granted by the Town of Nantucket Select Board and such permission is recorded with said Deeds. Accordingly, the Parcel hereby granted to the Grantee is conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Parcel and Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, as from time to time amended; prohibiting the division or subdivision of any portion of the Combined Premises and prohibiting the conveyance or use of any portion of the Combined Premises apart from another portion of the Combined Premises into no more than three (3) buildable lots and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four (24) months of the date of this Deed, the Parcel has not been merged with the Grantee’s existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used, conveyed, divided or subdivided in a manner inconsistent with these restrictions unless prior written release is granted by the Town of Nantucket Select Board and recorded with said Deeds.

By accepting and recording this Quitclaim Deed, the Grantee expressly agrees to the Grantor's reservation of, and otherwise grants to the Grantor, such restrictions on the use of the Combined Premises. These restrictions shall be enforceable for a term of 200 years from the date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be "other restrictions held by any governmental body," pursuant to G.L. c. 184, §26, such that the restrictions contained herein shall be enforceable for the term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the Grantee hereby appoints the Grantor as its agent and attorney in fact to execute and record such notice and further agrees that the Grantee shall execute and record such notice upon request.

The undersigned certifies that there has been full compliance with the provisions of G. L. c. 44 §63A.

No deed stamp taxes are due on this conveyance pursuant to G.L. c. 64D, §1.

For Grantor's title, see Order of Taking dated April 27, 2022, recorded with said Deeds in Book 1892, Page 267.

[Remainder of Page Intentionally Blank. Signatures Follow on Next Page.]

EXECUTED under seal this _____ day of _____, 2022.

TOWN OF NANTUCKET
BY ITS SELECT BOARD

Jason Bridges

Dawn E. Hill Holdgate

Melissa K. Murphy

Matthew G. Fee

Brooke Mohr

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On this _____ day of _____, 2022, before me, the undersigned Notary Public, personally appeared Jason Bridges, Dawn E. Hill Holdgate, Melissa K. Murphy, Matthew G. Fee and Brooke Mohr as Members of the Select Board of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free and deed of the Select Board of the Town of Nantucket.

Notary Public
My Commission Expires:

PURCHASE AND SALE AGREEMENT

Agreement made this _____ day of _____, 2022.

1. PARTIES AND MAILING ADDRESSES

The Town of Nantucket, a municipal corporation acting by and through its Select Board, having an address of 16 Broad Street, Nantucket, Massachusetts 02554, hereinafter called the SELLER, agrees to SELL and Fifty-Nine Pochick Avenue LLC, a Massachusetts limited liability company, having a mailing address c/o Paul Vaccari of 633 Ninth Avenue, 2N, New York, New York 10036 hereinafter called the BUYER or PURCHASER, agrees to BUY, upon the terms hereinafter set forth, the following described premises:

2. DESCRIPTION

The premises are comprised of a certain parcel of land in Nantucket, Massachusetts shown as Parcel 5, Hawthorne Street, containing 10,000± square feet, on a plan of land entitled "Taking and Disposition Plan of Land in Nantucket, Mass. Prepared for Town of Nantucket," dated September 23, 2021, prepared by Blackwell & Associates, Inc. recorded with the Nantucket County Registry of Deeds as Plan No. 2021-67 (the "Property" or "Premises"). The Premises is considered a non-conforming lot pursuant to the Town of Nantucket Code.

3. BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES

Intentionally Omitted (Vacant Land).

4. TITLE DEED

Said premises are to be conveyed by a good and sufficient quitclaim deed running to the BUYER, or to the nominee designated by the BUYER by written notice to the SELLER at least seven (7) days before the deed is to be delivered as herein provided, and said deed shall convey a good and clear record and marketable title thereto, free from encumbrances, except:

- (a) Any liens for municipal betterments assessed after the date of this agreement;
- (b) Laws, by-laws, rules, and regulations, whether federal, state, or local, which affect the use of the Premises, including, but not limited to, rules and regulations of the Nantucket Conservation Commission, Nantucket Zoning By-Law, Nantucket Historic District Commission, Nantucket Building Department, Nantucket Planning Board and Nantucket Board of Health;
- (c) Real estate taxes for the then-current fiscal year and future periods, which are not due and payable at the time of delivery of the deed;
- (d) Any fee which may be imposed upon the transaction which is the subject of this agreement by the Nantucket Land Bank Commission, which the Buyer agrees to pay at the

time of delivery of the deed;

(e) Any right, restrictions or easements and reservations of record, if any, so long as the same do not prohibit or materially interfere with the use of said premises for residential purposes;

(f) Any public rights existing below mean high water, if applicable; and

(i) Said deed shall contain a reversion clause and a restriction set forth in Section 35 below to require the Premises to be used, and effectively merged with, the BUYER'S existing property known as 59 Pochick Avenue, Nantucket, Massachusetts, which is shown as Town Assessor's Map 79 as Parcel 125, for residential purposes and permanently restricting any further division or subdivision of the Premises as combined with said existing property into no more than three (3) buildable lots without the prior written permission of the Town of Nantucket Select Board.,

5. PLANS

If said deed refers to a plan necessary to be recorded therewith the BUYER shall deliver such plan with the deed in a form adequate for recording.

6. REGISTERED TITLE

In addition to the foregoing, if the title to the said premises is registered, said deed shall be in form sufficient to entitle the BUYER to a Certificate of Title to said premises, and the SELLER shall deliver with said deed all instruments, if any, necessary to enable BUYER to obtain such Certificate of Title.

7. PURCHASE PRICE

The agreed purchase price for said premises is Thirty Thousand and 00/100 Dollars (\$30,000.00), of which

\$ 0.00	was paid as a deposit
\$ 30,000.00	is to be paid at the time of delivery of the deed in cash, or by certified, cashier's, treasurer's or bank check(s) or by attorney's IOLTA check.
\$ 30,000.00	Total

8. TIME FOR PERFORMANCE; DELIVERY OF DEED

Said deed is to be delivered to BUYER at the Nantucket County Registry of Deeds at 1:00 P.M. on the 29th day of September 2022, unless otherwise agreed upon in writing. It is agreed that time is of the essence of this agreement.

9. POSSESSION AND CONDITION OF PREMISES

Full possession of said premises free of all tenants and occupants is to be delivered at the time of the delivery of the deed, said Premises to be then (a) in the same condition as they are now, and (b) in compliance with provisions of any instrument referred to in clause 4 hereof. The BUYER shall be entitled to personally inspect the premises prior to the delivery of the deed in order to determine whether the condition of the premises complies with the terms of this clause.

10. EXTENSION TO PERFECT TITLE OR MAKE PREMISES CONFORM

If the SELLER shall be unable to give title or to make conveyance, or to deliver possession of the premises, all as herein stipulated, or if at the time of delivery of the deed the premises do not conform with the provisions hereof, then the SELLER shall use reasonable efforts to remove any defects in title, or to deliver possession as provided herein, or to make the said premises conform to the provisions hereof, as the case may be, in which event the SELLER shall give written notice thereof to the BUYER at or before the time for performance hereunder, and thereupon the time for performance hereof shall be extended for a period of thirty (30) days. In the event that such an extension occurs, BUYER agrees to close prior to expiration of the extension period and as soon as reasonably possible after SELLER is prepared to deliver the Premises in compliance with this Agreement. In no event shall SELLER be required to expend more than a total of \$1,000.00 to clear title to and deliver possession of the Premises.

11. FAILURE TO PERFECT TITLE OR MAKE PREMISES CONFORM

If at the expiration of the extended time the SELLER shall have failed so to remove any defects in title, deliver possession, or make the premises conform, as the case may be, all as herein agreed, then any payments made under this agreement shall be forthwith refunded and all other obligations of the parties hereto shall cease and this agreement shall be void without recourse to the parties hereto.

12. BUYER'S ELECTION TO ACCEPT TITLE

The BUYER shall have the election, at either the original or any extended time for performance, to accept such title as the SELLER can deliver to the said premises in their then condition and to pay therefore the purchase price without deduction, in which case the SELLER shall convey such title.

13. ACCEPTANCE OF DEED

The acceptance and recording of a deed by the BUYER or his nominee as the case may be, shall be deemed to be a full performance and discharge of every agreement and obligation herein contained or expressed, except such as are, by the terms hereof, to be performed after delivery of said deed.

14. USE OF MONEY TO CLEAR TITLE

To enable the SELLER to make conveyance as herein provided, the SELLER may, at the time of delivery of the deed, use the purchase money or any portion thereof to clear the title of any or all encumbrances or interests, provided that all instruments so procured are recorded simultaneously with the delivery of said deed.

15. INSURANCE

Intentionally Omitted (Vacant Land).

16. ADJUSTMENTS

A payment in lieu of taxes shall be paid in accordance with G.L. c. 44, § 63A as of the day of performance of this Agreement and the amount thereof shall be added to the purchase price payable by BUYER at the time of delivery of the deed.

17. ADJUSTMENT OF UNASSESSED AND UNABATED TAXES

Intentionally Omitted.

18. BROKER'S FEE

Intentionally Omitted.

19. BROKER'S WARRANTY

Intentionally Omitted.

20. DEPOSIT

All deposits made hereunder shall be held in escrow by Town Treasurer, as escrow agent in a non-interest bearing account subject to the terms of this agreement and shall be duly accounted for at the time for performance of this agreement. In the event of any disagreement between the parties, escrow agent shall retain all deposits made under this agreement pending instructions mutually given in writing by the SELLER and the BUYER, or by court order by a Court having competent jurisdiction.

All deposits made hereunder shall be placed in a non-interest-bearing account. The escrow agent hereunder shall not be liable for any loss suffered with respect to the escrow account or for any action or inaction taken by the escrow agent in good faith with respect to the account or deposit. The escrow agent may resign at any time by transferring the deposit to a successor escrow agent reasonably acceptable to SELLER and BUYER which successor agrees in writing to act as escrow agent. BUYER and SELLER jointly and severally agree to indemnify and hold the escrow agent harmless for any and all costs and expenses, including reasonable attorney's fees, incurred in connection with any such dispute.

21. BUYER'S DEFAULT; DAMAGES

If the BUYER shall fail to fulfill the BUYER'S agreements herein, all deposits made hereunder by the BUYER shall be retained by the SELLER as liquidated damages, which shall be the SELLER'S sole and exclusive remedy at law and in equity for a breach of this agreement.

22. RELEASE BY HUSBAND OR WIFE

Intentionally Omitted.

23. BROKER AS PARTY

Intentionally Omitted.

24. LIABILITY OF TRUSTEES, SHAREHOLDERS OR BENEFICIARIES

If the SELLER or BUYER executes this agreement in a representative or fiduciary capacity, only the principal or the estate represented shall be bound, and neither the SELLER or BUYER so executing, nor any shareholder or beneficiary of any trust, shall be personally liable for any obligation, express or implied, hereunder.

25. WARRANTIES AND REPRESENTATIONS

The BUYER acknowledges that the BUYER has not been influenced to enter into this transaction nor has he relied upon any warranties or representations not set forth or incorporated in this agreement or previously made in writing, except for the following additional warranties and representations, if any, made by either the SELLER: NONE. SELLER and SELLER's agents have made no warranties or representations, express or implied, and BUYER is purchasing the premises in it's "AS IS" and without inspection.

26. MORTGAGE CONTINGENCY CLAUSE

None.

27. CONSTRUCTION OF AGREEMENT

This instrument, executed in multiple counterparts, is to be construed as a Massachusetts contract, is to take effect as a sealed instrument, sets forth the entire contract between the parties, is binding upon and inures to the benefit of the parties hereto and their respective heirs, devisees, executors, administrators, successors and assigns, and may be canceled, modified or amended only by a written instrument executed by both the SELLER and the BUYER or their respective counsel. The Parties may rely upon facsimile copies of such written instruments. If two or more persons are named herein as BUYER, their obligations hereunder shall be joint and several. The captions and marginal notes are used only as a matter of convenience and are not to be considered a part of this agreement or to be used in determining the intent of the parties to it.

28. TITLE STANDARDS AND CONVEYANCING PRACTICES

Any matter relating to performance of this Agreement, which is the subject of a title, practice or ethical standard of the Real Estate Bar Association of Massachusetts shall be governed by such standard to the extent applicable.

29. NOTICES

All notices, demands, consents and approvals required or permitted hereunder shall be deemed to have been duly given if in writing addressed to BUYER or SELLER at:

In the case of BUYER:

Fifty-Nine Pochick Avenue LLC
c/o Paul Vaccari
633 Ninth Avenue, 2N
New York, NY 10036

With a copy to:

David J. Buckley, Esq.
4 North Water Street
P.O. Box 5027
Nantucket, MA 02554
(508)257-1240

In the case of SELLER:

Town of Nantucket
Town and County Building
16 Broad Street
Nantucket, MA 02554

With a copy to:

Vicki S. Marsh, Esq.
KP Law, P.C.
101 Arch Street, 12th Fl.
Boston, MA 02110
(617) 556-0007
Facsimile: (617) 654-1735

and shall be deemed delivered upon the earliest to occur of (a) receipt or refusal to accept delivery; or (b) upon delivery prior to 5:00 P.M. on any business day by telecopy evidenced by written or printed receipt confirmation, provided a copy of any such notice sent by telecopy is sent also by means of one of the above-described manners of delivery. BUYER and SELLER may change the address to which any notice is to be sent by giving reasonable notice to the other party of such new address in the manner specified.

30. NO BROKER WARRANTY

The parties warrant and represent each to the other that there is no broker involved with the transaction to which this agreement pertains. In the event of a breach of the foregoing representation, the breaching party shall indemnify and hold harmless the non-breaching party for all expenses, including attorney's fees, which arise from such breach. The provisions of this section shall survive delivery of the deed hereunder.

31. SELLER'S CONTINGENCY

SELLER'S obligations hereunder shall be contingent upon SELLER complying prior to closing with the requirements of Massachusetts General Laws Chapter 30B concerning public procurement of the premises and obtaining all necessary authority to sell the premises, including but not limited to a declaration that the premises constitutes surplus property and an appropriate Town Meeting vote.

32. VENUE

The parties hereto agree that all actions on this Agreement shall be brought in the Superior Court Department of the Trial Court, Commonwealth of Massachusetts, Nantucket Division, to the extent that said Court shall have jurisdiction of the subject matter in any such action.

33. EXTENSION AUTHORITY

By executing this Agreement, Buyer and Seller hereby grant to their respective attorneys the actual authority to bind them by facsimile for the limited purpose of allowing them to grant extensions, and Buyer and Seller shall be able to rely upon the signature of said attorneys as binding unless they have actual knowledge that either party has disclaimed the authority granted herein to bind them.

34. CLOSING DOCUMENTS

BUYER agrees to sign at closing all forms reasonably required by SELLER including without limitation a disclosure statement pursuant to G.L. c. 7C, sec. 38. BUYER agrees to pay the legal costs incurred for preparing a Quitclaim Deed for the Premises.

35. MERGER OF PREMISES

BUYER shall consolidate the Premises with the BUYER'S existing abutting lot as set forth in the provisions of the "Nantucket Yard Sale Program." This consolidation process includes but is not limited to obtaining a special permit from the Zoning Board of Appeals to alter any premises which is a nonconforming lot pursuant to Town Code 139-33A (8) and, filing a new perimeter plan with the Nantucket Planning Board and Massachusetts Land Court, if applicable.

BUYER warrants that the Premises shall not be used as separate buildable lots or resold as a separate buildable lot and shall be used for residential uses only. Notwithstanding any provision herein to the contrary, BUYER shall accept the deed required to be delivered pursuant to this Agreement if such deed contains permanent restrictions, held by SELLER and running with the land, to enforce such restrictions and covenants as follows:

"The Grantor's conveyance of the parcel(s) described herein is based in part on the Grantee's warranty and representation to the Grantor that such parcel(s) shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting property at 59 Pochick Avenue, shown on Town Assessor's Map 79 as Parcel 125, previously acquired by Grantee by Deed recorded with Nantucket County Registry of Deeds in Book 1480, Page 272 (together, the "Combined Premises"), and that no part of the

Combined Premises shall be hereafter divided, subdivided or conveyed as a separate parcel or parcels into no more than three(3) buildable lots unless prior written permission is granted by the Town of Nantucket Select Board and such permission is recorded with said Deeds except for a division, subdivision or conveyance of three (3) or less buildable lots. Accordingly, the Parcel hereby granted to the Grantee is conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Combined Premises to residential use as defined in Chapter 139 of the Town of Nantucket Code, prohibiting the division or subdivision of any portion of the Combined Premises, and prohibiting the use or conveyance of any portion of the Combined Premises apart from another portion of the Combined Premises into no more than three (3) buildable lots, and automatically effectuating a reversion of the Parcel to the Grantor, if within twenty-four months of the Date of the Deed, the Parcel has not been merged with the Grantee's existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used or conveyed in a manner inconsistent with these restrictions unless a prior written release is granted by the Town of Nantucket Select Board and recorded with said Deeds."

These restrictions shall be enforceable for a term of 200 years from the date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be "other restrictions held by any governmental body" pursuant to G.L. c. 184, Section 26 such that the restrictions contained herein shall be enforceable for the full term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the grantee hereby appoints the grantor as its agent and attorney in fact to execute and record such notice and further agrees that the grantee shall execute and record such notice upon request. The representations, warranties and provisions of this Section 35 shall survive the delivery of this deed and any conveyance of the Premises, and BUYER shall accept a deed required to be delivered pursuant to this Agreement if such deed contains permanent restrictions, held by SELLER and running with the land, to enforce these covenants.

36. CONDITION OF PREMISES

BUYER acknowledges that prior to the date of this Agreement, BUYER entered the Premises for the purpose of surveying and inspecting the Premises, as necessary for BUYER's financing and purchasing of the Premises and BUYER agrees that BUYER and BUYER's agents fully and completely inspected the Premises, and that BUYER is wholly satisfied with the condition of the Premises. SELLER and SELLER's agents have made no warranties or representations with respect to the Premises, express or implied, on which BUYER has relied except as otherwise set forth in this Agreement. In the event that BUYER and/or BUYER's agents, contractors and employees access the Premises to make any further inspections, assessments, surveys, appraisals or other non-invasive examination of the surface of the Premises, then such access shall be solely at the BUYER's risk, and BUYER shall indemnify and save SELLER harmless from any and all claims, demands, suits or causes of action of any nature whatsoever arising from BUYER's and its agents', contractors' and employees' presence at and/or actions upon or about the Premises, including, without limitation, any claim for personal injury or property damage made by any such person afforded access to the Premises pursuant hereto. BUYER will, and will cause its agents, employees, and contractors, to observe any posted rules and regulations on the

Premises.

37. REPRESENTATION BY COUNSEL

BUYER and SELLER each acknowledge and agree that they have by counsel of their own choosing or have had an opportunity to be so represented by counsel, and both BUYER and SELLER have read and understand the terms of this Agreement.

38. ASSIGNMENT AND RECORDING OF AGREEMENT

BUYER shall not file this Agreement with any Registry of Deeds or recording office. BUYER shall not assign this Agreement to any party without SELLER's prior written consent, which consent SELLER may withhold for any or no reason. In the event BUYER so files or assigns this Agreement without SELLER's prior written consent, then SELLER may elect, upon written notice to BUYER, to terminate this Agreement and to retain any and all deposits.

39. SEVERABILITY

If this Agreement shall contain any term or provision which shall be invalid, then the remainder of the Agreement, as the case may be, shall not be affected thereby and shall remain valid and in full force and effect to the fullest extent permitted by law, provided such term or provision does not materially affect the obligations of either of the parties nor the essence of the Agreement.

Signature Page to Follow

SELLER:
TOWN OF NANTUCKET
By its Select Board

ESCROW AGENT:
TOWN TREASURER

**BUYER: FIFTY-NINE POCHICK
AVENUE LLC**

By: _____
Paul Vaccari, Manager

816970v2NANT19712/0001

SETTLEMENT STATEMENT

Town of Nantucket ("Seller")
Fifty-Nine Pochick Avenue LLC ("Buyer")
Parcel 5, Hawthorne Street,
Nantucket, MA (Property)
September 29, 2022(Closing Date)

Purchase Price: \$ 30,000.00

Less:

Deposit \$ 00.00

Plus:

Payment in Lieu of Tax Adjustment
9/29/22-6/30/23 \$ 85.25

Reimbursement of Town's Legal Fees \$ 1,200.00

Net Amount Due Seller: \$ 31,285.25

Checks:

Town of Nantucket \$ 31,285.25

**BUYER: FIFTY-NINE POCHICK
AVENUE LLC**

**SELLER: TOWN OF NANTUCKET
SELECT BOARD**

By: _____
Paul Vaccari, Manager

Jason Bridges

Dawn E. Hill Holdgate

Melissa K. Murphy

Matthew G. Fee

Brooke Mohr

—



CURRENT ZONING CLASSIFICATION:
 Limited Use General 1 (L.U.G.-1)
 MINIMUM LOT SIZE: 40,000 S.F.
 MINIMUM FRONTAGE: 100 FT.
 FRONT YARD SETBACK: 35 FT.
 REAR YARD SETBACK: 10 FT.
 SIDE YARD SETBACK: 10 FT.
 GROUND COVER: 25%

LEGEND

- (CB) = BROWNE CONCRETE ROAD WITH DRAINAGE FLOOD
- (F) = BROWNE CONCRETE ROAD FLOOD
- (O) = BROWNE ROAD IMPROVEMENT
- (D) = BROWNE ROAD IMPROVEMENT



NANTUCKET REGISTRY OF DEEDS

Date: November 19, 2021

Form: 3-20-201

Plan No.: 2021-67

Surveyor: Grady H. Johnson

Sheet 1 of 1

RESERVED FOR REGISTRY USE

NOTE:

PARCELS 3-5 DO NOT CONTAIN AREAS SUBJECT TO PROTECTION UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT WHICH ARE REQUIRED TO BE DELAYED FROM LOT AREA UNDER THE NANTUCKET ZONING BY-LAW BUT STILL MAY BE SUBJECT TO PROTECTION UNDER STATE AND LOCAL WETLAND BY-LAW. DETERMINATION OF APPLICABILITY MAY BE OBTAINED THROUGH APPLICATION TO THE CONSERVATION COMMISSION.

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Grady H. Johnson 9-23-21
 PROFESSIONAL LAND SURVEYOR DATE



Nantucket Select Board

Being a majority:

[Signature]
[Signature]
[Signature]
[Signature]

DATE SIGNED: _____

PLANNING BOARD DISCUSSION DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER ZONING.

Nantucket Planning Board

APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

[Signature]
[Signature]
[Signature]

10-25-2020 0-310-2021-0-00310
 DATE SIGNED FILE #

SEPTIMBER 2021 AND REVISED BY A 22

TAKING AND DISPOSITION Plan of Land in Nantucket, Mass. Prepared for

TOWN OF NANTUCKET

Scale: 1" = 30' SEPTEMBER 23, 2021

BLACKWELL & ASSOCIATES, Inc.
 Professional Land Surveyors
 30 TRAFALGAR CIRCLE
 NANTUCKET, MASS. 02554
 (508) 228-9928



B7162

NANTUCKET 000 33 NANTUCKET 000 33 NANTUCKET 000 33 9/23/2021 3:41:00 PM EDT



Agenda Item Summary

Agenda Item #	X. 2.
Date	9/28/2022

Staff

Ken Beaugrand, Real Estate Specialist

Subject

Release of Subdivision Restriction to the owner of 104 Surfside Road, the owner of the yard sale parcels by virtue of Deed recorded with Nantucket County Registry of Deeds in Book 1496, Page 335, regarding Parcels 2 and 3, Cotton Street, Parcels 4 and 5, MacLean Street, and Parcel 6, Copeland Street, shown on a plan entitled "Taking and Disposition Plan of Land in Nantucket, MA Prepared for Nantucket 106 Surfside Realty Trust," dated June 2, 2014, and recorded with Nantucket County Registry of Deeds as Plan No. 2014-52.

Executive Summary

The owner desires to divide the Combined Premises and create a Nantucket Housing Needs Covenant Property on a portion of the Combined Premises and then thereafter sell such property to a qualified purchaser under the Nantucket Housing Needs Covenant Program.

Staff Recommendation

For the Town to release its rights in the Deed Restriction, only as it relates to the division of the Combined Premises into two separate lots for residential purposes, with one lot being a "Market-Rate" Lot, and the other being a Nantucket Housing Needs "Covenant Lot."

Background/Discussion

This matter has been reviewed by Town Counsel.

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

To Release the Subdivision Restriction and allow the creation of affordable housing opportunities (Covenant Lot) for the community and the creation of a new taxable entity.

Board/Commission Recommendation

N/A

Public Outreach

N/A

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

Consistent with the intent of the strategic plan to create more affordable housing.



Attachments

Release of Subdivision Restriction, Deed, Article 99 of 2011 ATM Warrant, Article 84 of 2012 ATM Warrant, Plan No. 2014.52



RELEASE OF A SUBDIVISION RESTRICTION

WHEREAS, the TOWN OF NANTUCKET, a Massachusetts municipal corporation, acting by and through its Select Board, having a principal place of business at 16 Broad Street, Nantucket, Nantucket County, Massachusetts 02554 ("Town or Grantor") by Deed dated August 19, 2015, recorded with Nantucket County Registry of Deeds in Book 1496, Page 335 (the "Deed") conveyed Parcel 2 and 3, Cotton Street, Parcels 4 and 5, MacLean Street and Parcel 6 Copeland Street, Nantucket, Massachusetts as shown on a plan of land entitled "Taking and Disposition Plan of Land in Nantucket, MA Prepared for Nantucket 106 Surfside Realty Trust," dated June 2, 2014, recorded with said Deeds as Plan No. 2014-52 (the "Yard Sale Parcels") to Mary Beth Ferro (the "Grantee"), the owner of 104 Surfside Road, Nantucket, Massachusetts (the "Property");

WHEREAS, the Deed contains the following restriction ("Deed Restriction"):
"The Grantor's conveyance of these Parcels is based in part on the Grantee's warranty and representation to the Grantor that such Parcels shall be used for residential purposes only, and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting lot at 104 Surfside Road...(the "Combined Premises"), and that no part of such Parcels or the Combined Premises shall hereafter be used for non-residential purposes nor divided, subdivided, or conveyed as a separate parcel or parcels, unless prior written permission is granted by the Town of Nantucket Board of Selectmen, and such permission is recorded with said Deeds."

WHEREAS, the Grantee, desires to divide the Combined Premises and create a Nantucket Housing Needs Covenant Property on a portion of the Combined Premises and then thereafter sell such property to a qualified purchaser under the Nantucket Housing Needs Covenant Program.

WHEREAS, the Grantee requests the Town to release its rights in the Deed Restriction only as it relates to the division of the Combined Premises into two separate lots for residential purposes, with one lot being a "Market-Rate" lot, and the other being a Nantucket Housing Needs "Covenant Lot."

NOW, THEREFORE, the Town hereby forever releases from the Combined Premises, its rights in only that portion of the Deed Restriction as it relates to the division of the Combined Premises into a Market-Rate Lot and a Covenant Lot, subject to the conditions hereinafter provided. However, the remaining provisions of the Deed Restriction remain in effect and specifically any further division or subdivision of either the proposed Market-Rate Lot, or the Covenant Lot, will require the prior written permission of the Select Board of the Town of Nantucket, and the Lots must be used for residential purposes as defined in Chapter 139 of the Town of Nantucket Code. The Town of Nantucket hereby retains its right of reverter of the Yard Sale Parcels in the event the Owner, its heirs, successors, or assigns further divides, subdivides or uses the Lots for non-residential purposes. This release shall be subject to the following conditions:

1. The Grantee obtain endorsement of an Approval Not Required ("ANR") division plan, from the Nantucket Board, evidencing the Combined Premises' ability to be divided

into a Market Rate Lot and a Covenant Lot, while complying with the provisions of the Nantucket Zoning Bylaw, and

2. The Grantee obtain all the requisite approvals, permits, and endorsements from the Nantucket Planning Board to create the Market Rate Lot and the Covenant Lot and record the same at the Nantucket County Registry of Deeds.

THE REMAINDER OF THIS SPACE IS INTENTIONALLY LEFT BLANK

SIGNATURE PAGE TO FOLLOW

SIGNATURE PAGE

EXECUTED under seal this _____ day of _____, 2022.

TOWN OF NANTUCKET

BY ITS SELECT BOARD

JASON BRIDGES, Chair

DAWN E. HILL HOLDGATE, Vice Chair

MATTHEW G. FEE

BROOKE MOHR

MELISSA K. MURPHY

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this _____ day of _____, 2022, before me, the undersigned notary public, personally appeared, Jason Bridges, Dawn E .Hill Holdgate, Melissa K. Murphy, Matthew G. Fee, and Brooke Mohr, as Members of the Select Board of the Town of Nantucket and proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free act and deed of the Select Board of the Town of Nantucket.

NOTARY PUBLIC
My Commission Expires:



Bk: 1496 Pg: 335 Page: 1 of 11
Doc: DD 08/20/2015 03:10 PM

QUITCLAIM DEED

Parcels 2 and 3, Cotton Street, Parcels 4 and 5, MacLean Street and Parcel 6, Copeland Street, Nantucket, Massachusetts

The **TOWN OF NANTUCKET**, a Massachusetts municipal corporation having a principal place of business at 16 Broad Street, Nantucket, Nantucket County, Massachusetts acting by and through its Board of Selectmen (the "Grantor"), in consideration of Eighteen Thousand and 00/100 Dollars (\$18,000.00), the receipt of which is hereby acknowledged, pursuant to the authority of Article 99 voted upon at the 2011 Annual Town Meeting and Article 84 voted upon at the 2012 Annual Town Meeting, certified copies of which are attached hereto, grants to **Mary Beth Ferro**, of 104 Surfside Road, Nantucket, Massachusetts 02554 (the "Grantee"), with QUITCLAIM COVENANTS, five certain plots of land in Nantucket, Massachusetts shown as Parcels 2 and 3, Cotton Street, containing respectively 3,943 square feet, more or less, and 355 square feet, more or less, shown on a plan of land entitled "Disposition Plan of Land in Nantucket, MA Prepared for Donald W. Mirro," dated June 2, 2014, prepared by Blackwell & Associates, Inc. and recorded with the Nantucket County Registry of Deeds as Plan No. 2014-54; and Parcels 4 and 5, MacLean Street, each containing 8,154 square feet, more or less, and Parcel 6, Copeland Street containing 5,254 square feet, more or less, being shown on a plan of land entitled "Taking and Disposition Plan of Land in Nantucket, MA Prepared for Nantucket 106 Surfside Realty Trust," dated June 2, 2014, recorded with said Deeds as Plan No. 2014-52 (collectively, the "Parcels"). The premises hereby conveyed are a portion of Cotton Street, MacLean Street and Copeland Street.

The Grantor's conveyance of these Parcels is based in part on the Grantee's warranty and representation to the Grantor that such Parcels shall be used for residential purposes only and shall, for all intents and purposes, be combined with and considered as one parcel with the abutting lot at 104 Surfside Road and shown on Town Assessor's Map 67 as Parcel 349 previously acquired by Grantee pursuant to Deed recorded with said Deeds in Book 568, Page 125 (collectively with the Parcel, the "Combined Premises"), and that no part of such Parcels or the Combined Premises shall hereafter be used for non-residential purposes nor divided, subdivided or conveyed as a separate parcel or parcels, unless prior written permission is granted by the Town of Nantucket Board of Selectmen and such permission is recorded with said Deeds. Accordingly, the Parcels hereby granted to the Grantee are conveyed subject to permanent restrictions hereby reserved to and held by the Grantor, forever restricting the Parcels and Combined Premises to residential use, prohibiting the division or subdivision of any portion of the Combined Premises and prohibiting the conveyance or use of any portion of the Combined Premises apart from another portion of the Combined Premises, and automatically effectuating a reversion of the Parcels to the Grantor, if within twenty-four (24) months of the date of this Deed, the Parcels have not been merged with the Grantee's existing property in accordance with the Town of Nantucket By-Laws and statutes. These restrictions shall run with the title to the Combined Premises, and no part of the Combined Premises shall be hereafter used, conveyed,

divided or subdivided in a manner inconsistent with these restrictions unless prior written release is granted by the Town of Nantucket Board of Selectmen and recorded with said Deeds.

By accepting and recording this Quitclaim Deed, the Grantee expressly agrees to the Grantor's reservation of, and otherwise grants to the Grantor, such restrictions on the use of the Combined Premises. These restrictions shall be enforceable for a term of 200 years from the date hereof, and all of the agreements, restrictions, rights and covenants contained herein shall be deemed to be "other restrictions held by any governmental body," pursuant to G.L. c. 184, §26, such that the restrictions contained herein shall be enforceable for the term of 200 years and not be limited in duration by any contrary rule or operation of law. Nevertheless, if recording of a notice is ever needed to extend the time period for enforceability of these restrictions, the Grantee hereby appoints the Grantor as its agent and attorney in fact to execute and record such notice and further agrees that the Grantee shall execute and record such notice upon request.

The undersigned certifies that there has been full compliance with the provisions of G. L. c. 44 §63A.

No deed stamp taxes are due on this conveyance pursuant to G.L. c. 64D, §1.

For Grantor's title, see Order of Taking dated September 10, 2014 recorded with said Deeds in Book 1452, Page 137.

[Remainder of Page Intentionally Blank. Signatures Follow on Next Page.]

EXECUTED under seal this 19th day of August, 2015.

TOWN OF NANTUCKET
BY ITS BOARD OF SELECTMEN



Robert DeCosta



Matthew G. Fee



Rick Atherton



Tobias B. Glidden

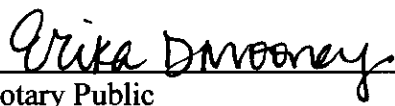


Dawn E. Hill Holdgate

COMMONWEALTH OF MASSACHUSETTS

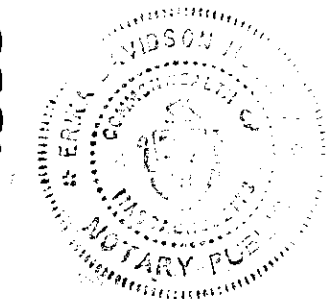
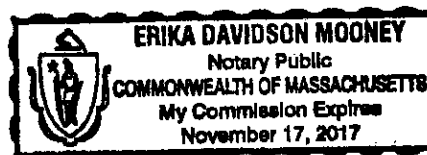
Nantucket, ss

On this 19th day of August, 2015, before me, the undersigned Notary Public, personally appeared Robert DeCosta, Matthew G. Fee, Rick Atherton, Tobias B. Glidden and Dawn E. Hill Holdgate as Members of the Board of Selectmen of the Town of Nantucket, proved to me through satisfactory evidence of identification, which was personal knowledge of the undersigned, to be the persons whose names are signed on the preceding or attached document, and acknowledged to me that they signed it voluntarily for its stated purpose as the free and deed of the Board of Selectmen of the Town of Nantucket.


Notary Public
My Commission Expires:

526466NANT10712/0135

NANTUCKET LAND BANK	
CERTIFICATE	
☒ Paid \$	36000
☐ Exempt	
☐ Non-applicable	
No.	36005
Authorized	8/20/14
Authorization	MW





Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216

FAX (508) 325-5313

Home: (508) 228-7841

Email: cstover@nantucket-ma.gov
townclerk@nantucket-ma.gov

WEBSITE: <http://www.nantucket-ma.gov>

♦♦♦♦♦

April 19, 2011

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the April 4, 2011 ANNUAL TOWN MEETING adopted **Article 99: "Real Estate Conveyance: "Paper" Streets, Surfside"** at the April 4, 2011 adjourned session when ...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board was duly motioned and seconded.

VOTE: The vote on the motion pursuant to Article 99 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 99**(Real Estate Conveyance: "Paper" Streets, Surfside)**

To see if the Town will vote to authorize the Board of Selectmen to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of land in the Surfside area of Nantucket known as Surfside South and identified below, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

- Plum, Poplar and Holly Streets between the northern sideline of Pochick Avenue and the southern sideline of Mequash Avenue (f.k.a. or a.k.a. Sechacha Avenue; excluding any portion of Masaquet Avenue (f.k.a. or a.k.a. Wauwinet Avenue));
- Laurel, School and Myrtle Streets between the northeastern sideline of Surfside Road and the southern sideline of Maclean Street;
- Miacomet, Monomoy and Massasoit Avenues between the centerline of Irving and Hawthorne Streets;
- Masquetuck and Dunham Streets between the northern sideline of Pochick Avenue and the southern sideline of Boulevarde;
- Dunham Street and Irving Street: between the northern sideline of Nobadeer Avenue and the southern sideline of Weweeder Avenue;
- Irving Street and Hawthorne Street: between the northern sideline of Massasoit Avenue and the southern sideline of Miacomet Avenue (excluding any portion of Monomoy Avenue);
- Holly Street between the northern sideline of Nonantum Avenue to the southern sideline of Pochick Avenue (excluding any portion of Weweeder and Nobadeer Avenues);
- Maclean Street between the eastern sideline of Fairgrounds Road and the eastern sideline of Myrtle Street;
- Mequash Avenue (f.k.a. Sechacha Avenue) between the western sideline of Pequot Street (formerly or also known as Orange Street) and the eastern sideline of Naushon Way (f.k.a. Cherry Street);
- Pochick Avenue between the eastern sideline of Naushon Way (f.k.a. Cherry Street) to the western sideline of Masquetuck Street (excluding any portion of Pequot and Woodbine Streets);
- Masaquet Avenue (f.k.a. Wauwinet Avenue) between the eastern sideline of Pequot Avenue (formerly or also known as Orange Street) and the western sideline of Masquetuck Street and the terminus of a turning tee and the eastern sideline of Atlantic Avenue;
- Woodbine Street between the northern sideline of Masaquet Avenue (f.k.a. or a.k.a. Wauwinet Avenue) and the southern sideline of Mequash Avenue (f.k.a. or a.k.a. Sechacha Avenue);
- Myles Standish Street (f.k.a. or a.k.a. Shimmo Street) between the northern lot line of property at 38 Pochick Avenue (Assessor Map 80 Parcel 11) and a north and east sideline of a property at 36 Pochick Avenue (Assessor Map 80, Parcel 285) and the southern sideline of Boulevarde;
- Copeland Street between the southern sideline of Masaquet Avenue (f.k.a. or a.k.a. Wauwinet Avenue) and the eastern sideline of Atlantic Avenue;

- Atlantic Avenue between the southern lot line of a property at 6 Gladlands Avenue (Assessor Map 80 Parcel 179) and the northern sideline of Pochick Avenue, the southern sideline of Nobadeer Avenue and the western sideline of Surfside Road (f.k.a. Myrtle Street);
- Station Avenue between the western sideline of Atlantic Avenue and its terminus at an extension of the southern lot line of a property at 5 Station Street (Assessor Map 87 Parcel 114) west to the western sideline of Station Avenue;
- Curve Street between the northeastern sideline of Station Avenue and the western sideline of Cononicus Street (f.k.a. or a.k.a. Laurel Street);
- Arrugia Street (f.k.a. School Street) between the southern sideline of Atlantic Avenue and the northern sideline of Curve Street;
- Nonantum Avenue: between the western sideline of Laurel Street and the eastern sideline of Atlantic Avenue;
- Lovers Lane between the northern sideline of Weweeder Avenue and the southern sideline of Pochick Avenue;
- Weweeder Avenue between the western sideline of Irving Street to the eastern sideline of Surfside Road (f.k.a. Myrtle Street); excluding any portion of Boulevarde (f.k.a. Central Street), Clifford Street, Pequot Street and Cherry Street (a.k.a. Naushon Way);
- Western Avenue between the eastern sideline of Surfside Road and its eastern terminus;
- Poplar Street between the northern sideline of Western Avenue and the southern sideline of Atlantic Avenue;
- Unnamed ways between the western sideline of Surfside Road, the eastern sideline of Cononicus Street and the southern sideline of Atlantic Avenue;
- Boulevarde from the western sideline of Russell Street to the western lot line of Assessor Map 88 Parcel 31.

All as shown on a map entitled "2011 Annual Town Meeting Warrant Article 99" dated January 2011 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

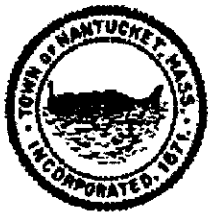
(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is hereby authorized to convey, sell or otherwise dispose of the fee title or lesser interests in all or any portion of land in the Surfside area of Nantucket known as Surfside South and identified in the Warrant under Article 99, as amended below, and subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

- Laurel, School and Myrtle Streets between the northeastern sideline of Surfside Road and the southern sideline of Maclean Street, and Laurel Street (n.k.a. Canoncus Street) between the northern sideline of an unnamed way and the southern sideline of Atlantic Avenue;
- Atlantic Avenue between the southern lot line of a property at 6 Gladlands Avenue (Assessor Map 80 Parcel 179) and the northern sideline of Pochick Avenue, the southern sideline of Nobadeer Avenue and the western-northern sideline of Western Avenue excluding any portion of Surfside Road (f.k.a. Myrtle Street);

- Station Avenue Street between the western sideline of Atlantic Avenue and its terminus at an extension of the southern lot line of a property at 5 Station Street (Assessor Map 87 Parcel 114) then west to the western sideline of Station Avenue Street;
- Curve Street between the northeastern sideline of Station Avenue Street and the western sideline of Canonicus Street (f.k.a. or a.k.a. Laurel Street);
- Arrugia Aungia Street (f.k.a. School Street) between the southern sideline of Atlantic Avenue and the northern sideline of Curve Street;
- Unnamed ways between the western sideline of Surfside Road, the eastern sideline of Canonicus Street and the southern sideline of Atlantic Avenue.

All as shown on a map entitled "2011 Annual Town Meeting Warrant Article 99" dated January 2011.



Town of Nantucket

♦♦♦♦♦

OFFICE OF THE TOWN & COUNTY CLERK

16 Broad Street
NANTUCKET, MASSACHUSETTS 02554-3590

Catherine Flanagan Stover, MMC, CMMC
Town & County Clerk

(508) 228-7216

FAX (508) 325-5313

Home: (508) 228-7841

Email: cstover@nantucket-ma.gov

flanaganstover@yahoo.com

townclerk@nantucket-ma.gov

WEBSITE: <http://www.nantucket-ma.gov>

♦♦♦♦♦

April 6, 2012

TO WHOM IT MAY CONCERN:

I, Catherine Flanagan Stover, duly elected Clerk of the Town and County of Nantucket, hereby certify that the March 31, 2012 ANNUAL TOWN MEETING adopted **Article 84: "Real Estate Conveyance: "Paper" Streets in Surfside "** at the March 31, 2012 adjourned session when "...the adoption of all articles not heretofore acted upon as recommended by the Finance Committee, or as recommended by the Planning Board, was duly motioned, seconded, and voted in accordance with the motions recommended by the Finance Committee or, in the absence of a Finance Committee motion, then in accordance with the motions as recommended by the Planning Board, as printed in the Finance Committee Report, with technical amendments brought forward during the course of the meeting..."

VOTE: The vote on the motion pursuant to Article 84 as moved by the Finance Committee, was by Unanimous Voice Vote. The motion was adopted.

Catherine Flanagan Stover, MMC, CMMC
Town and County Clerk

ARTICLE 84**(Real Estate Conveyance: "Paper" Streets in Surfside)**

To see if the Town will vote to authorize the Board of Selectmen to sell, convey, or otherwise dispose of the fee or any lesser interests in all or any portion of twenty-two (22) unconstructed rights of way in the Surfside area of Nantucket, shown on a plan recorded with the Nantucket County Registry of Deeds on May 17, 1889 in Plan Book 2, Page 60, as identified below, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

- Muskeget Avenue between the eastern sideline of Atlantic Avenue and the western sideline of School Street;
- Tuckernuck Avenue between the eastern sideline of Cotton Street and the western sideline of Poplar Street not including any portion of Gladlands Avenue and Surfside Road;
- Shawaukema Avenue between the eastern sideline of Atlantic Avenue and the western sideline of Plum Street not including any portion of Gladlands Avenue, Surfside Road and Eagles Wing Way (f.k.a. Cherry Street);
- Mequash Avenue (f.k.a. Shechacha Avenue) between the eastern sideline of Atlantic Avenue and a line extending the western sideline of Copeland Street through Mequash Avenue;
- Masaquet Avenue (f.k.a. Wauwinet Avenue) between the eastern and between the eastern sideline of Masquetuck Street and the western sideline of Wannacommet Street (a.k.a. Uncatena Street);
- Atlantic Avenue from the northern sideline of Masaquet Avenue (f.k.a. Wauwinet Avenue) to the eastern sideline of South Shore Road;
- Cotton Street between the eastern sideline of Atlantic Avenue and the southern sideline of Maclean Street, not including any portion of Surfside Road;
- Copeland Street between the eastern sideline of Atlantic Avenue and the southern sideline of Maclean Street, not including any portion of Gladlands Avenue and Surfside Road;
- School and Laurel Streets between the northern sideline of Mequash Avenue and the southern sideline Maclean Street, not including any portion of Gladlands Avenue and Surfside Road;
- Poplar Street between the northern sideline of Mequash Avenue and the southern sideline of Maclean Street not including any portion of Tuckernuck and Shawaukema Avenues and the Boulevarde;
- Cherry Street between the northern sideline of Mequash Avenue and the southern sideline of Eagle's Wing Way and between the northern sideline of the Boulevarde and the southern sideline Maclean Street;
- Plum, Woodbine and Holly Streets between the northern sideline of Mequash Avenue and the southern sideline Maclean Street, not including any portion of the Boulevarde and White Street;
- Orange Street (a.k.a. Pequot Street) between the terminus of Rainbow's End and the southern sideline Maclean Street;
- Masquetuck and Maddequet Streets between the northern sideline of the Boulevarde and the southern sideline of Maclean Street not including any portion of White Street;

- Wannacomet Street (a.k.a Uncatena Street) between the northern sideline of Pochick Avenue and the southern sideline of Maclean Street not including any portion of Masaquet Avenue, the Boulevarde and White Street;
- Shimmo Street (a.k.a. Myles Standish Street) between the northern sideline of Pochick Avenue and the northern lot line of property at 38 Pochick Avenue (Assessors Map 80 Parcel 11) and a northern and eastern sideline of a property at 36 Pochick Avenue (Assessors Map 80 Parcel 285) and between the northern sideline of the Boulevarde and the southern sideline of White Street/western sideline of Lovers Lane;
- Madequecham Street (a.k.a Dunham Street) between the northern sideline of Weweeder Avenue and the southern sideline of Pochick Avenue and between the northern sideline of the Boulevarde and the western sideline of Lovers Lane;
- White Street between the southern sideline of Maclean Street and the northwest sideline of the cul-de-sac of White Street;

All as shown on a map entitled "2012 Annual Town Meeting Warrant Article 84" dated January 2012 and filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Board of Selectmen)

FINANCE COMMITTEE MOTION: Moved that the Board of Selectmen is authorized to sell, convey, or otherwise dispose of the fee or any lesser interests in all or any portion of twenty-two (22) unconstructed rights of way in the Surfside area of Nantucket, shown on a plan recorded with the Nantucket County Registry of Deeds on May 17, 1889 in Plan Book 2, Page 60, as identified below, subject to Chapter 30B of the Massachusetts General Laws and guidelines established under the "Nantucket Yard Sales" program on file at the Board of Selectmen's office, any such disposition to be on such terms and conditions as the Board of Selectmen deem appropriate, which may include, the reservation of easements and restrictions:

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- Tuckernuck Avenue between the eastern sideline of Cotton Street and the western sideline of Poplar Street not including any portion of Gladlands Avenue and Surfside Road;
- Shawaukema Avenue between the eastern sideline of Atlantic Avenue and the western sideline of Plum Street not including any portion of Gladlands Avenue, Surfside Road and Eagles Wing Way (f.k.a. Cherry Street);
- Mequash Avenue (f.k.a. Shechacha Avenue) between the eastern sideline of Atlantic Avenue and a line extending the western sideline of Copeland Street through Mequash Avenue;
- Masaquet Avenue (f.k.a. Wauwinet Avenue) between the eastern sideline of Masquetuck Street and the western sideline of Wannacomet Street (a.k.a Uncatena Street);
- Atlantic Avenue from the northern sideline of Masaquet Avenue (f.k.a. Wauwinet Avenue) to the eastern sideline of South Shore Road;
- Cotton Street between the eastern sideline of Atlantic Avenue and the southern sideline of Maclean Street, not including any portion of Surfside Road;
- Copeland Street between the eastern sideline of Atlantic Avenue and the southern sideline of Maclean Street, not including any portion of Gladlands Avenue and Surfside Road;

- School and Laurel Streets between the northern sideline of Mequash Avenue and the southern sideline of Maclean Street, not including any portion of Gladlands Avenue and Surfside Road;
- Poplar Street between the northern sideline of Mequash Avenue and the southern sideline of Maclean Street not including any portion of Tuckernuck and Shawaukema Avenues and the Boulevarde;
- Cherry Street between the northern sideline of Mequash Avenue and the southern sideline of Eagle's Wing Way and between the northern sideline of the Boulevarde and the southern sideline of Maclean Street;
- Plum, Woodbine and Holly Streets between the northern sideline of Mequash Avenue and the southern sideline of Maclean Street, not including any portion of the Boulevarde and White Street;
- Orange Street (a.k.a. Pequot Street) between the terminus of Rainbow's End and the southern sideline Maclean Street;
- Masquetuck and Maddequet Streets between the northern sideline of the Boulevarde and the southern sideline of Maclean Street not including any portion of White Street;
- Wannacommet Street (a.k.a Uncatena Street) between the northern sideline of Pochick Avenue and the southern sideline of Maclean Street not including any portion of Masaquet Avenue, the Boulevarde and White Street;
- Shimmo Street (a.k.a. Myles Standish Street) between the northern sideline of Pochick Avenue and the northern lot line of property at 38 Pochick Avenue (Assessors Map 80 Parcel 11) and a northern and eastern sideline of a property at 36 Pochick Avenue (Assessors Map 80 Parcel 285) and between the northern sideline of the Boulevarde and the southern sideline of White Street/western sideline of Lovers Lane;
- Madequecham Street (a.k.a Dunham Street) between the northern sideline of Weweeder Avenue and the southern sideline of Pochick Avenue and between the northern sideline of the Boulevarde and the western sideline of Lovers Lane;
- White Street between the southern sideline of Maclean Street and the northwest sideline of the cul-de-sac of White Street;

All as shown on a map entitled "2012 Annual Town Meeting Warrant Article 84" dated January 2012 and filed herewith at the Office of the Town Clerk.

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferreira, Registrar of Deeds

Parcels 2 + 3 Cotton St
Parcels 4 + 5 MacLean St

Parcel 6, Copeland St

(Ferro)



CURRENT ZONING CLASSIFICATION:
Limited Use General 2 (L.U.G.-2)

MINIMUM LOT SIZE: 80,000 S.F.
MINIMUM FRONTAGE: 150 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 15 FT.
GROUND COVER %: 4%

CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (L.U.G.-3)

MINIMUM LOT SIZE: 120,000 S.F.
MINIMUM FRONTAGE: 200 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 20 FT.
GROUND COVER %: 3%

LEGEND
-CB- CONCRETE DRIVE WITH DRAINAGE PAVEMENT
-CR- CONCRETE DRIVE ROAD BOUND PAVEMENT
-PPE- CONCRETE DRIVE PAVEMENT



I HEREBY CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN ACCORDANCE WITH THE RULES
AND REGULATIONS OF THE REGISTER OF DEEDS
OF THE COMMONWEALTH OF MASSACHUSETTS.

Jay Z. Rella 6-2-14
PROFESSIONAL LAND SURVEYOR DATE

NANTUCKET REGISTRY OF DEEDS

Date: 06-23-2014

Time: 11:50

Plan No.: 2014-52

Attorney: [Signature]

SHEET 1 OF 1

RESERVED FOR REGISTRY USE



REF. 2011 A.T.M. ARTICLES 98 & 99
AND 2012 A.T.M. ARTICLES 83 & 84

TAKING AND DISPOSITION Plan of Land in

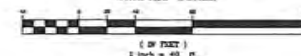
Nantucket, MA
Prepared for

**NANTUCKET 106 SURFSIDE
REALTY TRUST**

Scale: 1" = 40' JUNE 2, 2014

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026

GRAPHIC SCALE



Nantucket Board of Selectmen

Being a majority-

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

DATE SIGNED: 6/11/14

Nantucket Planning Board

APPROVAL UNDER THE
SUBDIVISION CONTROL LAW
NOT REQUIRED

[Signature]

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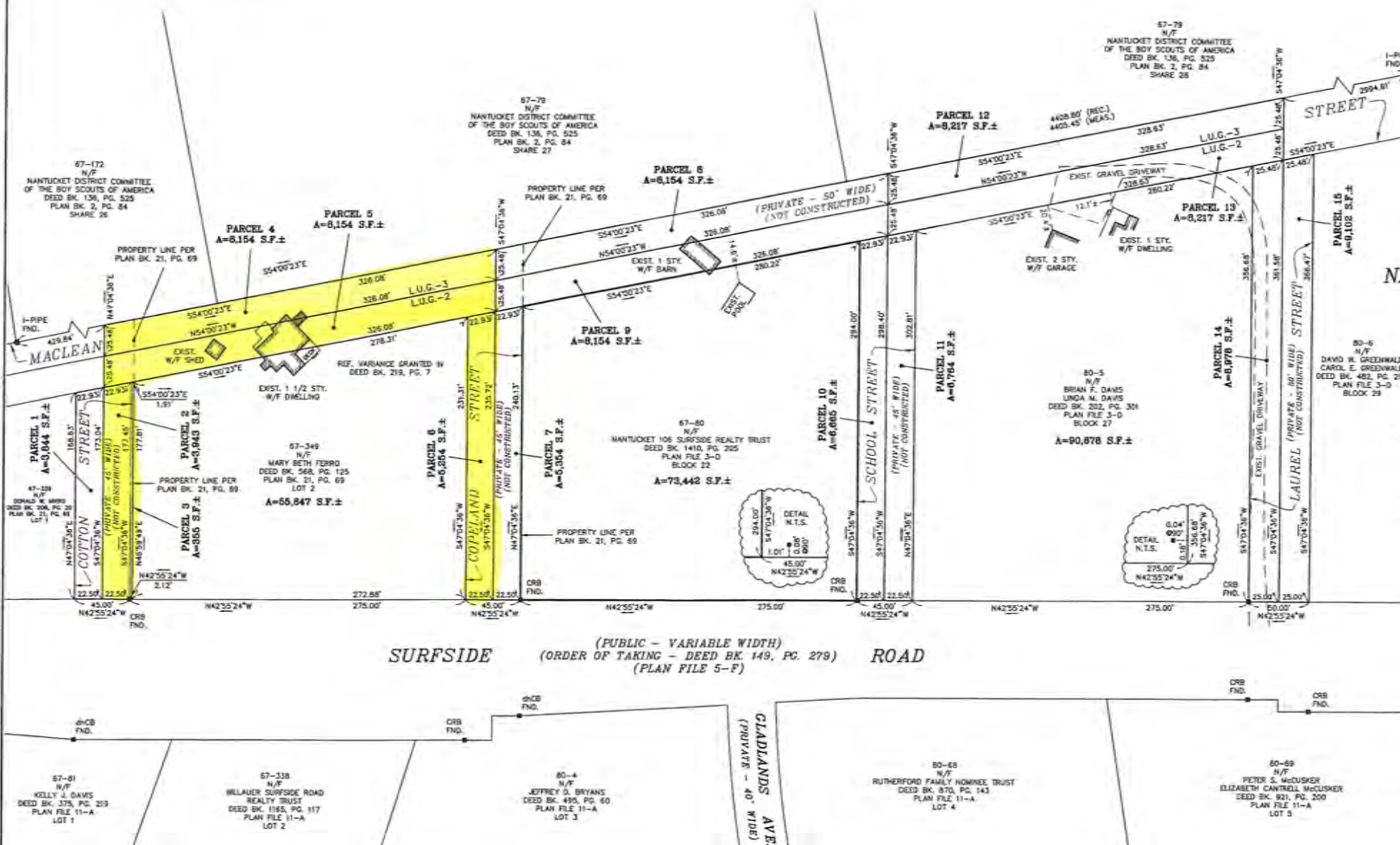
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Agenda Item Summary

Agenda Item #	XI. 1.
Date	9/28/2022

Staff

Erika D. Mooney, Operations Administrator

Subject

KOBO Request for Waiver of Town Noise Bylaw

Executive Summary

KOBO Utility Construction is requesting a waiver of the Town Noise Bylaw from 10:00 PM on Sept. 29 to 7:00 AM on Sept. 30 for an environmental spill cleanup of a leaked electric transformer in front of the Nantucket Yacht Club at 1 South Beach St. The work will be performed with Clean Harbors, and it needs to be done at night so that the Yacht club doesn't lose power during working hours. The work might end earlier than 7:00 AM but they aren't sure how long it will take. The Select Board approved a similar waiver request from KOBO at its 5/19/2021 meeting.

Staff Recommendation

Approve the Noise Bylaw Waiver as requested.

Background/Discussion

N/A

Impact: Environmental ☒ Fiscal ☐ Community ☐ Other ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

N/A

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

N/A

Attachments

Email from KOBO, portion of Select Board 5/19/2021 minutes



From: [Paul Holt](#)
To: [Erika Mooney](#)
Subject: Fwd: noise bylaw waiver request
Date: Friday, September 23, 2022 10:22:32 AM

----- Forwarded message -----

From: **Paul Holt** <paul.holt@koboutilty.com>
Date: Thu, Sep 22, 2022, 4:22 PM
Subject: noise bylaw waiver request
To: Erika Mooney <EMooney@nantucket-ma.gov>

looking to get a waiver for night work on Thursday evening September 29 th thru September 30 th all night for a National Grid Transformer spill clean up with clean Harbors . starting after 5 pm and working thru the night till finished.(Approximatly mid morning) Clean Harbors is on Island for clean ups and this outage is required at night due to customer needs for power. Work Location will be South Beach street infront of yacht club. TRANSFORMER 3-9 Thank You

--

Paul Holt
KOBO Utility Construction Corp.
P.O. Box 578
Sandwich, MA 02563

508-400-2025 Cell
508-888-2255 Office

This email was scanned by Bitdefender

concern that it has not been discussed or approved by the Board. Ms. Baxter responded that private outdoor dining space use was approved as a matter of practice during the pandemic, noting that Millie's did not change their plan for 2021 and there was no need for additional hearing before the Board. She noted some of the complaints relating to Millie's that were made last year and how these were addressed. She said if the Board would like to take up any perceived issues with Millie's, that is up to the Board. She added that Madaket is a very popular area during the summer, especially at sunset.

3. Other Reports/Comments/Updates. No other reports.

V. PUBLIC COMMENT FOR ITEMS NOT RELATED TO COVID-19 OR OTHER AGENDA ITEMS

Ms. Mohr said that next week the Affordable Housing Trust will be presenting a webinar about Nantucket's housing crisis and its impact on community members. She cited a quotation from Maya Angelou.

Mr. Grieder said that he has a continuing issue with Millie's and said the Madaket Conservation Association has sent in a letter with concerns and would like a response and to have a discussion about it at a Board meeting.

VI. NEW BUSINESS

Chair Holdgate noted a New Business item from KOBO and Clean Harbors to conduct work for National Grid relating to an oil spill clean-up at 11 India Street, that would be best done at night rather than during the day to avoid traffic problems and business interference due to the necessity to shut off electricity to area restaurants. The request is for the work to occur at night after 11:00 pm on May 27. Mr. Paul Holt of KOBO reviewed the situation and reasoning for the night work. Operations Administrator Erika Mooney elaborated on the need for the request. Mr. Bridges moved approval; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Ms. Ferrantella - Yes. Ms. Murphy – Yes.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Chair Holdgate asked if there were any changes or questions, before taking up all of the items with one vote. Ms. Ferrantella asked about the Paramedic class contract and whether there is a requirement for Paramedics to remain employed with the Town for a period of time after completion of the program. Fire Chief Stephen Murphy explained there is not such a requirement and explained it.

Ms. Murphy moved approval of each of the following; seconded by Ms. Ferrantella. So voted by roll call vote. Chair Holdgate – Yes; Mr. Bridges – Yes; Ms. Ferrantella - Yes. Ms. Murphy – Yes.

1. Approval of Minutes of May 12, 2021 at 5:00 PM.

2. Approval of Payroll Warrants for May 16, 2021.

3. Approval of Treasury Warrants for May 19, 2021.

4. Approval of Pending Contracts for May 19, 2021 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City /Town

06179-HT0762

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- | | | | |
|--|---|---|---|
| ☐ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☒ Change of Manager | ☐ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☐ Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | ☐ Other <input type="text"/> | ☐ Change of DBA | |

APPLICANT INFORMATION

Name of Licensee LH Manager Northeast, LLC

DBA

Faraway Hotel

Street Address 11 India Street Nantucket, MA

Zip Code 02554

Manager MarcAnthony Crimi

Granted under
Special Legislation?

Yes ☐ No ☒

\$12 Hotel

Annual

All Alcoholic Beverages

Type

(i.e. restaurant, package store)

Class

(Annual or Seasonal)

Category

(i.e. Wines and Malts / All Alcohol)

If Yes, Chapter

of the Acts of (year)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

Hotel with 2,000 square foot restaurant space in one room on ground floor with dining areas, bar and covered outdoor patio. Hotel has 58 guest rooms having room service for food and beverages.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:

Date

08/01/2022

Time

Advertised

Yes ☒ No ☒

Date Published

Publication

Abutters Notified:

Yes ☒ No ☒

Date of Notice

Date APPROVED by LLA

09/28/2022

Decision of the LLA

Approves this Application

Additional remarks or conditions
(E.g. Days and hours)

For Transfers ONLY:

Seller License Number:

Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

AMENDMENT-Change of Manager

☒ **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
LH Manager Northeast, LLC	Nantucket, MA	06179-HT-0762

2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Dennis A. Quilty, Esq.	Attorney	dquilty@mqmllp.com	617-946-4600

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name	MarcAnthony Crimi	Date of Birth		SSN	
Residential Address					
Email	marcanthony.crimi@life-house.com		Phone		
Please indicate how many hours per week you intend to be on the licensed premises	40+	Last-Approved License Manager	Evan Bailey		

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen? ☒ Yes ☐ No *Manager must be U.S. citizen
If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
Have you ever been convicted of a state, federal, or military crime? ☐ Yes ☒ No
If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition
N/A			

3C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
		See attached.		

3D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature MarcAnthony Crimi Date 6/23/22

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

Section 3C. Employment Information (Change of Manager)

10/2020 - Present: Regional General Manager, Life House Hotels
9/2018 - 1/2020: General Manager, Walker Hotel Collection
1/2015 - 3/2016: Regional Vice President, TravelClick Inc.
1/2009 - 1/2015: President, Strategic Hotel Marketing

APPLICANT'S STATEMENT

I, Rami Zeidan the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of LH Manager Northeast, LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:



Date:

June 28, 2022

Title:

LLC Manager

ENTITY VOTE

The Board of Directors or LLC Managers of

LH Manager Northeast, LLC

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket, MA

City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

Date of Meeting

For the following transactions (Check all that apply):

☒ Change of Manager☐ Other

"VOTED: To authorize

Rami Zeidan

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint

MarcAnthony Crimi

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts.”

A true copy attest,

Corporate Officer /LLC Manager Signature

Rami Zeidan

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

LEAH ANTONICELLO
Notary Public - State of New York
No. 01AN6339532
Qualified in New York County
My Commission Expires 10/02/2024

LICENSE #: 06179-HT-0762

LICENSE FEE: \$3,250.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
ANNUAL RETAIL INNHOLDER LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: LH Manager Northeast,
LLC

DBA: Faraway Hotel

PREMISES: 11 India St
Nantucket, MA 02554

MANAGER: Evan Bailey

LICENSED PREMISES DESCRIBED AS:

Hotel with 2,000 square foot restaurant space in one room on the ground floor with dining areas, bar and covered outdoor patio. Hotel has 58 guest rooms having room service for food and beverages.

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto with the local provision that patrons shall not be served alcoholic beverages before 8:00AM Monday through Saturday and 11:00AM on Sunday. **No alcohol service is permitted after 1:00 AM** and patrons must be off the license premises and said **premises must be closed by 1:30AM**. Any restrictions apply as are on file with the local licensing authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town of Nantucket.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 1st day of December 2021.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the Massachusetts General Laws, as amended and any rules or regulations made thereunder by the licensing authorities, including, but not limited to Chapter 250 of the Town of Nantucket Rules and Regulations Governing Alcoholic Beverages.



Jason Bridges
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2022

**Unless earlier suspended, cancelled, or revoked*

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.

**Robert H. Noll / NoMoDo, Inc.
d/b/a Sophie T's Pizza
7 Dave Street
Nantucket, MA 02554**

September 19, 2022

By Hand

Jason Bridges, Chair
Nantucket Select Board
16 Broad Street
Nantucket, MA 02554

RE: Liquor License No. 00150-RS-0762 and Common Victualler License
Sophie T's

Dear Members of the Board:

Please be advised that Robert H. Noll / NoMoDo, Inc., is selling the business known as Sophie T's Pizza, located at 7 Dave Street, Nantucket, MA to Annapurna Restaurants LLC, with a business address of 7 Dave Street, Nantucket, MA 02554. The closing date for the sale of said business is presently scheduled for September 20, 2022. In connection with said sale, Robert H. Noll and NoMoDo., Inc., d/b/a Sophie T's Pizza hereby surrenders the above-referenced liquor license effective September 20, 2022.

In addition, Robert H. Noll and NoMoDo., Inc., d/b/a Sophie T's Pizza agrees to transfer the above-referenced common victualler license effective September 20, 2022 to Annapurna Restaurants LLC, with a business address of 7 Dave Street, Nantucket, MA 02554.

If you have any questions, or need anything further relative to this matter, please contact my attorney Jessie M. Brescher at 508-228-0771, or by email at jessie@gliddenandglidden.com.

Sincerely,



Robert H. Noll

LICENSE #: 00150-RS-0762

LICENSE FEE: \$2,000.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
ANNUAL RETAIL RESTAURANT LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
WINE AND MALT BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: Robert H Noll
DBA: Sophie T's Pizza
PREMISES: 7 Daves Street
Nantucket, MA 02554
MANAGER: Robert H. Noll

ON PREMISES DESCRIBED AS:
32 Seat Restaurant. First Floor: Dining
Room Area, Restrooms & Two Egresses.

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto with the local provision that patrons shall not be served alcoholic beverages before 8:00AM Monday through Saturday and 11:00AM on Sunday. **No alcohol service is permitted after 1:00AM** and patrons must be off the license premises and said **premises must be closed by 1:30AM**. Any restrictions apply as are on file with the local licensing authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town of Nantucket.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended and any rules or regulations made thereunder by the licensing authorities.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 1st day of December 2021.



Jason Bridges
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2022

**Unless earlier suspended, cancelled, or revoked*

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.



Agenda Item Summary

Agenda Item #	XII. 1.
Date	9/28/2022

Staff

Amy Baxter, Licensing Administrator

Subject

New Annual Common Victualler with Restaurant All Alcoholic Beverages Liquor License and Non-Live Entertainment Application – Annapurna Restaurants, LLC dba Sophie T's, 8 Bayberry Court, Bharat Banjara, Manager.

Executive Summary

The applicant, Annapurna Restaurants, LLC is the new owner/operator for the establishment known as Sophie T's at 8 Bayberry Court. The former owner, NoMoDo Inc. has surrendered the liquor licenses and approved a transfer as required for the Common Victualler. The new owner will operate a similar establishment as has existed at this location since 2001.

Staff Recommendation

Comments and Consideration:

COMMON VICTUALLER:

1. Pursuant to MGL c. 140: *Every food service establishment with the capabilities for cooking, preparing, and serving food and which provides seating for the immediate consumption therein, is required to have a Common Victualler License.*
2. Per Town of Nantucket Policy, a Common Victualler License may be transferred by the current owner with a letter to the Select Board approving a transfer to new ownership.
3. Transfer letter from previous owners included in packet.
4. All requirements for Health, Fire and Building permitting have been submitted.

LIQUOR:

1. Pursuant to MGL c. 138, §23 and Ballarin v. Licensing Board of Boston, decisions of the Local Licensing Authority must be based on reasonable grounds;
2. ABCC and courts prefer findings be based on the following:

The appropriateness of a liquor license at a particular location

- Application is for the same type of operation and licenses that have existed at this location for years.



The number of existing dispensaries in Town

Annual Package Stores – Wine & Malt:	5 (No more available)
Annual Package Stores – All Alcohol:	5 (2 Licenses OVER Quota)
Seasonal Package Stores – Wine & Malt:	4
Seasonal Package Stores – All Alcohol:	4
Annual On-Premise Licenses:	43
Seasonal On-Premise Licenses:	41

The views of the inhabitants of the locality in which a license is sought

- No written comments have been received.

Traffic, noise, size (typically applies to a new location)

- Existing location.

The sort of operation that carries the license and reputation of the applicant

- The applicant has operated Shangri-La restaurant and take-out location without complaints or violations since 2016.

Background/Discussion

- The application is for the same type of licenses held by the former owner– Annual Common Victualler with Restaurant All Alcoholic Beverages Liquor and Non-Live Entertainment License.
- The previous establishment was not issued a Non-Live Entertainment Licenses but that is required for establishments serving liquor whether Live Music or streaming/recorded music.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

Two weeks advertising in I&M

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

N/A

Attachments

CV transfer and Liquor License Surrender letter; New Liquor License ABCC Application; Town of Nantucket CV-Liquor-Entertainment Application; ABCC Summary Form; Former Licenses for Sophie T's





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- | | | | |
|--|---|---|---|
| ☒ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☐ Change of Manager | ☐ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☐ Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | ☐ Other | | ☐ Change of DBA |

APPLICANT INFORMATION

Name of Licensee	Annapurna Restaurants LLC		DBA	
Street Address	8A Bayberry Court Nantucket, MA		Zip Code	02554
Manager	Bharat Banjara		Granted under Special Legislation?	Yes ☐ No ☒
\$12 Restaurant	Annual	Wines and Malt Beverages	If Yes, Chapter	
Type (i.e. restaurant, package store)	Class (Annual or Seasonal)	Category (i.e. Wines and Malts / All Alcohol)	of the Acts of (year)	

DESCRIPTION OF PREMISES

Complete description of the licensed premises

Restaurant with 1 floor, dining room area, 32 seats, counter for take out, 2 egresses & restrooms. No outside space.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	08/12/2022	Time	
Advertised	Yes ☒ No ☐	Date Published	9/15/22 & 9/22/22	Publication
Abutters Notified:	Yes ☒ No ☐	Date of Notice		Inquirer & Mirror
Date APPROVED by LLA	09/28/2022	Decision of the LLA	Approves this Application	
Additional remarks or conditions (E.g. Days and hours)				
For Transfers ONLY:				
Seller License Number:		Seller Name:		

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

Print

NEW LIQUOR LICENSE APPLICATION - Submission #14212

Date Submitted: 6/24/2022



Town & County of
NANTUCKET, MA

LICENSING & PERMITS

PSF, 4 Fairgrounds Road, M-F 8am-4pm

508-325-4100, x5917 x5832

licensing@police.nantucket-ma.gov

NEW LICENSE APPLICATION

LIQUOR - COMMON VICTUALLER - ENTERTAINMENT

Application Documents

Town of Nantucket Application (this form)

[ABCC New Liquor Application](#)

Business Structure Documents

[CORI Forms](#)

Proof of Citizenship - License Manager

Supporting Financial Documents for financing or loans

Lease or Deed

Detailed Floor Plan

Proposed Menu (if applicable)

Submit

Apply and submit online

Complete online, scan or save as pdf and submit to Licensing via email or in person.

Upload below or submit with ABCC Application.

Must be notarized. Submit with ABCC Application.

Submit with ABCC Application.

Submit copies with ABCC Application - best to submit in person and not send over email.

Upload below or submit with ABCC Application

Upload below or email pdf to Licensing@police.nantucket-ma.gov.

Upload or describe below for Common Victualler License.

Fee Description

Fee

Payment

ABCC Application

\$200

[Pay Online](#) at time of application.
Include email receipt with application.

Town of Nantucket Application

\$200

Make check payable to Town of Nantucket. Submit with application to Licensing Office.

Public Notice Advertisement

\$351.98

Make check payable to Inquirer and Mirror. Submit with application to Licensing Office.

LETTER TO SELECT BOARD: SUMMARY OF LICENSE APPLICATION*

Business operations at Sophie T's Pizza will operate without change expect for the removal of dine-in services. Sophie T's Pizza will be solely drive by takeout, delivery, and walk ins. Sophie T's plans to offer in house music, however it is not in writing yet. We will also operate until 2am. Wine and Beer beverage sale will stop at 1:30 am, but food will be served until 2am.

The Ownner operator manager will be Bharat Banjara of Shangrila Kitchen.

Please summarize the business operations proposed in this application to include liquor sales/service, food service and entertainment as applicable. Describe your plan of operations and introduce the ownership/management team.

APPLICANT INFORMATION

Business Name (ex. Nantucket Restaurant, LLC)*

Annapurna Resturants LLC

Doing Business As (D/B/A) (ex. Nantucket Cafe)

Sophie T's Pizza

First Name of Primary Contact*

bharat

Last Name of Primary Contact*

banjara

Title of Primary Contact

ownner

i.e. Owner; Business Manager;
Attorney

Cell/Phone Number of Primary Contact:*

7743256613

Email of Primary Contact*

annapurnaholdingsllc@gmail.com

Additional Contact

Submit Additional contacts you would like included on Licensing communications.

Additional Contact Email

banjisamir@yahoo.com

Please add additional emails you would like added to Licensing communications.

LICENSE APPLICATION

Common Victualler and Entertainment Licenses required for ON-Premise Liquor Licenses only.

Proposed Licensed Premise Address*

7 dave st

Please describe the proposed licensed premises to include all seating, serving and storage areas.

32 seat restaurant. First Floor: dining room area, restrooms, two egresses.

Have you made or plan on making any renovations to the premises?

- ☐ Yes
☒ No

Describe renovations plan

Change of Use

Is this a Change of Use for the premises?

- ☐ Yes
☒ No

Planning Board/Zoning

Is there a Special Permit or additional Planning Board/Zoning decisions involving this property?
If Yes, include with application.

- ☐ Yes, Pending Hearing/Final Decision
☐ Yes, Decision included with Application
☒ No
☐ Unsure of status

LIQUOR TYPE*

On-Premise/CV: Restaurant ▼

Off-Premise = Alcohol sold for off-premise consumption.

On-Premise = Alcohol sold and served for on-premise consumption.

CV = Common Victualler License for on-site food preparation and seated food service.

LIQUOR CLASS*

Annual ▼

Annual: Year-round operations with extended closures of less than 60 days a year.

Seasonal: Liquor License valid April 1 - January 15 only.

LIQUOR CATEGORY*

Wine and Malt Beverages ▼

COMMON VICTUALLER/FOOD SERVICE FOR ON-PREMISE LICENSES

Select all that apply to your proposed food services.

- | | |
|---|---|
| ☐ Seated Dining | ☐ Breakfast |
| ☒ Outdoor Dining | ☒ Brunch |
| ☒ Take-Out | ☒ Lunch |
| ☒ Delivery | ☒ Dinner |
| ☐ Private/Special Event Catering | ☒ Late Night Menu (Light menu/Bar Menu) |

Describe Food and Beverage Plan

Food and beverages will be the same as the business operates now. We will be introducing korea wine, Soju.

ENTERTAINMENT FOR ON-PREMISE LICENSES

Select all that apply to your plan for Entertainment.

- ☒ NON-LIVE INDOORS: Background Streaming Music played through House System
- ☒ NON-LIVE OUTDOORS: Background Streaming Music played through House System
- ☐ NON-LIVE: Movie Theater
- ☒ NON-LIVE: TV Screens, Video Projection
- ☐ LIVE INDOORS LEVEL 1: Acoustic Live Music, no additional speakers or amplification
- ☒ LIVE INDOORS LEVEL 2: Live Entertainment with amplification and/or additional speakers. Includes DJ and Musicians, Vocalists
- ☐ LIVE INDOORS LEVEL 3: Amplified Live Entertainment with Dance Floor, Occupancy <100
- ☐ LIVE INDOORS LEVEL 4: Nightclub - All of the above with Occupancy >100

Will Furniture, tables, chairs be moved for Live Entertainment?

- ☐ Yes
- ☒ No

Do you plan to move furniture out of dining areas at any time to make room for Entertainment? (to include DJ, Dance Floor or any type of Entertainment)

Entertainment Hours

Please provide requested hours for Entertainment - Interior and Exterior.

Describe Entertainment Plan

House music through speakers.

Describe any entertainment you plan for the premises - Non-Live Streaming, Live Entertainment, Outdoor Music/Entertainment, TV's, Theater Performances, Disc Jockey, etc. Include planned frequency: Weekly, Monthly, Special Events only.

UPLOAD DOCUMENTS

Upload required documents below. You may also email to Licensing@police.nantucket-ma.gov or print and deliver to 4 Fairgrounds Road 02554, Mon-Fri 8am - 4 pm.

SIGNATURE OF APPLICANT*

bharat banjara

By typing your name in the applicant signature field(s), and submitting this form electronically (via email), you affirm that all information contained within this document was completed truthfully, and to the best of your knowledge and you understand that your electronic signature is considered legally binding the same as signing your physical signature by hand.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR A NEW LICENSE

Municipality

Nantucket

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES

TYPE

CATEGORY

CLASS

On-Premises-12

\$12 Restaurant

Wines and Malt Beverages

Annual

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Pizza, sandwich restaurant open to all ages with 32 seats, house music, and no wait staff only cashiers. In Off season months (September to May) our hours to serve Food and Alcoholic beverages will be from 10 am to 10pm, Mondays to Saturdays, Then 11 am to 10pm on Sundays. Seasonal Months (June - August) our hours to serve Food and Alcoholic beverages will be from 10 am to 1am, Mondays to Saturdays, Then 11 am to 1am on Sundays. There will be no wait staff, but customer will pick up food in either closed or open container and Alcoholic Beverages in open container that can not be taken off premises.

Is this license application pursuant to special legislation?

☐ Yes ☒ No

Chapter

Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name

Annapurna Restaurants LLC

FEIN

Bharat Banjara

DBA

Sophie T's

Manager of Record

Street Address

8 Bayberry Ct

Phone

Email

admin@sophiets.com

Alternative Phone

Website

www.sophiets.com

3. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

1 floor, two egress, 32 seats, 1050 sq ft, pick up counter. Floor Plan attached.

Total Square Footage:

1050

Number of Entrances:

2

Seating Capacity:

32

Number of Floors

1

Number of Exits:

2

Occupancy Number:

50

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name:

Bharat Banjara

Phone:

Title:

Manager

Email:

banjisamir@yahoo.com

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	LLC	Date of Incorporation	04/26/2022
State of Incorporation	Massachusetts	Is the Corporation publicly traded?	☐ Yes ☒ No

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises (Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
Bharat Banjara	32 Appleton Rd	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Manager	100	☒ Yes ☐ No	☒ Yes ☐ No	☒ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

Additional pages attached? ☐ Yes ☒ No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☐ No ☒

If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☒ No

APPLICATION FOR A NEW LICENSE

8. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	
B. Purchase Price for Business Assets	
C. Other * (Please specify below)	
D. Total Cost	

*Other Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Bharat Banjara	
Total:	

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
Wells Fargo		SBA 7(A) Loan	☐ Yes ☒ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

SBA 7A loan to acquire Nomodo Inc from rob and kelly Nowell financed by wells fargo.

9. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? ☐ Yes ☒ No

Please indicate what you are seeking to pledge (check all that apply) ☐ License ☐ Stock ☐ Inventory

To whom is the pledge being made?

10. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name	Bharat Banjara	Date of Birth	[REDACTED]	SSN	[REDACTED]
Residential Address	32 appleton rd				
Email	banjisamir@yahoo.com	Phone	[REDACTED]		
Please indicate how many hours per week you intend to be on the licensed premises		40			

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?*

☒ Yes ☐ No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime?

☐ Yes ☒ No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

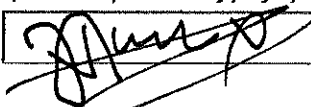
Start Date	End Date	Position	Employer	Supervisor Name
2016	current	Manager	Shangrila Kitchen	

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature  Date 08/30/22

11. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?

☐ Yes ☒ No

If yes, please fill out section 11.

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

11A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone		
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?

☐ Yes ☐ No

If yes, attach an affidavit providing the details of any and all convictions.

11B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

LICENSE

Does any individual or entity identified in question 11A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

11C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 11A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

11D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 11A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

11E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Has any of the disclosed licenses listed in questions in section 11B, 11C, 11D ever been suspended, revoked or cancelled?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

11F. TERMS OF AGREEMENT

a. Does the agreement provide for termination by the licensee?

Yes ☐ No ☐

b. Will the licensee retain control of the business finances?

Yes ☐ No ☐

c. Does the management entity handle the payroll for the business?

Yes ☐ No ☐

d. Management Term Begin Date

e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

☐ \$ per month/year (indicate amount)

☐ % of alcohol sales (indicate percentage)

☐ % of overall sales (indicate percentage)

☐ other (please explain)

ABCC Licensee Officer/LLC Manager

Management Agreement Entity Officer/LLC Manager

Signature:

Signature:

Title:

Title:

Date:

Date:

APPLICANT'S STATEMENT

I, Bharat Banjara the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory

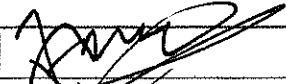
Of Annapurna Restaurants LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:



Date: 08/14/22

Title:

Manager

ENTITY VOTE

The Board of Directors or LLC Managers of

Annapurna Restaurants LLC

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

08/30/22

Date of Meeting

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| ☒ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☐ Change of Manager | ☐ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☐ Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | ☐ Other | | ☐ Change of DBA |

"VOTED: To authorize

Bharat Banjara

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint

Bharat Banjara

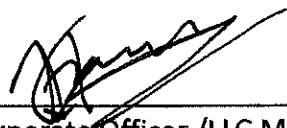
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,

For Corporations ONLY

A true copy attest,

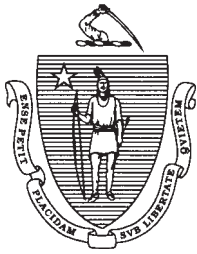


Corporate Officer /LLC Manager Signature

Corporation Clerk's Signature

Bharat Banjara
(Print Name)

(Print Name)



The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the
Commonwealth

Date: May 26, 2022

To Whom It May Concern :

I hereby certify that a certificate of organization of Limited Liability Company was filed
in this office by

ANNAPURNA RESTAURANTS LLC

in accordance with the provisions of Massachusetts General Laws, Chapter 156C, on
April 26, 2022.

I further certify that said Limited Liability Company has not filed a Certificate of Cancellation;
that said Limited Liability Company has not been administratively dissolved; and that, so far as
appears of record, said Limited Liability Company has legal existence.



In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

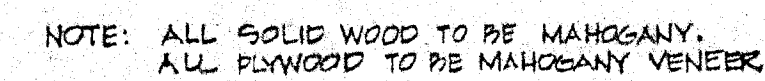
A handwritten signature in cursive script, reading "William Francis Galvin".

Secretary of the Commonwealth

Certificate Number: 22050643130

Verify this Certificate at: <http://corp.sec.state.ma.us/CorpWeb/Certificates/Verify.aspx>

Processed by: smc



Hand-drawn sketch of a kitchen island. The island is rectangular with a central open section. Dimensions are noted at the top: 2'-0" for the left section, 3'-0 1/2" for the central section, and 2'-0" for the right section. A note "3/4\"

Hand-drawn elevation drawing of a bookshelf. The drawing shows a long, low-profile unit with three main sections. The left section is labeled "6 SHY 1" and has a height dimension of "3'-4 1/2\"/>

Technical drawing of a mechanical part with dimensions: $\frac{1}{4}$ inch, $\frac{3}{4}$ inch, 1 inch RADIUS, and $\frac{1}{4}$ inch.

SHEET
1
OF
1

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
COMMON VICTUALLER'S LICENSE

Robert Noll DBA: Sophie T's Pizza
8A Bayberry Court, Nantucket, MA 02554
License Manager: Robert Noll

In said establishment and at that place only and expires on December 31, 2022 unless sooner suspended or revoked for violations of laws of the Commonwealth respecting the licensing of common victuallers. This license is issued in conformity with the authority granted to the licensing authorities by General Laws Chapter 140 and amendments thereto. **All licensees are responsible for maintaining a clean orderly appearance daily by sweeping and disposing of all trash and debris from the sidewalk area in front of the establishment.**

LICENSED PREMISES MUST BE CLOSED BY: 1:00 AM

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 15th day of December 2021.



Jason Bridges
Chair, Select Board

LICENSE #: 00150-RS-0762

LICENSE FEE: \$2,000.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
ANNUAL RETAIL RESTAURANT LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
WINE AND MALT BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: Robert H Noll
DBA: Sophie T's Pizza
PREMISES: 7 Daves Street
Nantucket, MA 02554
MANAGER: Robert H. Noll

ON PREMISES DESCRIBED AS:
32 Seat Restaurant. First Floor: Dining
Room Area, Restrooms & Two Egresses.

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto with the local provision that patrons shall not be served alcoholic beverages before 8:00AM Monday through Saturday and 11:00AM on Sunday. **No alcohol service is permitted after 1:00AM** and patrons must be off the license premises and said **premises must be closed by 1:30AM**. Any restrictions apply as are on file with the local licensing authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town of Nantucket.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended and any rules or regulations made thereunder by the licensing authorities.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 1st day of December 2021.



Jason Bridges
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2022

**Unless earlier suspended, cancelled, or revoked*

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.



Agenda Item Summary

Agenda Item #	XII. 2.
Date	9/28/2022

Staff

Amy Baxter, Licensing Administrator

Subject

New Seasonal Common Victualler with Hotel All Alcoholic Beverages Liquor License and Non-Live Entertainment Application – LH Manager Northeast, LLC dba Beachside, 30 N. Beach Street, MarcAnthony Crimi, Manager.

Executive Summary

The applicant is the new management team for the Beachside, 30 N. Beach Street. The property was sold in 2021 and the existing Liquor License expired January 15, 2022 and was not renewed for the 2022 season. Therefore, no transfer of licenses is available and the applicant is applying for New Licenses.

Staff Recommendation

Comments and Consideration:

COMMON VICTUALLER:

- 1) Pursuant to MGL c. 140: *Every food service establishment with the capabilities for cooking, preparing, and serving food and which provides seating for the immediate consumption therein, is required to have a Common Victualler License.*
- 2) The previous operator of the Beachside did not have seated food service or a Common Victualler license. Any food service was packaged items or provided by licensed caterers. This application provides for daily meals for guests – mostly in a grab and go style with limited table service.
- 3) Applicant must submit all requirements for Health, Fire and Building permitting before a Common Victualler License is issued. The application before the Select Board is conditional upon passing of final inspections.

LIQUOR:

1. Pursuant to MGL c. 138, §23 and Ballarin v. Licensing Board of Boston, decisions of the Local Licensing Authority must be based on reasonable grounds;
2. ABCC and courts prefer findings be based on the following:

The appropriateness of a liquor license at a particular location

- This location was previously licensed as a Hotel with liquor service.



The number of existing dispensaries in Town

Annual Package Stores – Wine & Malt:	5 (No more available)
Annual Package Stores – All Alcohol:	5 (2 Licenses OVER Quota)
Seasonal Package Stores – Wine & Malt:	4
Seasonal Package Stores – All Alcohol:	4
Annual On Premise Licenses:	43
Seasonal On-Premise Licenses:	41

The views of the inhabitants of the locality in which a license is sought

- No written comments have been received.

Traffic, noise, size (typically applies to a new location)**The sort of operation that carries the license and the reputation of the applicant**

- This management team also operates the Faraway Hotel at 11 India Street.

Background/Discussion

- The application is for the same type of liquor licenses held by the former management group – Seasonal Hotel/Innholder All Alcoholic Beverages Liquor License.
- Please note an attached email exchange with Licensing and attorneys for the applicant in regards to a question on whether this constitutes a Management Agreement and the legal response as to why it does not.
- The addition of a Common Victualler (food service) and Non-Live Entertainment Licenses are new for this location.
- The Common Victualler is new as the operation will involve preparation of food on-site and seating for consumption of food. It will mostly be gran and go service for guests and not a public restaurant.
- The Entertainment application is for background streaming music in the public areas of the hotel and the pool area. This is required for any location that also has liquor service.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

Two weeks advertising in I&M

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

N/A



Attachments

New Liquor License ABCC Application; Town of Nantucket CV-Liquor-Entertainment Application; ABCC Summary Form; Former Beachside Liquor License





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- | | | | |
|--|---|---|---|
| ☒ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☐ Change of Manager | ☐ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☐ Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | ☐ Other <input type="text"/> | ☐ Change of DBA | |

APPLICANT INFORMATION

Name of Licensee	LH Manager Northeast, LLC	DBA	Beachside
Street Address	30 N. Beach Street, Nantucket		Zip Code 02554
Manager	MarcAnthony Crimi		
\$12 Hotel	Seasonal	All Alcoholic Beverages	
Type (i.e. restaurant, package store)	Class (Annual or Seasonal)	Category (i.e. Wines and Malts / All Alcohol)	
		Granted under Special Legislation? Yes ☐ No ☒	
		If Yes, Chapter	
		of the Acts of (year)	

DESCRIPTION OF PREMISES

Complete description of the licensed premises

In one large room in main lobby (1,200sf) with seating for up to 60 persons, 1 main door from front entrance and 3 doors to pool area; outdoor pool area (2,919sf) with seating areas, tables and loungers for up to 55 persons; guest room buildings complete with mini bars and private porches with up to 4 seats on each porch (34 guest rooms total); guest suites outdoor deck (500sf) with seating for up to 15 person

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	08/12/2022	Time		
Advertised	Yes ☒ No ☐	Date Published	9/15/22 & 9/22/22	Publication	Inquirer & Mirror
Abutters Notified:	Yes ☒ No ☐	Date of Notice			
Date APPROVED by LLA	09/28/2022	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)					
For Transfers ONLY:					
Seller License Number:			Seller Name:		

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



TOWN OF NANTUCKET
NEW LICENSE APPLICATION
LIQUOR * COMMON VICTUALLER * ENTERTAINMENT

APPLICANT

Primary Contact Name *MARCANTHONY CRIMI*

Title **Manager of Record**

Company name **LH Manager Northeast, LLC**

DBA *Beachside*

Primary Phone

Primary E-mail

marcanthony.crimi@life-house.com

Primary Mailing Address

License Manager **Same as above**
(if different than Primary)

Manager Cell Phone

Manager E-mail

PREMISES

Licenses Applying For:



LIQUOR



COMMON VICTUALLER



ENTERTAINMENT

Address of Establishment: **30 N. Beach Street, Nantucket, MA 02554**

Description of Premises:

In one large room in main lobby (1,200sf) with seating for up to 60 persons, 1 main door from front entrance and 3 doors to pool area; outdoor pool area (2,919sf) with seating areas, tables and loungers for up to 55 persons; guest room buildings complete with mini bars and private porches with up to 4 seats on each porch (34 guest rooms total); guest suites outdoor deck (500sf) with seating for up to 15 persons.

Total Sq. Footage: **1,200 (lobby); 2,919 (pool area); 500 (outdoor deck)** # of Exits **4**

of Entrances **4**

Proposed Seating Capacity Interior **60 (lobby)**

Proposed Seating Capacity Exterior **55 (pool area); 15 (outdoor deck); 68 (private guest porches)**

Is this a Change of Use for the Premises? ☐ YES ☒ NO

If Yes, What was the former Business/Occupant?

Is there a Special Permit or any Planning Board Decision involving the property? ☐ YES ☒ NO
(If Yes, Please Include a copy with the application)

Describe Any Planned Renovations to the Premises: (Include any HDC approval for renovations if applicable)

N/A



TOWN OF NANTUCKET

NEW LICENSE APPLICATION

LIQUOR * COMMON VICTUALLER * ENTERTAINMENT

COMMON VICTUALLER LICENSE APPLICATION

DBA

Address of Proposed Licensed Premises 30 N. Beach Street, Nantucket, MA 02554

Date of Plan Review Submission to Health Department (Please Include a copy with this application): See attached as submitted.

Please Describe Plan for Food Services (i.e. Breakfast, Brunch, Lunch, Sinner, Late Night Menu, Raw Bar, Take-out, etc.)

(Please include a copy of a sample menu) Breakfast, lunch, dinner 1 day per week. From 7am - 12 midnight.

Please Describe Food Service Premises to include Seating Area (Banquets, high-tops, etc.); Take-out Counter; Grab and Go Coolers, etc.

Mixed casual seating from standard tables to lounge seating. Main food service element would be grab & go style dining, limited table service.

Hours of Operation for Food Service: Mon. 7AM-12AM Tues. 7AM-12AM Wed. 7AM-12AM Thurs. 7AM-12AM
Fri. 7AM-12AM Sat. 7AM-12AM Sun. 7AM-12AM

Has Applicant applied for or managed any other Nantucket CV Licenses in the past 10 years?



Yes



No

If Yes, Please List Establishments and Dates:

Faraway Hotel

ADDITIONAL REQUIREMENTS

Please Include the following with your CV Application:

Health Department Plan Review

Sample Menu

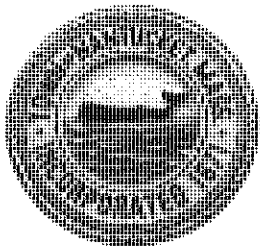
Floor Plan to include Exterior Premises if applicable

Any Decisions related to Food Service/Premises to include: Special Permits; HDC Approval; Planning Board or Zoning Reviews

Fees Due with CV Application:

\$20 Application Fee (Made Payable to Town of Nantucket)

\$277.60 Legal Notice Fee (Made Payable to Inquirer & Mirror)



TOWN OF NANTUCKET
NEW LICENSE APPLICATION
LIQUOR * COMMON VICTUALLER * ENTERTAINMENT

ENTERTAINMENT LICENSE

SELECT ENTERTAINMENT LEVEL BELOW:



LEVEL 1: BACKGROUND: Non-Amplified Music through House Sound System Only to include: Radio/CD/iPod/TV



LEVEL 2: LIVE ACOUSTIC: Level 1 + Non-Amplified/Acoustic Live Music to include Instruments, Vocalists – no additional speakers, microphones or amplification



LEVEL 3: LIVE AMPLIFIED: Level 1-2 + Amplified Live Music to include Disc Jockey, Instruments and Vocalists with amplification



LEVEL 4: AMPLIFIED DANCE: <100 Occupancy: Level 1-3 + Dance Floor, Theater



LEVEL 5: NIGHTCLUB: Level 1-4' Occupancy >100

Please Describe your Plan for Entertainment (i.e. Low Level Background Music; Live Bands, Dancing, Special Events, etc.)

Recorded Non-Live, Low Level background Music.

Low Level Background MUSIC

Please Describe Location for Entertainment to include areas for background music and location of Live Music, Dance Floor, etc.

(Include Floor Plan with Location of Live Music Highlighted)

MAIN HOTEL LOBBY
OUTDOOR POOL AREA

Will Seating, Tables or Furniture of any kind be moved to create room for Dancing and/or Live Entertainment?



Yes



No

All Proposed Floor Plans and Set-ups must be submitted and approved by the Building & Fire Departments before a License is issued.

Entertainment Hours Interior:

Mon. 7AM-10PM Tues. 7AM-10PM Wed. 7AM-10PM Thurs. 7AM-10PM
Fri. 7AM-10PM Sat. 7AM-10PM Sun. 7AM-10PM

Entertainment Hours Exterior:

Mon. 7AM-10PM Tues. 7AM-10PM Wed. 7AM-10PM Thurs. 7AM-10PM
Fri. 7AM-10PM Sat. 7AM-10PM Sun. 7AM-10PM



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
☒ On-Premises-1	\$12 Hotel	☒ All Alcoholic Beverages	☒ Seasonal

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Application for New Seasonal All Alcoholic Beverages License.

Is this license application pursuant to special legislation?

☐ Yes ☒ No

Chapter

Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name

FEIN

DBA

Manager of Record

Street Address

Phone

Email

Alternative Phone

Website

3. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

In one large room in main lobby (1,200sf) with seating for up to 60 persons, 1 main door from front entrance and 3 doors to pool area; outdoor pool area (2,919sf) with seating areas, tables and loungers for up to 55 persons; guest room buildings complete with mini bars and private porches with up to 4 seats on each porch (34 guest rooms total); guest suites outdoor deck (500sf) with seating for up to 15 persons.

Total Square Footage:

Number of Entrances:

Seating Capacity:

Number of Floors

Number of Exits:

Occupancy Number:

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name:

Phone:

Title:

Email:

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	LLC	☒	Date of Incorporation	3/1/2019
State of Incorporation	Delaware	☒	Is the Corporation publicly traded? ☐ Yes ☒ No	

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises (Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
LocalHouse Acquisitions, LLC	8 The Green, Suite R, Dover, DE 19901	N/A	N/A

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Sole LLC Member (LH Manager Northeast, LLC)	100% of Licensee	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB
Local.House International, Inc.	1209 Orange Street, Wilmington, DE 19801	N/A	N/A

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Sole LLC Member (Local.House International, Inc.)	0% of Licensee	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB
Rami Zeidan	45 SW 9th Street, Apt. 3906, Miami, FL 33130		

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
CEO of Local.House International, Inc.	0% of Licensee	☒ Yes ☐ No	☒ Yes ☐ No	☐ Yes ☒ No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

Additional pages attached? ☐ Yes ☒ No ** See attached Beneficial Interest Exemption Request Form **

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☒ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Local.House International Inc. (Indirect)	Management Entity of Hotels	HUSA LH JF LLC, HUSA LH JZ LLC, HUSA LH VN LLC, and HNA LH OD, LLC	Florida
Rami Zeidan	Section 12	LH Manager Northeast, LLC	Nantucket, Martha's Vineyard

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☐ No ☒

If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease ☒

Landlord Name 30 North Beach Street LLC

Landlord Phone N/A

Landlord Email N/A

Landlord Address c/o Blue Flag Development, 105 Newbury Street, 4th Floor, Boston, MA 02116

Lease Beginning Date Upon ABCC approval

Rent per Month \$5,000.00

Lease Ending Date Upon termination

Rent per Year \$60,000.00

Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☒ No

APPLICATION FOR A NEW LICENSE

8. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	\$0.00
B. Purchase Price for Business Assets	\$0.00
C. Other * (Please specify below)	\$25,000.00
D. Total Cost	\$25,000.00

*Other Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Local.House International Inc.	\$25,000.00
Total:	\$25,000.00

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
N/A			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

The applicant shall finance the entirety of this transaction (general start-up and inventory expenses) with its own cash funds.

9. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? ☐ Yes ☒ No

Please indicate what you are seeking to pledge (check all that apply) ☐ License ☐ Stock ☐ Inventory

To whom is the pledge being made? N/A

10. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* ☒ Yes ☐ No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? ☐ Yes ☒ No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition
N/A			

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
10/2020	Present	Regional General Manager	Life House Hotels (Nantucket)	
9/2018	1/2020	General Manager	Walker Hotel Collection (New York)	
1/2015	3/2016	Regional Vice President	TravelClick Inc. (New York)	
1/2009	1/2015	President	Strategic Hotel Marketing (New York)	

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature Date

11. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?

☐ Yes ☒ No

If yes, please fill out section 11.

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

11A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone		
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?

☐ Yes ☐ No

If yes, attach an affidavit providing the details of any and all convictions.

11B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

LICENSE

Does any individual or entity identified in question 11A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

11C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 11A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

11D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 11A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

11E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Has any of the disclosed licenses listed in questions in section 11B, 11C, 11D ever been suspended, revoked or cancelled?

Yes ☐ No ☐ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

11F. TERMS OF AGREEMENT

a. Does the agreement provide for termination by the licensee?

Yes ☐ No ☐

b. Will the licensee retain control of the business finances?

Yes ☐ No ☐

c. Does the management entity handle the payroll for the business?

Yes ☐ No ☐

d. Management Term Begin Date

e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

☐ \$ per month/year (indicate amount)

☐ % of alcohol sales (indicate percentage)

☐ % of overall sales (indicate percentage)

☐ other (please explain)

ABCC Licensee Officer/LLC Manager

Signature:

Title:

Date:

Management Agreement Entity Officer/LLC Manager

Signature:

Title:

Date:

APPLICANT'S STATEMENT

I, Rami Zeldan the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of LH Manager Northeast, LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:



Date:

March 21, 2022

Title:

LLC Manager

CORPORATE VOTE

The Board of Directors or LLC Managers of

LH Manager Northeast, LLC

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket, MA

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

Date of Meeting

For the following transactions (Check all that apply):

- | | | | |
|--|--|---|---|
| ☒ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☐ Change of Manager | ☐ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☐ Change of Ownership Interest
(LLC Members/LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | | ☐ Other <input type="text"/> | ☐ Change of DBA |

"VOTED: To authorize

Rami Zeldan

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint

Marc Anthony Crimi

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,

For Corporations ONLY

A true copy attest,

Corporate Officer /LLC Manager Signature

Corporation Clerk's Signature

Rami Zeldan

(Print Name)

(Print Name)



Alcoholic Beverages Control Commission
239 Causeway Street
Boston, Massachusetts 02114
Telephone: (617) 727-3040
Fax: (617) 727-1510

Deborah B. Goldberg
Treasurer and Receiver General

Kim S. Gainsboro, Esq.
Chairman

BENEFICIAL INTEREST DISCLOSURE EXEMPTION REQUEST

Applicant Name: LH Manager Northeast, LLC

Primary Contact Person for Applicant:

Name: Dennis A. Quilty, Esq.
Telephone Number: 617-946-4600
Email Address: dquilty@mqmlp.com

The Applicant is seeking an exemption from disclosure under M.G.L. c. 138, §§ 15A & 23, for the following individuals and/or entities (use additional pages if necessary):

Name	Percent ownership in license	Control over operation of license?
Local House Acquisitions, LLC	100% Member of Licensee	Yes / No X
Local.House International, Inc.	100% of Local House Acquisitions, LLC	Yes / No X
Rami Zeidan	21% of Local.House International, Inc.	Yes / No X

The Applicant is seeking an exemption from disclosing to the Licensing Authorities the following regarding the above-named individuals and/or entities (check all that apply):

☒ Criminal Offender Record Information ("CORI") Authorization Forms

☒ Personal Information Forms

☐ Identity of Individuals and/or Entities

Please explain why an exemption from the disclosure requirements of M.G.L. c. 138, §§ 15A & 23, is being sought, including, but not limited to, a description of the hardship(s) posed in obtaining the required information from the individuals and/or entities, and any other information that the Applicant believes would be of assistance to the Commission in considering whether to grant an exemption to the disclosure laws (use additional pages if necessary):

The Licensee entity (LH Manager Northeast, LLC) has one LLC Member holding a 100% beneficial interest therein, being Local House Acquisitions, LLC. The local Manager of Record of the Licensee entity shall be MarcAnthony Crimi, though he will hold no beneficial interest in the Licensee entity itself. As disclosed in the attached flowchart (Exhibit A), the Licensee entity is ultimately owned by Local.House International, Inc., as follows: (i) LH Manager Northeast, LLC is held 100% by Local House Acquisitions, LLC; and (ii) Local House Acquisitions, LLC is held 100% by Local.House International, Inc. The individuals who are involved in the operation of the Licensee entity itself (MarcAnthony Crimi as Manager of Record and Rami Zeidan as the CEO and controlling shareholder of Local.House International, Inc.) have already engaged in full personal disclosures and have submitted CORI Request Forms to the ABCC in connection with the instant application.

Due to the intricate, complex and de minimus interest(s) held further within Local.House International, Inc., the applicant is requesting that LH Manager Northeast, LLC be exempt from the requirements of providing CORI Request Forms, Personal Information Forms, or any further identifying information for any additional individuals and/or entities involved upstream beyond Local.House International, Inc. as shown on the attached flowchart and as listed above. Notwithstanding, for additional clarity aiding the ABCC's review of the instant application and in the spirit of transparency, the applicant provides herewith as Exhibit B a copy of Local.House International, Inc.'s capitalization table which evidences the myriad non-controlling investors holding interests in the upstream parent company. However, as stated, Rami Zeidan is the CEO and controlling shareholder of Local.House International, Inc., holding a 21% interest therein, and has fully engaged in personal disclosures as part of LH Manager Northeast, LLC's instant application. Given the high number of other individuals and entities involved, and the minimal non-controlling interests held by each in the parent company, it would be unduly burdensome and present great hardship to require the Licensee to provide additional information and/or documentation for foregoing entities and individuals who, again, retain no direct operational control over the Licensee and/or liquor license.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in this Request, and as such affirm that all statement and representations therein are true to the best of my knowledge and belief.

Signed: 

LH Manager Northeast, LLC
By: Rami Zeidan

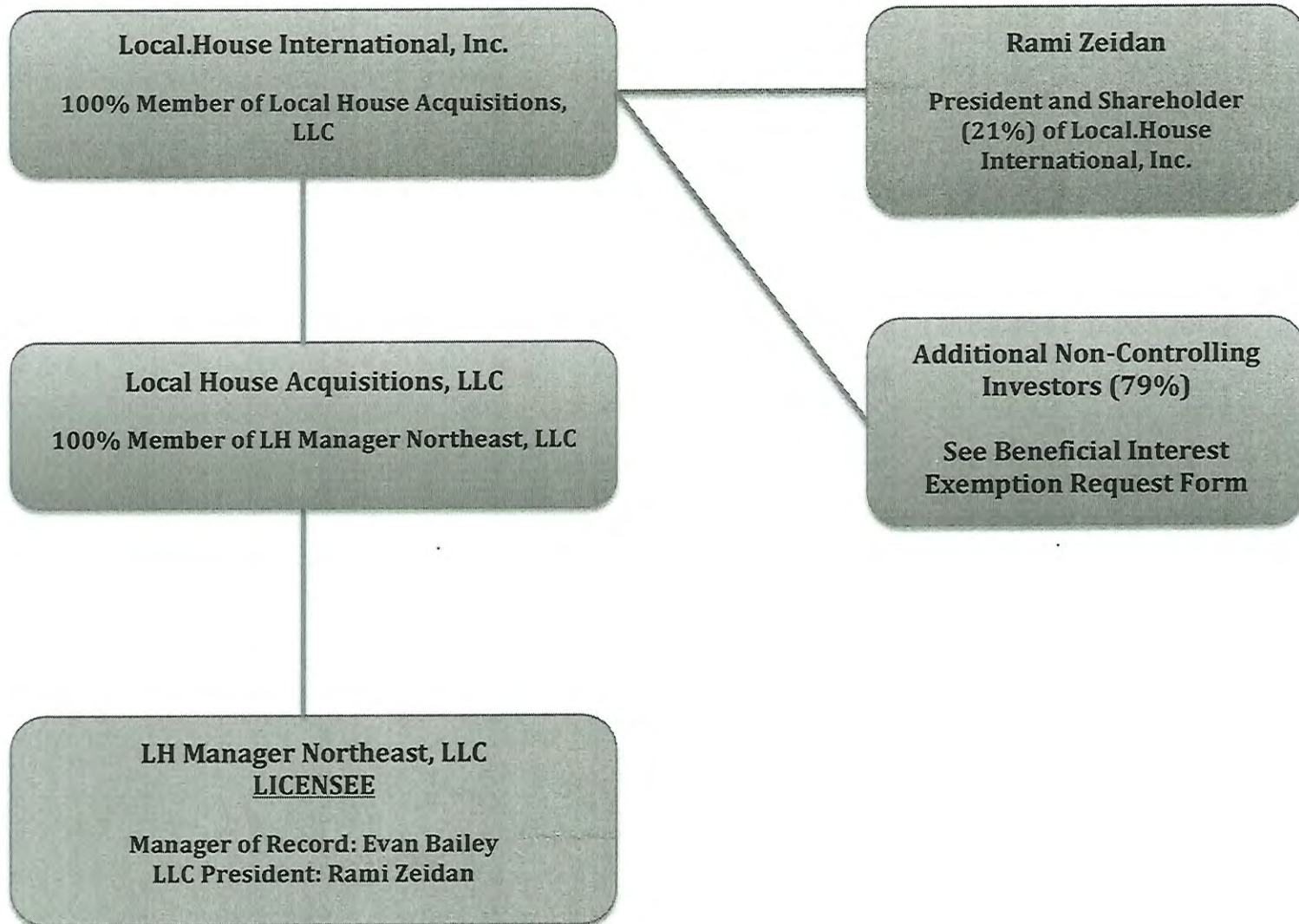
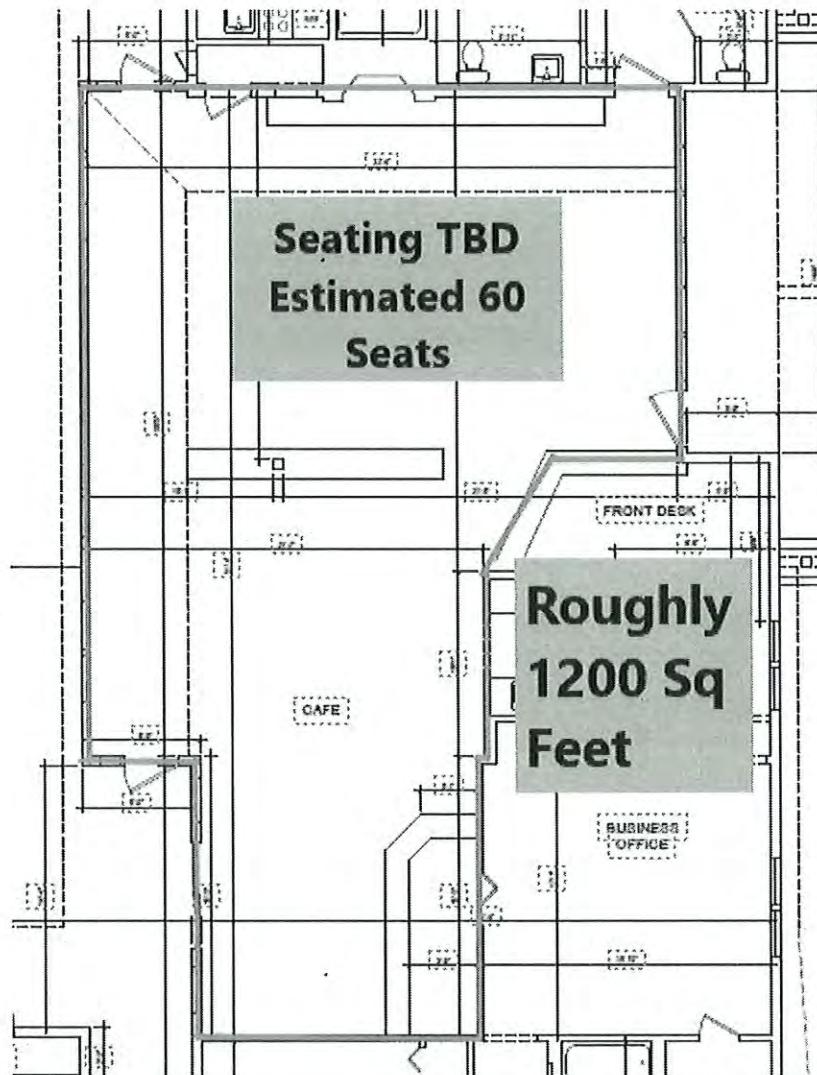


EXHIBIT B

Capitalization Table for LocalHouse International Inc. (as of September 15, 2020)

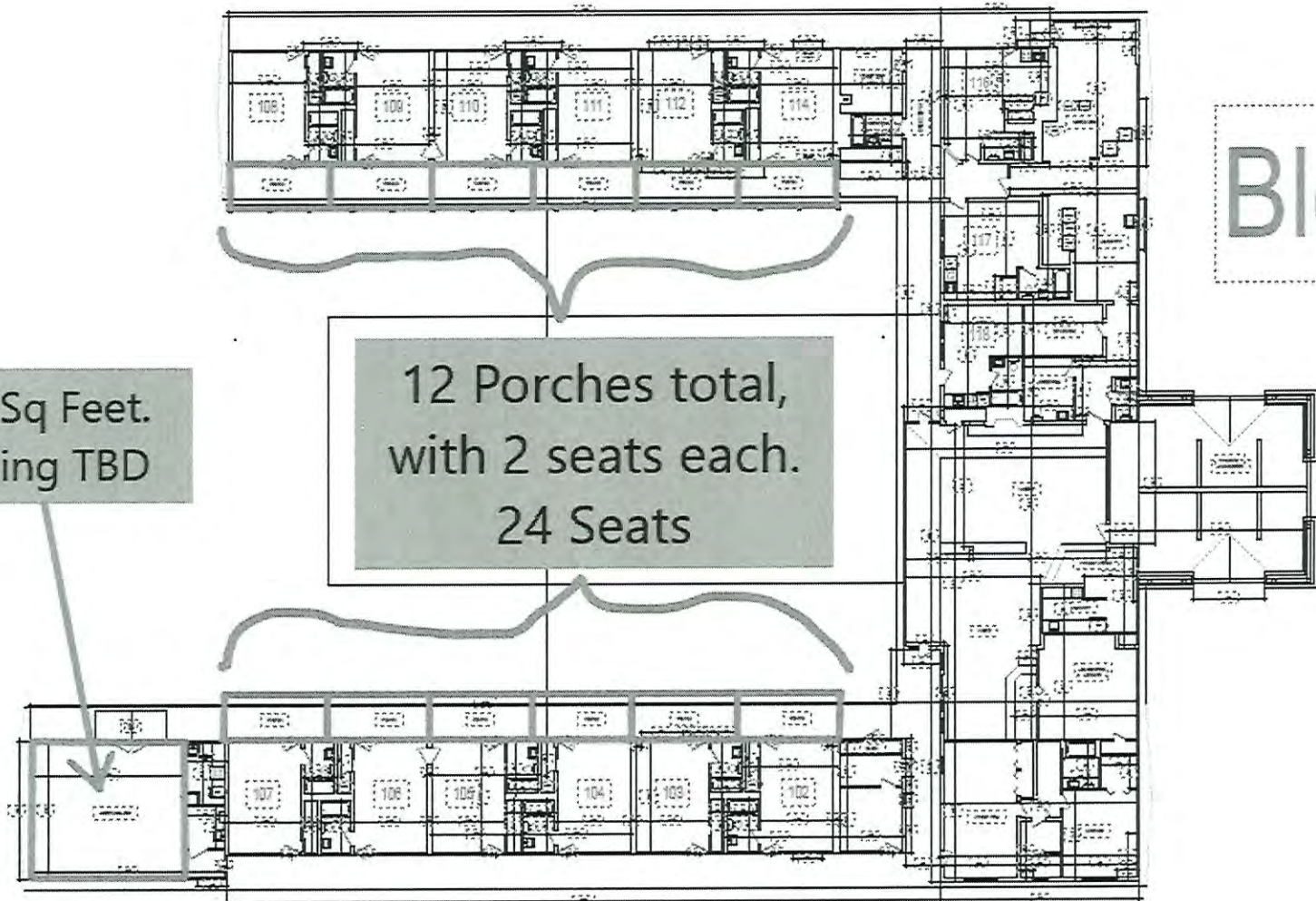
Investor	Interest %
A-Level Capital I, LP	0.08%
Alicia Tam	0.01%
Blue Flag Holdings 2, LLC	0.65%
Blue Flag Holdings 3, LLC	0.65%
Blue Flag Holdings, LLC	0.07%
Bunc Hospitality, LLC	0.04%
Comcast Ventures, LP	11.982%
David T. Hamamoto GRAT 2019 - LH	1.29%
GFC Global Founders Capital GmbH	3.87%
HUSA L.H LLC	0.04%
HUSA LH LLC	1.03%
Jim Ketai	0.13%
JLL Spark Global Ventures Fund II, L.P.	5.05%
Rocket Internet Capital Partners (Euro)	0.57%
Rocket Internet Capital Partners (Euro) SCS	5.09%
Rocket Internet Capital Partners SCS	9.84%
Silicon Valley Bank	0.20%
Sound Ventures II, L.P.	1.94%
Soverino Management Limited	1.44%
Thayer Ventures Affiliates Fund III, L.P.	1.35%
Thayer Ventures III, L.P.	7.70%
Tiger Global Private Investment Partners XI, L.P.	5.17%
Trinity Ventures XII, L.P.	9.99%
Trinity XII Entrepreneurs' Fund, L.P.	0.13%
Trinity XII Side-By-Side Fund, L.P.	0.07%
WF Holdings, LLC	0.13%
Rami Zeidan	20.947%
Other common holders	0.44%
Other option holders	4.56%
Shares available for issuance under the plan	5.56%
Fully diluted shares	100.00%

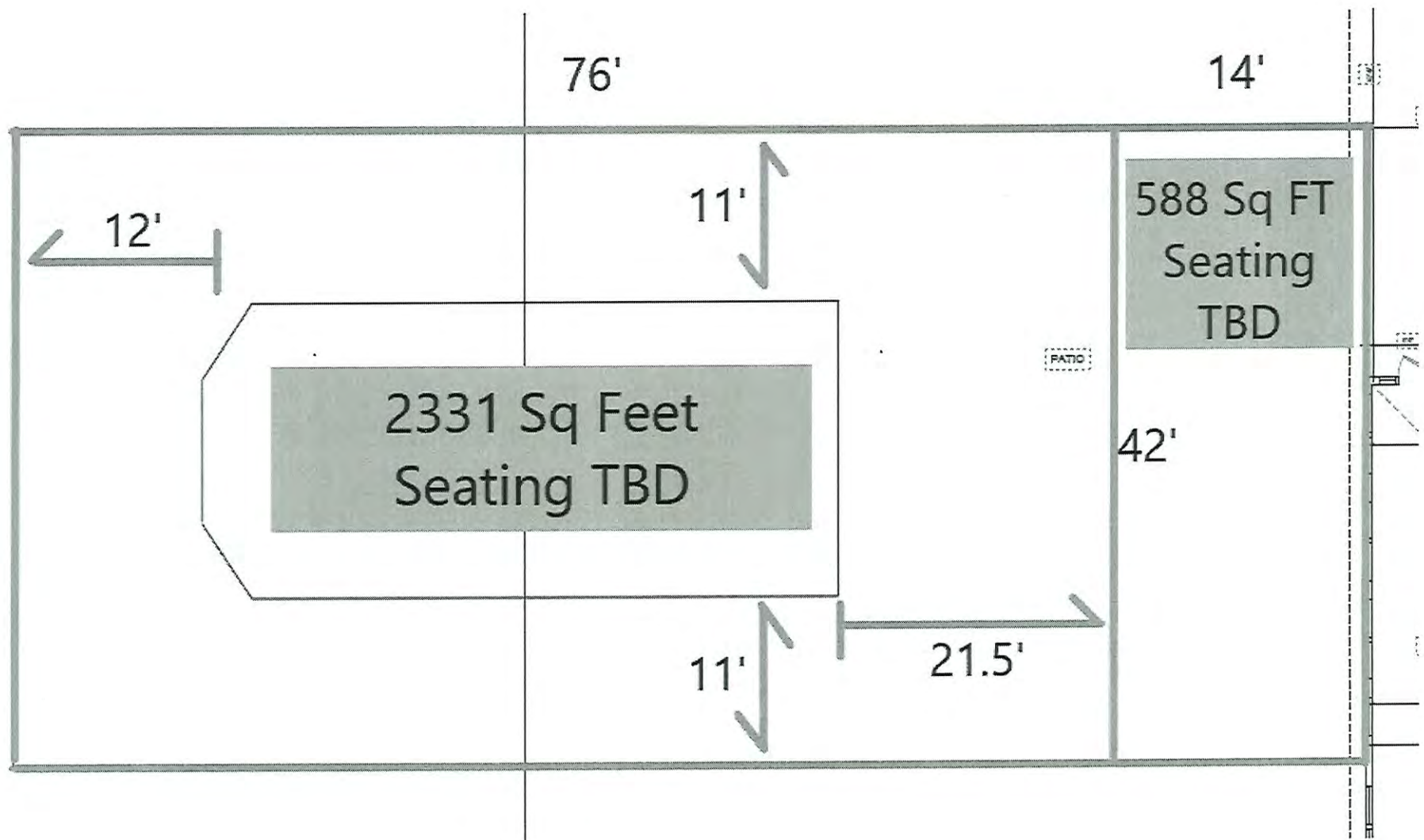


530 Sq Feet.
Seating TBD

12 Porches total,
with 2 seats each.
24 Seats

Bldg

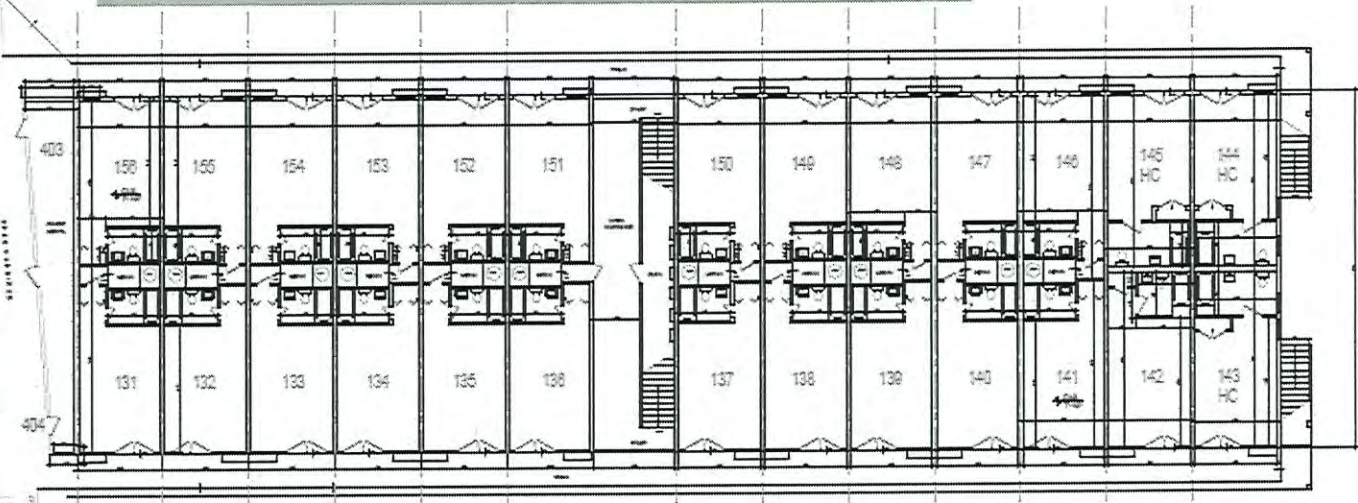
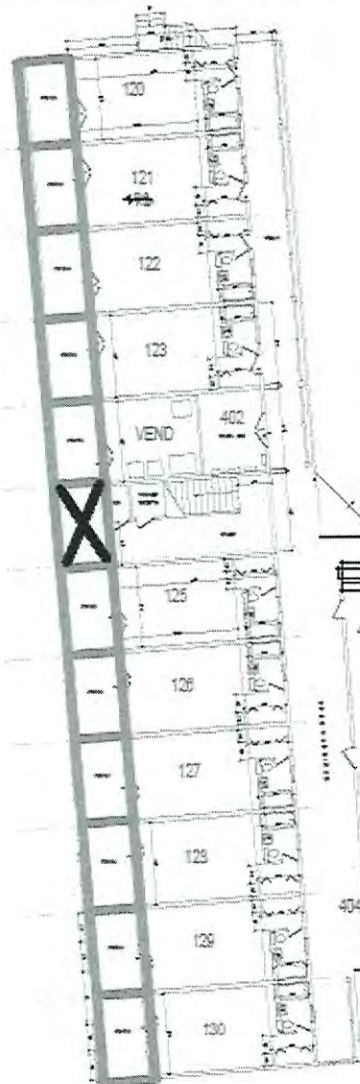




11 porches per floor, with
2 seats per porch.

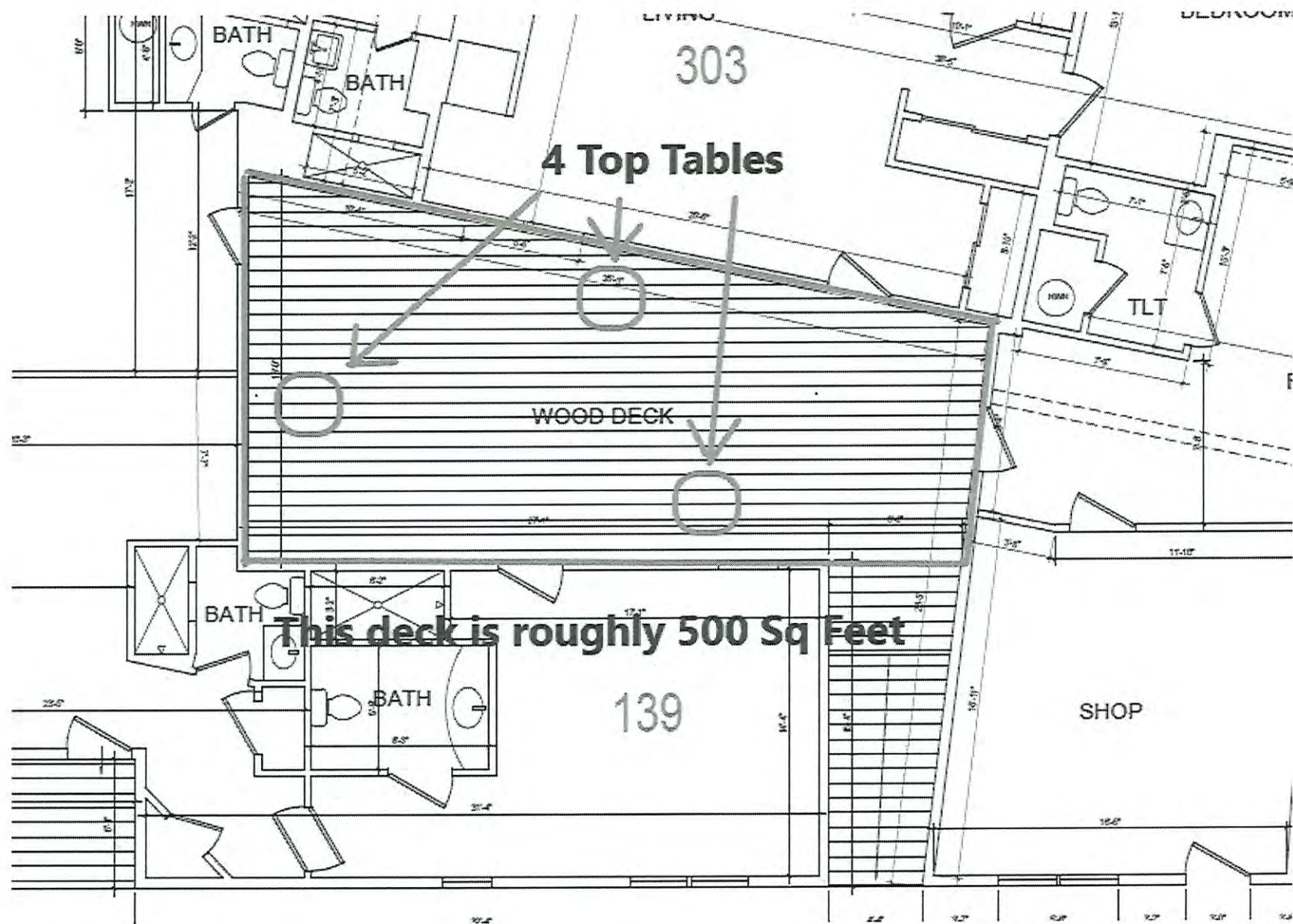
44 Seats total

g B-1st



1

30 North Beach Rd Newport, RI	
Submitted by: The Newport City 200 Commercial Ave., Suite 3 Newport, RI 02840 Phone: (401) 846-1111 Fax: (401) 846-1112	XC-2



Baxter, Amy

From: Ryan Gazda <rgazda@mqmllp.com>
Sent: Thursday, September 8, 2022 5:52 PM
To: Baxter, Amy
Cc: Dennis Quilty; Ciarmataro, Ann
Subject: Re: Nantucket Licensing - Faraway and Beachside (LH Manager Northeast LLC)
Attachments: Beneficial Interest Disclosure Exemption Request UPDATED - LH Manager Northeast LLC.pdf

Hi Amy:

Thanks for the follow up. Please see attached for a revised copy of the Beneficial Interest Disclosure Exemption Request Form - the other version carried over with Evan's name mistakenly still included, but this has been revised to list MarcAnthony as the Manager of Record.

With respect to your question regarding a potential management agreement, this application does not include a liquor license management agreement and the liquor license has been applied for directly in the name of LH Manager Northeast LLC. On the lease agreement, 30 North Beach Street LLC is the landlord and LH Manager Northeast LLC is the tenant, as it will be the licensee for purposes of operating the liquor program at the property. As you mentioned, there is a separate hotel management agreement for the operation of the hotel itself unrelated to liquor (e.g., operating the guest rooms, linens, etc.). That agreement is not within the purview of the ABCC and is not related to the service of alcohol at the property, which will solely be controlled and overseen by LH Manager Northeast LLC.

Under the lease agreement, the licensee has the right to occupy and shall pay rent to the landlord (no percentage rent or other management fee) and the liquor license will be placed directly into the name of LH Manager Northeast LLC. This will be the licensee entity, and not the landlord. As such, this is not akin to a management agreement scenario and there is no management agreement applicable with the new liquor license application currently pending review. This is a similar structure frequently approved by the ABCC for hotel/resort operators, where there are different parties operating different facets of the property (including Faraway which has been approved using this same structure and lease arrangement). Hopefully this email may address any remaining questions concerning the application, but I would be happy to schedule a call to discuss further. Please let me know and please also keep me updated once the application can move forward for scheduling & public notices.

On the Change of Manager application for Faraway, please confirm if this will be held remotely on either 9/21 or 9/28, and if we should plan to be in attendance at the hearing or if this is being acted upon administratively.

Thank you again for all of your assistance.

Best,

Ryan

Ryan M. Gazda, Esq.
Dennis A. Quilty, P.C. | Law Offices of William G. Ferullo
Of Counsel To
McDermott, Quilty & Miller, LLP

28 State Street, Suite 802
Boston, Massachusetts 02109
617-946-4600 | rgazda@mqmllp.com

—
This message and/or any file(s) transmitted with it are confidential and are intended solely for the named addressee(s), and may be protected by legal privilege. If you have received this message in error, please notify the sender immediately and delete it from your system. You shall not copy, store, disclose or otherwise disseminate this message without the express permission of the sender. The sender does not accept liability for any error(s) and/or omission(s) in the contents and/or transmission of this message and/or any file(s) transmitted with it.

From: Baxter, Amy <abaxter@police.nantucket-ma.gov>
Sent: Thursday, September 8, 2022 1:48 PM
To: Ryan Gazda <rgazda@mqmllp.com>
Cc: Dennis Quilty <DQuilty@mqmllp.com>; Ciarmataro, Ann <aciarmataro@police.nantucket-ma.gov>
Subject: Re: Nantucket Licensing - Faraway and Beachside (LH Manager Northeast LLC)

One more item as I read through this application again - there needs to be an update to your Beneficial Interest Disclosure Exemption Request form. In the explanation you list Evan Bailey as the Manager of Record twice. Please update and resend the attachment.

Thank you,

Amy

Get [Outlook for iOS](#)

From: abaxter@police.nantucket-ma.gov <abaxter@police.nantucket-ma.gov>
Sent: Thursday, September 8, 2022 1:27 PM
To: Ryan Gazda <rgazda@mqmllp.com>
Cc: Dennis Quilty <DQuilty@mqmllp.com>
Subject: RE: Nantucket Licensing - Faraway and Beachside (LH Manager Northeast LLC)

Hi Ryan,

He did complete fingerprints but the Select Board was off for two weeks and our next Licensing meetings are 21st and 28th so the Manager change will go through then and we will send off to ABCC to complete.

As for the Beachside, I have reached out to Blue Flag management as this appears to qualify as a Management Agreement type of license so I need that to be included or a specific reason why it is not. I am meeting with them Friday to review this and other items. We just need to determine the position on the agreement before we submit for the hearing. If we can resolve by Friday then it will be put up for the 28th and I will follow-up with next steps for Abutter notification. Here is the info I sent to Blue Flag:

Per ABCC: : A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. This does not pertain to a liquor license manager that is employed directly by the entity.

Specifically the Beachside app contains a 'Liquor Operations Lease' with an additional Hotel Management Agreement between 30 North Beach Street, LLC (Jason Brown) and LH Manager Northeast, LLC (Rami Zeidan). 30 North Beach being

Blue Flag and the landlord – this is a Management Agreement in my eyes and should be presented as such unless you can legally explain why it does not qualify. For more explanation on the terms – this link may be helpful: <https://www.connelllawoffices.com/management-agreements-use-caution/>

From: Ryan Gazda <rgazda@mqmllp.com>

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

LICENSE #: 00132-HT-0762

LICENSE FEE: \$3,900.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
SEASONAL RETAIL INNHOLDER LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: Offshore Beachside
Limited Partnership

DBA: BEACHSIDE AT NANTUCKET

PREMISES: 30 N. Beach Street
Nantucket, MA 02554

MANAGER: Karen Keelan

ON PREMISES DESCRIBED AS:

Mini Bars in Guest Rooms and Alcohol
Service in Conference Room Only.

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto with the local provision that patrons shall not be served alcoholic beverages before 8:00AM Monday through Saturday and 11:00AM on Sunday. **No alcohol service is permitted after 11:30PM** and patrons must be off the license premises and said **premises must be closed by 12:00 Midnight**. Any restrictions apply as are on file with the local licensing authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town of Nantucket.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the Massachusetts General Laws, as amended and any rules or regulations made thereunder by the licensing authorities, including, but not limited to Chapter 250 of the Town of Nantucket Rules and Regulations Governing Alcoholic Beverages.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 24th day of March, 2021.



Dawn Hill Holdgate
Chair, Select Board

THIS LICENSE IS VALID BEGINNING APRIL 1, 2021

ELECTRONIC COPY VALID FOR DURATION OF MASSACHUSETTS STATE OF EMERGENCY IN RESPONSE TO COVID-19. ALL EMERGENCY ORDERS ISSUED BY THE COMMONWEALTH OF MASSACHUSETTS, ABCC AND TOWN OF NANTUCKET APPLY. ORIGINAL LICENSE WILL BE ISSUED UPON LIFTING OF EMERGENCY ORDERS.



Agenda Item Summary

Agenda Item #	XII. 3.
Date	9/28/2022

Staff

Amy Baxter, Licensing Administrator

Subject

New Liquor License Application – Nantaco ACK, LLC, dba Nantaco, 21 South Water Street

Executive Summary

Nantaco ACK, LLC, 21 South Water Street, is applying for a New Annual General On Premises Wine and Malt Beverages License to include Outdoor Sidewalk Seating.

Staff Recommendation

Comments and Consideration:

- 1) Pursuant to MGL c. 138, §23 and Ballarin v. Licensing Board of Boston, decisions of the Local Licensing Authority must be based on reasonable grounds;
- 2) ABCC and courts prefer findings be based on the following:

The appropriateness of a liquor license at a particular location

- This location was previously approved by the Select Board on 5/18/2022 for a Common Victualler with Wine and Malt Beverages Restaurant License and also most recently as a take-out location and adjacent retail store.
- The establishment is in the Core downtown district.

The number of existing dispensaries in Town

Annual Package Stores – Wine & Malt:	5 (None available)
Annual Package Stores – All Alcohol:	5 (Over quota by 2 Licenses)
Seasonal Package Stores – Wine & Malt:	4
Seasonal Package Stores – All Alcohol:	4
Annual On Premise Licenses:	43
Seasonal On-Premise Licenses:	41

The views of the inhabitants of the locality in which a license is sought

- No comments have been received as of 9/21/22

Traffic, noise, size (typically applies to a new location)

- Nantaco is located in the Downtown Core/Historic District.



The sort of operation that carries the license and reputation of the applicant.

- Nantaco has been operating as a Common Victualler with sidewalk seating and take-out location since May 2022. Minimal complaints aside from some trash issues along the street and sidewalk that were addressed. Applicant is very responsive to comments and requests from the Town.

Background/Discussion

History of applicant and applications for Nantaco at 21 South Water Street.

- Nantaco ACK, LLC previously applied for a New Annual Common Victualler with Wine and Malt Beverages Restaurant License at this location in May 2022.
- The Select Board approved the application on May 18, 2022. The Liquor application was then forwarded to the ABCC for final review.
- The ABCC denied the application on August 29, 2022. Please see attached copy of the Investigator's report.
- The main reason for denying the license was lack of adequate Bathroom facilities at the location. The ABCC Investigator recommended approval despite the lack of facilities – citing the Board of Health regulations that do not require public restrooms for under 25 seats. The Investigator deferred to the Commission for a final decision.
- The Commission denied the application as the reason for no public restroom was no sufficient for a Restaurant License.
- The only path forward in this situation is a New Application.
- The applicant is applying for a General-On-Premises Wine and Malt Beverages License. This type of Liquor License does NOT require a Common Victualler (food service). It is generally reserved for the types of establishments that do not regularly serve food to the public as a restaurant is required to do – Event facilities are prime example of a GOP license.
- Other GOP licenses for Town of Nantucket: The Chicken Box; Nantucket Dreamland; White Heron Theatre; PPX Events; Siasconset Golf Course

General background on location (also provided for hearing on May 18, 2022)

- This location at 21 South Water Street shares the building space with a retail clothing and accessories store but the businesses will be clearly separated.
- The location of the food service was most recently a take-out location from 2020-21. Prior to that it was licensed as a seated restaurant and bar under multiple owners.
- The applicant has requested to have outdoor sidewalk seating with a diagram and photos of the set-up included in this package. The required spacing for ADA and pedestrian access is available. (APPROVED 5/18/22)



- During the off-season winter months, the applicant requests to move the sidewalk seats indoors to provide Annual food and beverage service while the retail store is closed.
- The Applicant plans to end alcohol service at 8:00 pm and operate for take-out only until closing.
- The Applicant wishes to serve food/take-out service until 2am as is permitted on Lower Broad Street.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

Two weeks advertising in I&M

Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

N/A

Attachments

ABCC Denial and Investigator's Report; New Liquor License ABCC Application; ABCC Summary Form; Photos; Previous Liquor License – Station 21





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- | | | | |
|--|---|---|---|
| ☒ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☐ Change of Manager | ☐ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☐ Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | ☐ Other | | ☐ Change of DBA |

APPLICANT INFORMATION

Name of Licensee Nantaco ACK, LLC

DBA Nantaco

Street Address 21 South Water Street Nantucket, MA

Zip Code 02554

Manager Cindy Milazzo

Granted under
Special Legislation? Yes ☐ No ☒

\$12 General On-Premises

Annual

Wines and Malt Beverages

Type
(i.e. restaurant, package store)

Class
(Annual or Seasonal)

Category
(i.e. Wines and Malts / All Alcohol)

If Yes, Chapter

of the Acts of (year)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

12 Outdoor Seats on 21 South Water Street facing sidewalk April - December as weather permits. First floor 750 sq. ft. indoor space divided into the kitchen and counter area. 24 Indoor seats December - April upon closure of outdoor seating area and retail space

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date 09/12/2022 Time

Advertised Yes ☒ No ☐ Date Published

9/15/22 & 9/22/22

Publication

Inquirer & Mirror

Abutters Notified: Yes ☒ No ☐ Date of Notice

Date APPROVED by LLA

09/28/2022

Decision of the LLA

Approves this Application

Additional remarks or conditions
(E.g. Days and hours)

Sidewalk Beer and Wine Service until 8:00 pm daily April - December. Take-out food service only after 8:00 pm.

For Transfers ONLY:

Seller License Number:

Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City/Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- | | | | |
|--|--|---|---|
| ☒ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. License/Stock) |
| ☐ Change of Manager | ☐ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☐ Change of Ownership Interest
(LLC Members/LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | ☐ Other | | ☐ Change of DBA |

APPLICANT INFORMATION

Name of Licensee Nantaco ACK, LLC

DBA

Nantaco

Street Address 21 South Water Street Nantucket, MA

Zip Code 02554

Manager Cindy Milazzo

Granted under Special Legislation? Yes ☐ No ☒

\$12 Restaurant

Annual

Wines and Malt Beverages

Type

(i.e. restaurant, package store)

Class

(Annual or Seasonal)

Category

(i.e. Wines and Malts / All Alcohol)

If Yes, Chapter
of the Acts of (year)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

12 Outdoor Seats on 21 South Water Street facing sidewalk April - December as weather permits. First floor 750 sq. ft. indoor space divided into the kitchen and counter area. 24 Indoor seats December - April upon closure of outdoor seating area and retail space

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:

Date

04/29/2022

Time

Advertised

Yes ☒ No ☐

Date Published

5/5/22 & 5/12/22

Publication

Inquirer & Mirror

Abutters Notified:

Yes ☒ No ☐

Date of Notice

5/5/22

Date APPROVED by LLA

05/18/2022

Decision of the LLA

Approves this Application

Additional remarks or conditions
(E.g. Days and hours)

Sidewalk Beer and Wine Service until 8:00 pm daily April - December. Take-out food service only after 8:00 pm. 5 ft. of sidewalk clearance must be maintained for pedestrian passage at all times.

For Transfers ONLY:

Seller License Number:

Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

DISAPPROVED
R.M.

RECOMMENDATION OF THE INVESTIGATOR

LICENSEE: Nantaco ACK LLC
APPLICATION FOR: New License

TOWN: Nantucket

X This Investigator has reviewed the application and respectfully defers to the Commission to determine if the premises meets the requirements of a S. 12 Restaurant License, 204 CMR 2:05 (9) and Commission Guidelines.

This application is for a New S. 12 Annual Wine and Malt license for Nantaco ACK, LLC dba Nantaco, located at 21 S. Water Street, Nantucket.

The applicant is applying to operate a Mexican style restaurant that offers Mexican beers and a few wine options to pair with their street style tacos. The premises is located on the first floor of 21 S Water Street and consists of approximately 750 square feet. There is a kitchen and a counter area, where customers will purchase their food and alcoholic beverages. There are two entrances and two exits. There is an outdoor sidewalk dining area which has been authorized by the town of Nantucket. There are 16 seats and an occupancy of 24. The 16 seats are outdoors during the seasonal months and brought indoors during the off season.

The ownership of Nantaco ACK, LLC appears to be in compliance with MGL Chapter 138 requirements and a review of supplemental documents indicates no additional parties that have not been disclosed in the application. Cynthia and Lee Milazzo are both LLC managers and members. They each hold 39.25% of stock within Nantaco ACK, LLC. The following individuals are members who hold 1.5% of interest within the company, Jonathan Nimerfroh, James Mairs, Christopher Jones, Bertyl Johnson III, Jardar Nygaard, and George Whitmore. Cameron Hicks is a member that holds 10%, and Samuel Milazzo is a member that holds 2.5%. Articles of Organization have also been provided. There were no entries in the applicable CORI checks that would indicate concern relative to the applicant's character.

Cindy Milazzo is applying to be the proposed manager of record. Cynthia and her husband, Lee have been in the Art industry for years and currently operate galleries. They have enjoyed serving their guests Mexican cuisine and would like to offer wine and malt beverages to pair with their tacos. I spoke with Mrs. Milazzo on numerous occasions throughout the application process and she appears to be of good character and fitness. Mrs. Milazzo is also TIPS certified.

The total funding for this application is approximately \$225,000 which will be funded from Nantaco Holdings, LLC. The \$225,000 will be used for start up costs, equipment, and renovations.

Gail Johnson (landlord) has executed a lease with Nantaco ACK, LLC (tenant) authorizing the right to occupy the premises beginning on 02/01/2022 through 01/31/2023 for \$7,900 a month. The outdoor dining area has been approved by the Town of Nantucket and an outdoor dining permit has been provided, authorizing Nantaco the right to use the town's sidewalk.



This application is in good order and this Investigator would recommend approval. However, the applicant does not meet the requirements of suitable restroom facilities. Pursuant to 204 CMR 2.05: (9) states, "Hotels, Restaurants, Taverns, and Clubs shall have adequate and suitable toilet facilities which shall be conveniently located and properly lighted".

The Nantucket Local Licensing Authority indicates that they wish to license this premises and has submitted the Local Boards Health Regulations. Pursuant to 14.01(A), which states, "The operator of each food service establishment with a seating capacity of 25 or more patrons shall provide adequate, conveniently located toilet facilities for its patrons". Nantaco ACK LLC dba Nantaco located at 21 S. Water Street, has a seating capacity of 16.

Therefore, I am respectfully deferring to the Commission to determine if this premises meets the requirements of the S.12 restaurant license, 204 CMR 2:05 (9), and Commission Guidelines.

Signature: Nicole Terasconi

Date: 08/26/2022

Ms. Baxter said that above 100 people, with live entertainment, additional fire codes must be complied with and this request is for less than 100 people.

There being no further public comment, Ms. Holdgate moved to close the hearing; seconded by Ms. Murphy; all in favor, so voted.

Ms. Holdgate moved approval of the application as presented; seconded by Mr. Fee; all in favor, so voted.

Mr. Fee recused from the rest of the public hearings and left the table.

7. Public Hearing to Consider Application for New Annual Common Victualler with Wine and Malt Beverages Restaurant License for Nantaco ACK, LLC, dba Nantaco, Cindy Milazzo, Manager, Located at 21 South Water Street; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138.

Chair Bridges opened the hearing. Ms. Baxter introduced the item and reviewed the application. She reviewed the number of seats being requested, which is no more than 25 at this point. Ms. Murphy asked if the service is take-out in addition to in-service and/or if there would be a line that could cause congestion. Mr. Lee Milazzo explained the specifics of the operation and said they do not anticipate a line during the day, but they feel they can accommodate 15-18 people inside the restaurant, and they intend to "move people through as quickly as possible". He said that if a line were to form, they would remove tables and chairs from the sidewalk area. Ms. Murphy asked what would happen if people were sitting at those tables already. Mr. Milazzo responded. Some discussion followed. Ms. Murphy said she feels it is important to have assurance that any line that forms will be properly managed. Annie Teasdale, an abutter, expressed several concerns as to the application. She asked about what type of liquor service will be outside; that the congestion on that sidewalk is already very busy; she is concerned about trash and parking behind the establishment; she is concerned about late night liquor service and the potential impact on her employees and business. She commented that this business was previously takeout only and now it seems to be expanding to public property. Ms. Baxter said that staff must be in view of the patrons who are drinking alcohol outside, at all times. Mr. Milazzo spoke on Ms. Teasdale's concerns. He said that they do not have a plan for takeout at this point. He said their plan is to stop alcohol service at 8:00 PM. He spoke on space concerns and said he believes it is one of the widest sidewalks in the downtown area. Discussion followed as to the outdoor seating. Ms. Holdgate said she has no problem with indoor service but is concerned about the amount of proposed outdoor dining seating. Discussion continued as to consequences if outdoor seating is approved but issues arise. Ms. Holdgate asked about less tables on the sidewalk and more inside. Mr. Milazzo said they plan to be open year-round and would not want to have too many tables inside during the summer, because of congestion concerns. Ms. Teasdale commented further on her concerns about alcohol service outside. Debba Pitcock of the Rose and Crown spoke in support of the application. Ms. Murphy asked if there were considerations to manage additional trash. Ms. Baxter said no, and Mr. Milazzo said their servers will bus the tables and will not use the Town trash receptacles. Ms. Murphy spoke in favor of fewer tables on the sidewalk.

There being no further public comment, Ms. Holdgate moved to close the hearing; seconded by Ms. Murphy; so voted 4-0. Discussion followed as to the number of tables/seats on the sidewalk. Ms. Murphy said a fewer number would help give a good idea of an operation that hasn't occurred before in that space. Chair Bridges spoke in favor of the full request for 18 seats outside. Ms. Murphy said she could be in favor as long as there is a plan that can be put in place to reduce them, quickly, if there is a problem. Ms. Baxter stated that if congestion is a problem, it is a triggering event that can be addressed immediately.

Ms. Murphy moved approval of the application as with the 18 outdoor seats, transport/service of alcohol over public ways and additional trash receptacle. The motion died for lack of a second. Ms. Holdgate moved the same motion, except for 24 seats indoor but only 12 seats outside; seconded by Ms. Mohr; so voted 3-1. Chair Bridges was opposed. Ms. Holdgate further moved to determine that the premises to be licensed is not detrimental to the spiritual activities of a church pursuant to section 16C of Massachusetts General Law Chapter 138; seconded by Ms. Murphy; so voted 4-0.

8. Public Hearing to Consider Application for New Mobile Food Unit License for Nantaco ACK LLC, dba Nantaco, Biju Joshi, Manager. Chair Bridges opened the hearing. Ms. Baxter introduced the item and reviewed the conditions as contained in the Board's agenda packet.

There being no public comment, Ms. Holdgate moved to close the hearing; seconded by Ms. Mohr; so voted 4-0.

Ms. Holdgate moved approval of the application as presented; seconded by Ms. Murphy; so voted 4-0.

9. Public Hearing to Consider Application for New Seasonal General-On-Premises with Wine and Malt Beverages License for Hungry Minnow, LLC, dba Flying Minnow, Rebecca Chapa Harter, Manager, Located at Nantucket Memorial Airport, 14 Airport Road. Chair Bridges opened the hearing. Ms. Baxter introduced the item, reviewed the application and specified the exact location. She noted that the alcohol to be served will be pre-packaged. Rebecca Chapa Harter, the applicant, spoke in favor of the application and explained her intended operation.

There being no public comment, Ms. Holdgate moved to close the hearing; seconded by Ms. Murphy; so voted 4-0.

Ms. Holdgate moved approval of the application as presented; seconded by Ms. Mohr; so voted 4-0.

10. Public Hearing to Consider Application for New Annual Wine and Malt Beverages Off-Premise Package Store License for K & K Anderson LLC, dba Born & Bread Nantucket, Kimberlee Anderson, Manager, Located at 35 Center Street; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138. Chair Bridges opened the hearing. Ms. Baxter introduced the item and explained the annual and seasonal package store license quotas for the Town and how they are calculated. She reviewed already issued licenses for annual and seasonal wine and malt package stores. She noted that a similar application has been before the Board previously and not approved by the Board due to the number of package store licenses already issued in the downtown area. Kevin Anderson, applicant, spoke in favor of his application and said that if approved, his business would be the only annual wine and malt package store licensee in the downtown area. He said that he does not intend to become a traditional package store, that a small area in the store would be dedicated for wine and beer. James Meehan spoke in favor of the application. Jenny Benzie, owner of Epernay package store, said "nothing has changed" since either of the two prior applications.

There being no further public comment, Ms. Holdgate moved to close the hearing; seconded by Ms. Murphy; so voted 4-0. Chair Bridges asked that if in fact nothing has changed since the prior applications, if the application were approved, could there be an appeal. Ms. Baxter said yes, but that it is up to the Board



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES

On-Premises-12

TYPE

§12 General On-Premises

CATEGORY

Wines and Malt Beverages

CLASS

Annual

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

We are applying for the license to sell and/or serve Wine and Malt beverages at our Mexican Restaurant/Taqueria. Our restaurant is based on a simple concept with a small menu serving mainly mexican street-style tacos. We intend to sell a few selections of mexican beer to go along with our food (and a few selections of wine for options). We have outdoor seating in a limited capacity, which will be closely monitored by staff members and the manager on duty. After 8pm, the restaurant will be closed for seating and will only serve as a take out place. We will also stop selling alcohol at that time.

Is this license application pursuant to special legislation?



Yes



No

Chapter

Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name

Nantaco ACK LLC

FEIN

DBA

Manager of Record

Cynthia L. Milazzo

Street Address

21 South Water Street, Nantucket, MA 02554

Phone

Email

cindy@samuelowen.com / Cindy@nan-taco.com

Alternative Phone

Website

<https://www.nan-taco.com/>

3. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Our business premise is on the first floor of 21 S Water St. 750 sq ft space is divided into the kitchen and the counter area. 5'6" door opening at the front entrance is the only door accessible to the customers. There is also a back door to the street accessible to the employee and emergency exit. The seating is outdoor only. We have a controlled alleyway and the sidewalk seating for maximum of 24 seats. (Floor plan attached with this application for the details)

Total Square Footage:

750

Number of Entrances:

2

Seating Capacity:

16

Number of Floors

1

Number of Exits:

2

Occupancy Number:

16

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name:

Cynthia L. Milazzo (Cindy)

Phone:

Title:

Manager

Email:

cindy@samuelowen.com

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	LLC	Date of Incorporation	02-01-2022
State of Incorporation	Delaware	Is the Corporation publicly traded?	☐ Yes ☒ No

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.

Name of Principal

- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.

Jonathan

Please note the following statutory requirements for Directors and LLC Managers:

On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;**On Premises (Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.

- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
Lee P. Milazzo			
Manager	Percentage of Ownership 39.25%	Director/ LLC Manager US Citizen ☒ Yes ☐ No	MA Resident ☒ Yes ☐ No
Cynthia L. Milazzo		1	
Manager	Percentage of Ownership 39.25%	Director/ LLC Manager US Citizen ☒ Yes ☐ No	MA Resident ☐ Yes ☒ No
Jonathan Nimerfroh			
Member	Percentage of Ownership 1.5%	Director/ LLC Manager US Citizen ☐ Yes ☒ No	MA Resident ☒ Yes ☐ No
Cameron Hicks			
Member	Percentage of Ownership 10%	Director/ LLC Manager US Citizen ☐ Yes ☒ No	MA Resident ☒ Yes ☐ No
James Andrew Mairs			
Member	Percentage of Ownership 10%	Director/ LLC Manager US Citizen ☐ Yes ☒ No	MA Resident ☐ Yes ☒ No

Additional pages attached? ☒ Yes ☐ No**CRIMINAL HISTORY**

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

☐ Yes ☒ No

APPLICATION FOR A NEW LICENSE

8. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	
B. Purchase Price for Business Assets	
C. Other * (Please specify below)	
D. Total Cost	

*Other Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial Institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
The First Bank of Greenwich	
Total	

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

9. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? ☐ Yes ☒ No

Please indicate what you are seeking to pledge (check all that apply) ☐ License ☐ Stock ☐ Inventory

To whom is the pledge being made?

A. MANAGER INFORMATION

Proposed Manager Name	Cynthia L. Milazzo	Date of Birth	SSN	
-----------------------	--------------------	---------------	-----	--

Residential Address	
---------------------	--

Email	cindy@samuelowen.com	Phone	
-------	----------------------	-------	--

Please indicate how many hours per week you intend to be on the licensed premises	30
---	----

Are you a U.S. Citizen?*

☐ Yes ☐ No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? ☐ Yes ☐ No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
2003	Current	Owner/CFO	Samuel Owen Gallery	N/A
2003	Current	Owner/CFO	Poster Conservation	N/A
1992	2003	Operations Manager	Robert A. Siegel Auction Gallery	Scott Trepel
1989	2003	Owner	In-Retro/6th Street Antiques	N/A

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ☐ Yes ☒ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

Manager's Signature		Date	9/5/2022
---------------------	---	------	----------

11. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?

☐ Yes ☒ No

If yes, please fill out section 11.

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

11A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone		
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No
Name of Principal	Residential Address	SSN	DOB	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?

☐ Yes ☐ No

If yes, attach an affidavit providing the details of any and all convictions.

11B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

LICENSE

Does any individual or entity identified in question 11A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

11C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 11A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

11D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 11A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

11E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Has any of the disclosed licenses listed in questions in section 11B, 11C, 11D ever been suspended, revoked or cancelled?

Yes ☐ No ☒ If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

11F. TERMS OF AGREEMENT

a. Does the agreement provide for termination by the licensee?

Yes ☐ No ☐

b. Will the licensee retain control of the business finances?

Yes ☐ No ☐

c. Does the management entity handle the payroll for the business?

Yes ☐ No ☐

d. Management Term Begin Date

e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

☐ \$ per month/year (indicate amount)

☐ % of alcohol sales (indicate percentage)

☐ % of overall sales (indicate percentage)

☐ other (please explain)

ABCC Licensee Officer/LLC Manager

Signature:

Title:

Date:

Management Agreement Entity Officer/LLC Manager

Signature:

Title:

Date:

APPLICANT'S STATEMENT

I, Cynthia L. Milazzo the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory

of Nantaco ACK LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:



Date:

9/5/2022

Title:

Manager

ENTITY VOTE

The Board of Directors or LLC Managers of

Nantaco ACK LLC

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket, MA

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

9/5/2022

Date of Meeting

For the following transactions (Check all that apply):

- | | | | |
|--|--|---|---|
| ☒ New License | ☐ Change of Location | ☐ Change of Class (i.e. Annual / Seasonal) | ☐ Change Corporate Structure (i.e. Corp / LLC) |
| ☐ Transfer of License | ☐ Alteration of Licensed Premises | ☐ Change of License Type (i.e. club / restaurant) | ☐ Pledge of Collateral (i.e. license/stock) |
| ☐ Change of Manager | ☐ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
Directors/LLC Managers | ☐ Change of Ownership Interest
(LLC Members/LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | ☐ Other | | ☐ Change of DBA |

"VOTED: To authorize

Cynthia L. Milazzo

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint

Cynthia L. Milazzo

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,



Corporate Officer /LLC Manager Signature

Cynthia L. Milazzo

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

ADDENDUM A

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name

Nantaco ACK

Percentage of Ownership in Entity being Licensed
(Write "NA" if this is the entity being licensed)

n/a

Residential Address

SSN

DOB

Christopher D. Jones

Percentage of Ownership

Director/ LLC Manager US Citizen

MA Resident

Member

1.5%

☐ Yes ☒ No

☒ Yes ☐ No

☐ Yes ☒ No

Name of Principal

Residential Address

SSN

DOB

Bertyl B. Johnson, III

Title and or Position

Percentage of Ownership

Director/ LLC Manager US Citizen

MA Resident

Member

2.5%
5%

☐ Yes ☒ No

☒ Yes ☐ No

☒ Yes ☐ No

Residential Address

SSN

DOB

Jardar Nygaard

Percentage of Ownership

Director/ LLC Manager US Citizen

MA Resident

Member

1.5%

☐ Yes ☒ No

☒ Yes ☐ No

☐ Yes ☒ No

Name of Principal

Residential Address

SSN

DOB

Samuel Patrick Milazzo

Title and or Position

Percentage of Ownership

Director/ LLC Manager US Citizen

MA Resident

Member

2.25%

☐ Yes ☒ No

☒ Yes ☐ No

☐ Yes ☒ No

Name of Principal

Residential Address

SSN

DOB

George H. Whitmore

Title and or Position

Percentage of Ownership

Director/ LLC Manager US Citizen

MA Resident

Member

1.25%

☐ Yes ☒ No

☒ Yes ☐ No

☐ Yes ☒ No

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership

Director/ LLC Manager US Citizen

MA Resident

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership

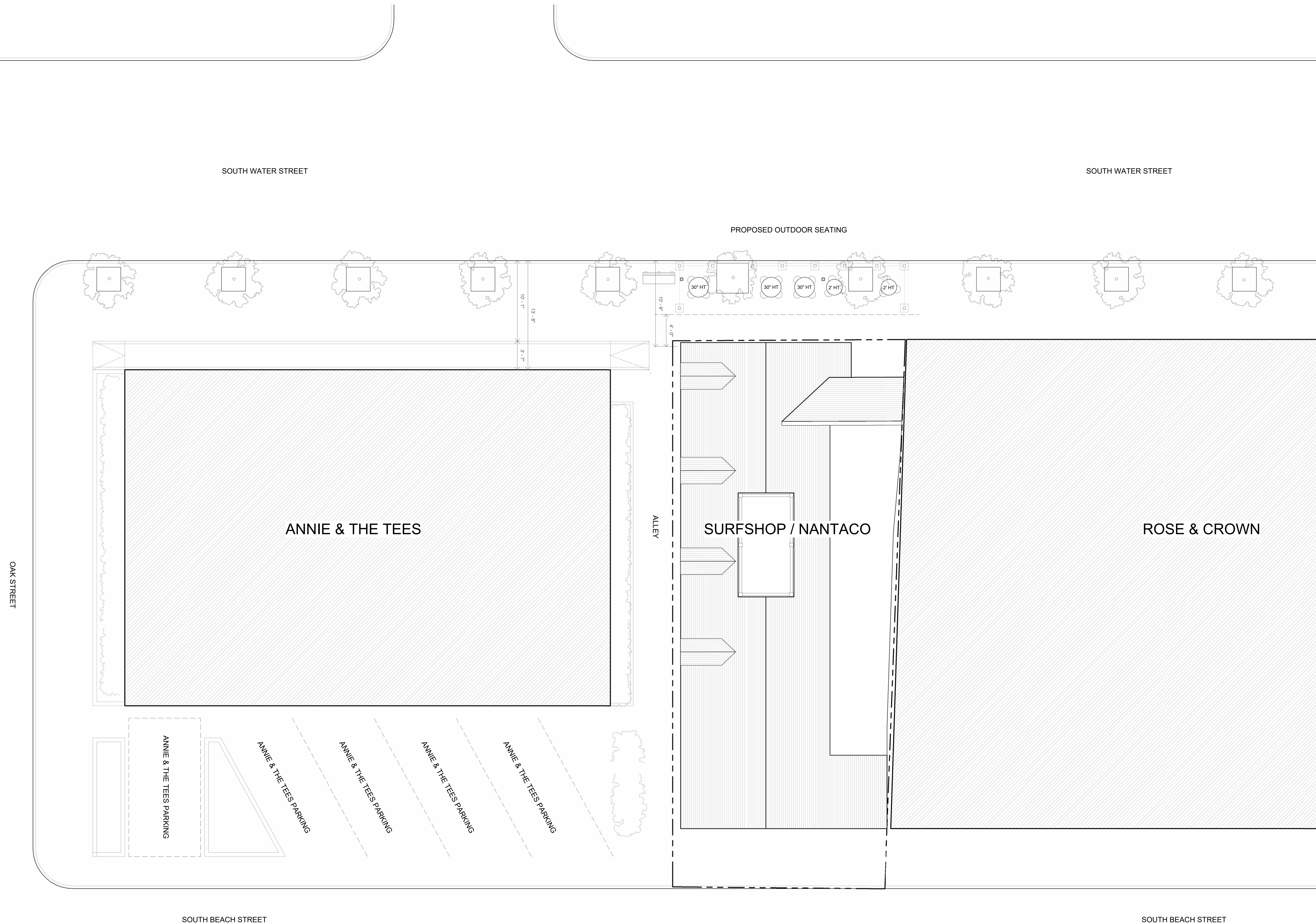
Director/ LLC Manager US Citizen

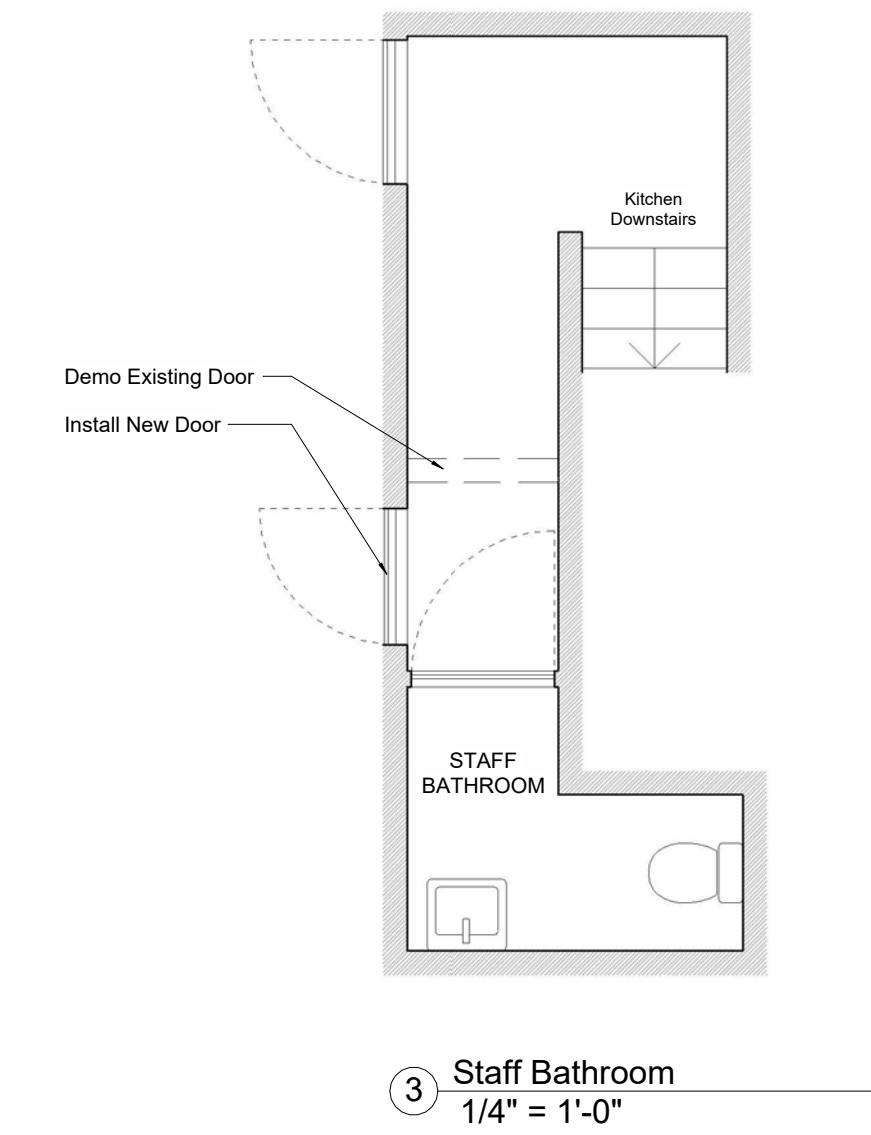
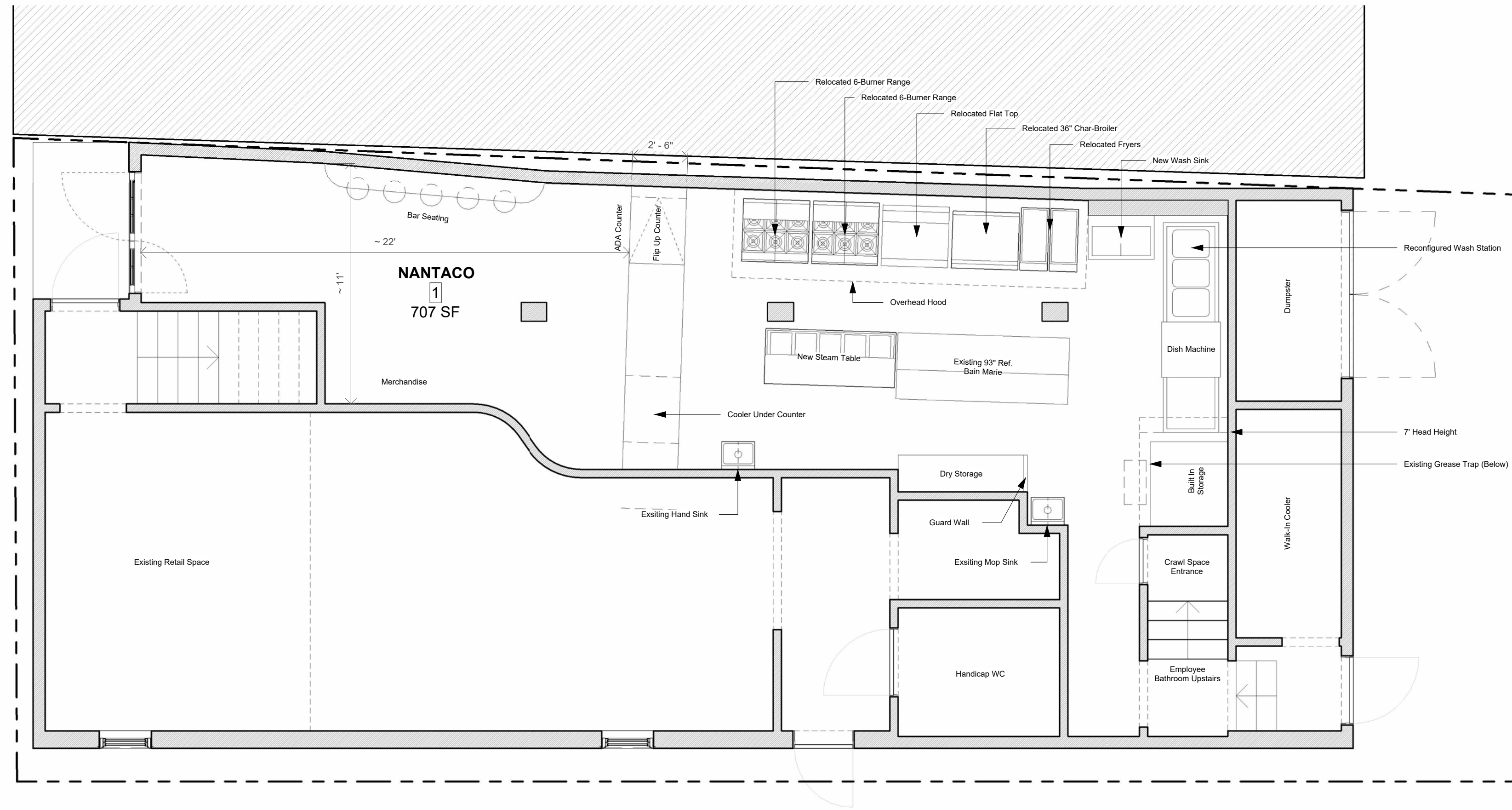
MA Resident

CRIMINAL HISTORY

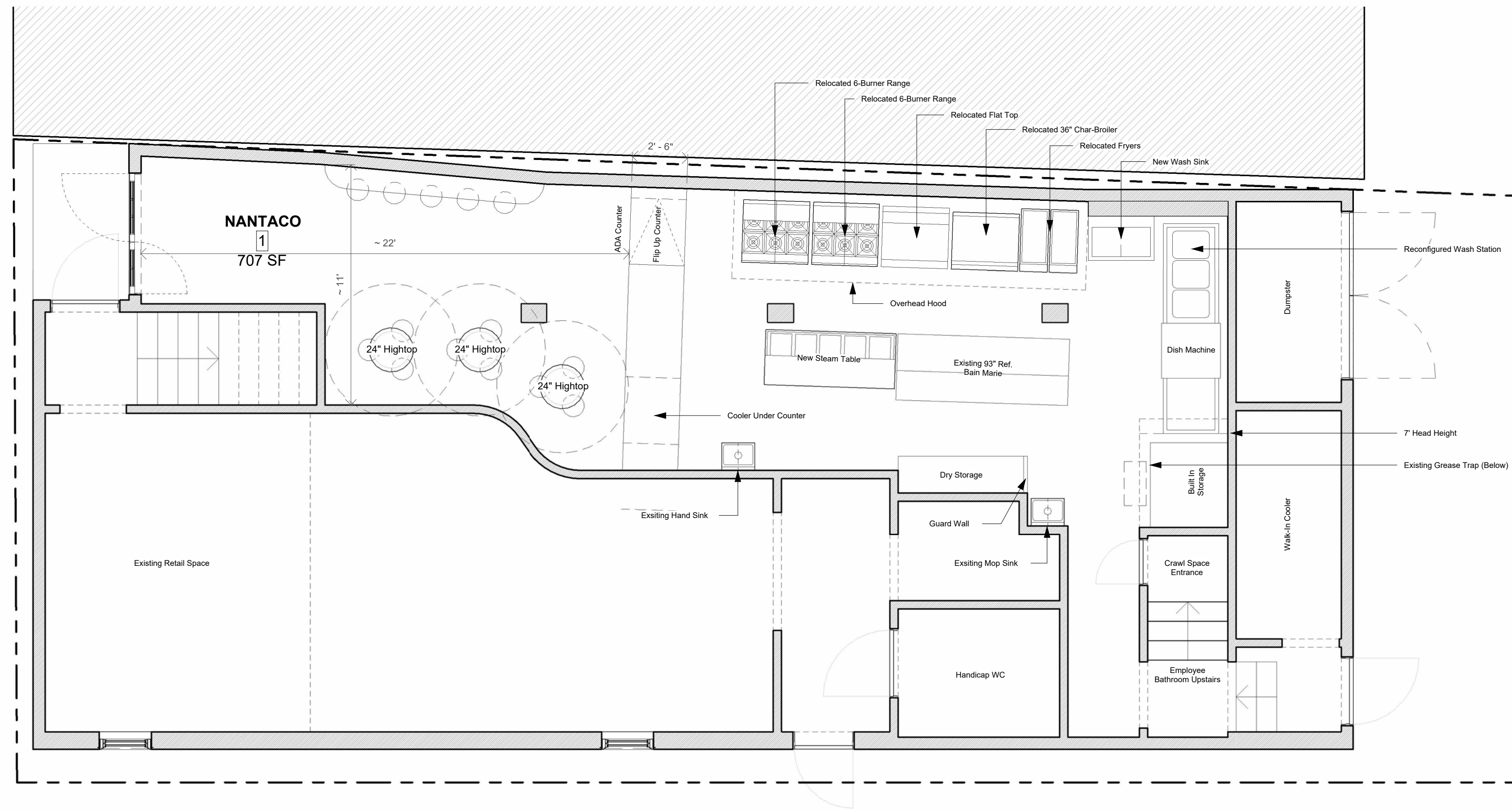
Has any individual identified above ever been convicted of a State, Federal or Military Crime?
If yes, attach an affidavit providing the details of any and all convictions.

☐ Yes ☒ No

[illegible]



1 Floor 1 - Proposed - On Season
1/4" = 1'-0"



2 Floor 1 - Proposed - Off Season
1/4" = 1'-0"



2 HOUR
PARKING
8 AM
TO
4 PM
N.P.D.



N6616



LICENSE #: 00216-RS-0762

LICENSE FEE: \$2,900.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
SEASONAL RETAIL RESTAURANT LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: Station 21 Bistro, LLC

DBA: STATION 21

PREMISES: 21 South Water
Nantucket, MA 02554

MANAGER: Mark Daley

ON PREMISES DESCRIBED AS:

Two story wood-frame building with a bar on each floor. Three entrances on South Water Street and one service/exit at rear of building.

Occupancy/1st Floor: 39 seats

Occupancy/2nd Floor: 34 seats

Staff: 12

Maximum Occupancy: 85

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto with the local provision that patrons shall not be served alcoholic beverages before 8:00AM Monday through Saturday and 11:00AM on Sunday. **No alcohol service is permitted after 1:00AM** and patrons must be off the license premises and said **premises must be closed by 1:30AM**. Any restrictions apply as are on file with the local licensing authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town of Nantucket.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the Massachusetts General Laws, as amended and any rules or regulations made thereunder by the licensing authorities, including, but not limited to Chapter 250 of the Town of Nantucket Rules and Regulations Governing Alcoholic Beverages.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 15th day of March, 2017.



James R. Kelly
Chairman, Board of Selectmen

THIS LICENSE IS VALID APRIL 1, 2017 – JANUARY 15, 2018

**Unless earlier suspended, cancelled, or revoked*

This License Shall Be Displayed On the Premises in a Conspicuous Place Where it May Be Easily Seen.



Town & County of
NANTUCKET, MA

At the Select Board meeting held Wednesday, September 28, 2022 the Board approved the application for a New Annual General-On-Premises Wine and Malt Beverages Liquor License for Nantaco ACK, LLC, dba Nantaco, Cindy Milazzo, Manger, for the premises located at 21 South Water Street, Nantucket, MA 02554. The Board determined that this new liquor license is not detrimental to the spiritual activities of St. Mary's Roman Catholic Church, 3 Federal Street, Nantucket, MA 02554. St. Mary's Roman Catholic Church is located within 500 feet of the licensed premises of Nantaco.

Jason Bridges, Chair

Dawn Hill Holdgate, Vice Chair

Matt Fee

Brooke Mohr

Fiscal Year 2023
Tax Rate Hearing, Residential Exemption, and Tax
Rate Shift

- Preliminary Discussion

*Presented by: Rob Ranney, MAA
Assessor, Town of Nantucket
Wednesday, September 28, 2022*

Purpose of the Tax Rate Hearing

1. To determine the tax allocation by classification
2. Adoption of a residential exemption
3. Adoption of a shift

(Please note: FY23 values have not been set yet, the numbers contained herein, unless otherwise specified, are for demonstration and discussion purposes only)

1. The tax levy (amount to be raised by real estate and personal property taxes) for fiscal year 2022 was \$95,470,203. This amount is distributed by property class based on the proportionate, full and fair cash value (FFCV) share for each class.

Assessors must classify all real property according to use as of each January 1 into one of four classes: Residential, Open Space, Commercial or Industrial.

Municipalities decide annually within limits established by statute and the Department of Revenue (DOR) the percentage of the tax levy that will be paid by each class of real property owners and personal property owners. The decision is made at a public hearing.

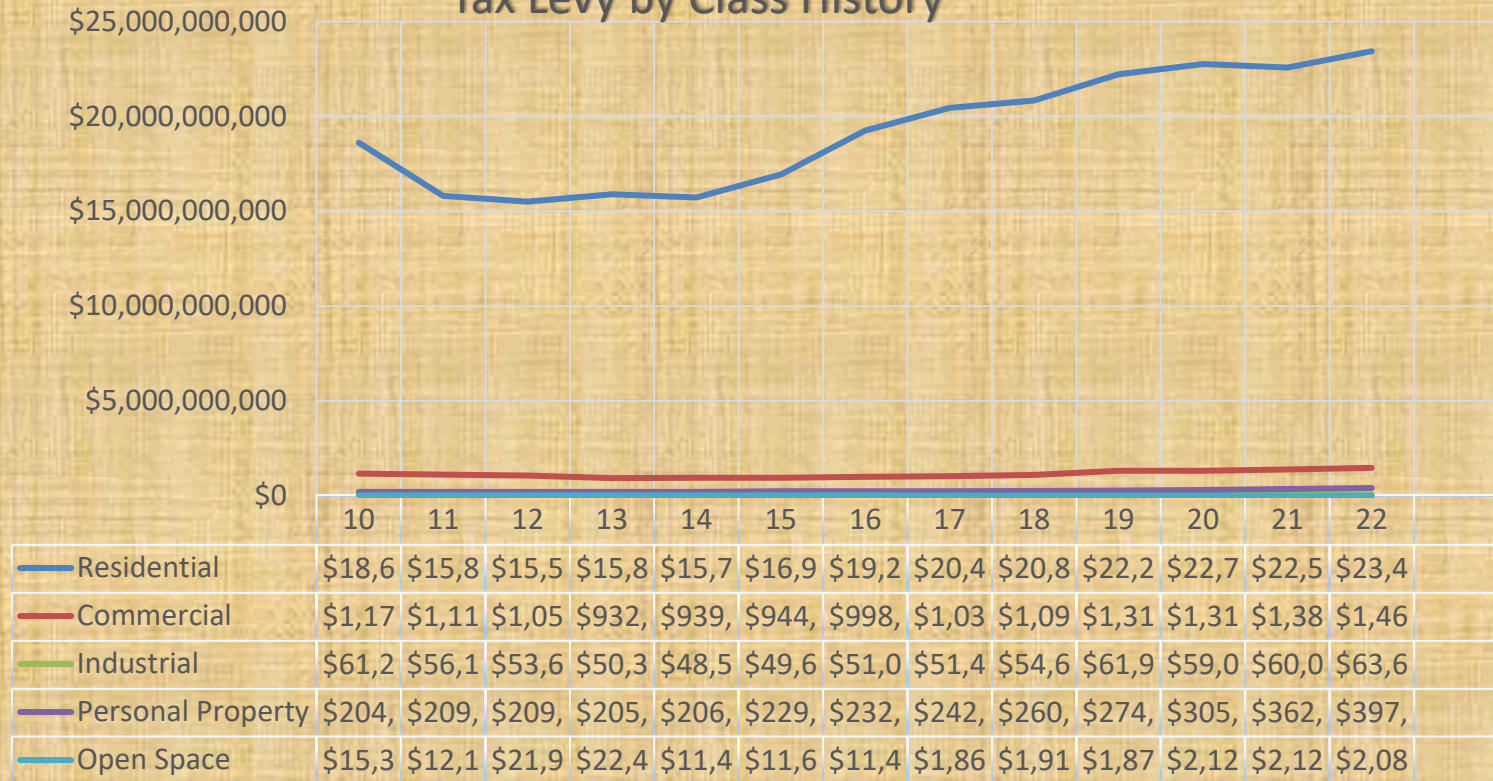
FY2022 values by class with percentages 'pre-shift' and then after the adoption of a 25% residential exemption and a 1.70 shift to the commercial, industrial, and personal property (CIP) classes.

LA4 VALUES		FFCV PERCENTS		SHIFT OPTIONS	
Residential	23,432,620,983	Residential	92.3982	Min Res Factor at 150%	95.8912
Open Space	2,080,700	Open Space	0.0082	Min Res Factor at 175%	93.8368
Commercial	1,464,596,602	Commercial	5.7751	Chapter 3	0.0000
Industrial	63,624,893	Industrial	0.2509	Lowest Historical Res%	64.7940
Pers Prop	397,537,997	Pers Prop	1.5676	Prior FY LA5 Res Shift%	87.4072
Total	25,360,461,175	Total %	100.0000	Lowest Res Factor	93.8368
		INPUT OPTIONS		OPEN SPACE DISCOUNT	
Estimated Levy	95,470,203	Resid Factor Selected	0.942477	Open Space Discount %	0.0000
		Com/Ind/PP Shift	1.70000	Open Space Factor	1.00000
		Single Tax Rate	3.76		
SHIFT PERCENTS		TAX RATES			
Residential %	87.0832	Residential	3.74		
Open Space %	0.0077	Open Space	3.53		
Commercial %	9.8177	Commercial	6.40		
Industrial %	0.4265	Industrial	6.40		
Pers Prop %	2.6649	Pers Prop	6.40		
Total %	100.0000				

RESIDENTIAL EXEMPTION OPTIONS & CALCULATIONS

Total Residential Value	23,432,620,983	/ Total Res Parcel Count	10,828	= Average Residential Value	2,164,077
Avg Residential Value	2,164,077	X Res Exemption%(max35)	25.0000	= Residential Exemption	541,019
No. Eligible Res Parcels	2,223.969704	X Residential Exemption	541,019	= Total Res Value Exempted	1,203,209,865
Total Residential Value	23,432,620,983	- Total Res Value Exempted	1,203,209,865	= Tot Res Value After Exemption	22,229,411,118
Total Residential Value	23,432,620,983	/ # Eligible Res Parcels	2,223.969704	= Approx. Break-Even Value	10,536,394

Town of Nantucket Tax Levy by Class History



— Residential
 — Commercial
 — Industrial
 — Personal Property
 — Open Space

2. RESIDENTIAL EXEMPTION

Enacted by the Commonwealth in 1979 and adopted locally in 1981, the residential exemption is an option under property tax classification MGL c.59, sec. 5C that shifts the tax burden *within* the residential class from owners of moderately valued residential properties to the owners of vacation homes, higher valued homes, and other residential properties not occupied primarily by the owner, including apartments and vacant land.

The amount of the tax levy paid by the residential class remains the same, but because of the exempted residential valuation, the levy is distributed over less assessed value. This creates a shift within the residential class that reduces the taxes paid by homeowners of moderately valued properties, with the difference being made up primarily by the non-owner-occupied residential properties.

Residential Exemption

- MGL C. 59 section 5c allows a community to provide an exemption to taxpayers who own and occupy their dwelling as their primary residence.
- This exemption may not exceed 35%* of the average value in the residential property class.
- The average residential value for Nantucket in fiscal year 2022 was **\$2,164,077**.
- A 25% exemption in FY22 reduced each qualifying parcel by \$541,019.

*The Municipal Modernization Act that went into effect on November 7, 2016 amended MGL Ch 59 s.5C from 20 to 35%.

- The loss in value attributable to the exemption is made up by the entire residential class (there is no such thing as a ‘free lunch’.)
- For the fiscal year 2022 there were 2,279 exemptions, representing \$1,203,209,865 in value.
- Only the residential class is affected by changes to the residential exemption.
- Nantucket is one of approximately twenty communities in the state, including Boston, which has the residential exemption.

Who Benefits?

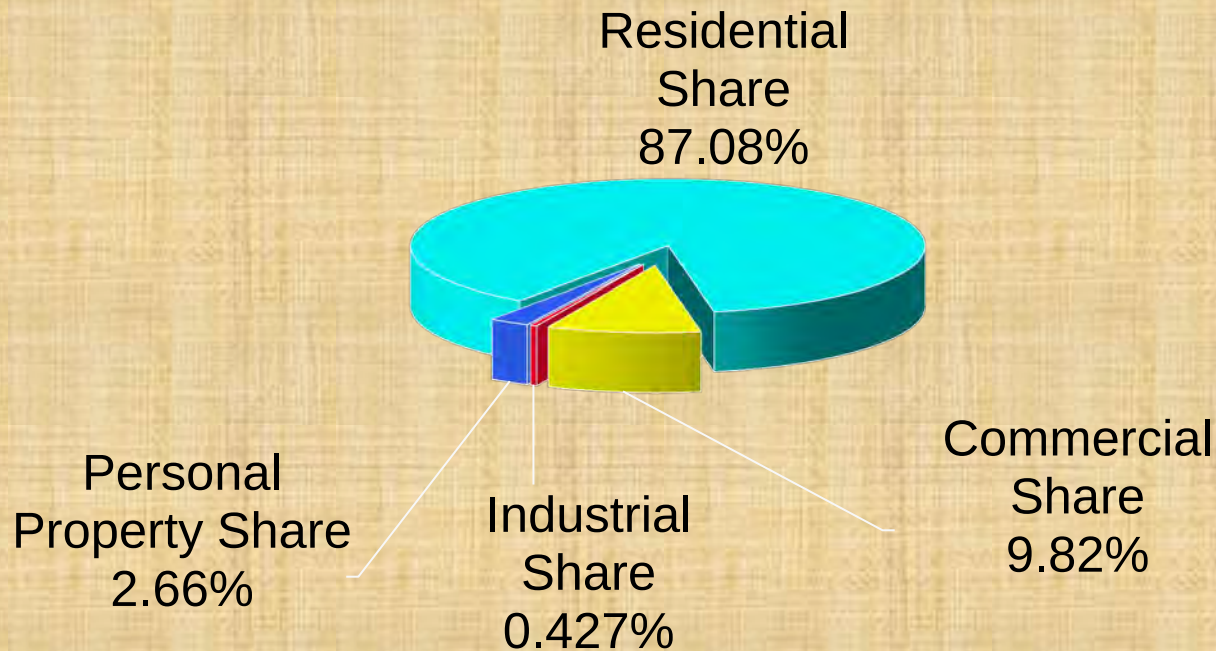
Lower-valued Owner-Occupied Properties:

With No Residential Exemption				
	Property #1	Property #2	Property #3	Property #4
Assessed Value	\$1,000,000	\$2,000,000	\$4,000,000	\$10,000,000
Tax Bill (2022 @ \$3.74)	\$3,740.00	\$7,480.00	\$14,960.00	\$37,400.00
Eligible Properties- With Residential Exemption				
	Property #1	Property #2	Property #3	Property #4
Assessed Value	\$1,000,000	\$2,000,000	\$4,000,000	\$10,000,000
Exemption (2022)	\$541,019	\$541,019	\$541,019	\$541,019
Net Value	\$458,981	\$1,458,981	\$3,458,981	\$9,458,981
Tax Bill w/25% Exemption	\$1,716.59	\$5,456.59	\$12,936.59	\$35,376.59
Actual \$ Savings with Exemption	\$2,023.41	\$2,023.41	\$2,023.41	\$2,023.41
ResEx Tax Bill As A Percentage of Non-ResEx Tax Bill	46%	73%	86%	95%

3. Adoption of a shift redistributes the % of the levy to be raised by each class of property, shifting the burden from the Residential Class to the Commercial (CIP) Classes.
(FY2022)

Class	Value	Levy Percentage	Shift	New Levy Percentage
Residential	23,432,620,983	92.40%		87.08%
Open Space	2,080,700	0.01%		0.0077%
Subtotal	23,434,701,683	92.41%		87.09%
Commercial	1,464,596,502	5.76%	1.70	9.82%
Industrial	63,624,893	0.25%	1.70	0.427%
Personal	397,537,997	1.57%	1.70	2.66%
CIP Total	1,925,759,392	7.59%		12.91%
Total	25,360,461,175	100.00%		100.00%

FY 2022 Class Share of Tax Levy with 1.70 Shift



Shift and Residential Exemption Options based on FY2022 actuals

2022 Tax Rates				Avg Res	Avg W/ ResEx	Avg Com	ResChange	ResExChange	ComChange
CIP Shift		Res	Com						
20%ResEx									
\$432,815	1.55	3.75	5.84	\$8,123	\$6,492	\$13,249			
\$432,815	1.60	3.74	6.02	\$8,094	\$6,475	\$13,670	-\$29	-\$17	\$421
\$432,815	1.65	3.72	6.21	\$8,050	\$6,440	\$14,101	-\$43	-\$35	\$431
\$432,815	1.70	3.71	6.40	\$8,029	\$6,423	\$14,532	-\$22	-\$17	\$431
25%ResEx									
\$541,019	1.55	3.80	5.84	\$8,223	\$6,168	\$13,249			
\$541,019	1.60	3.78	6.02	\$8,180	\$6,135	\$13,670	-\$43	-\$32	\$421
\$541,019	1.65	3.76	6.21	\$8,137	\$6,103	\$14,101	-\$43	-\$32	\$431
\$541,019	1.70	3.74	6.40	\$8,094	\$6,070	\$14,532	-\$43	-\$32	\$431
30%ResEx									
\$649,223	1.55	3.84	5.84	\$8,310	\$5,817	\$13,249			
\$649,223	1.60	3.82	6.02	\$8,267	\$5,787	\$13,670	-\$43	-\$30	\$421
\$649,223	1.65	3.81	6.21	\$8,245	\$5,772	\$14,101	-\$22	-\$15	\$431
\$649,223	1.70	3.79	6.40	\$8,202	\$5,741	\$14,532	-\$43	-\$30	\$431
35%ResEx									
\$757,427	1.55	3.88	5.84	\$8,397	\$5,458	\$13,261			
\$757,427	1.60	3.87	6.02	\$8,375	\$5,444	\$13,670	-\$22	-\$14	\$409
\$757,427	1.65	3.85	6.21	\$8,332	\$5,416	\$14,101	-\$43	-\$28	\$431
\$757,427	1.70	3.83	6.40	\$8,288	\$5,387	\$14,532	-\$43	-\$28	\$431



Questions?



Agenda Item Summary

Agenda Item #	XIV. 1.
Date	9/28/2022

Staff

Transportation Planner, Police Chief, Town Manager

Subject

Paid Parking

Executive Summary

Just prior to the COVID pandemic in March of 2020, the Select Board was discussing a paid parking program and had agreed to schedule a public hearing on the matter which never occurred due to the pandemic. Meanwhile, a citizen petition (Article 66) of the 2020 Annual Town Meeting which requests that the Select Board seek prior approval of Town Meeting before implementing a paid parking program, was approved. Subsequently, in the fall of 2020, when reviewing warrant articles for the 2021 annual town meeting, the Board agreed to “pass” on further discussion at that time due to competing priorities and lack of resources to work on this. In the fall of 2021, when reviewing warrant articles for the 2022 annual town meeting, the same determination was made, with the Board indicating that in order to consider whether or not to seek the requested Town Meeting approval, it needed a greater understanding of how a paid parking program would/could work. One of the first tasks of our Transportation Planner (started work early in 2022) was to prepare an overview of a potential paid parking program. Staff has met internally to discuss and the attached presentation prepared.

Staff Recommendation

Policy Issues: Does the Board need any other information and/or additional public input to determine whether or not to proceed with a paid parking program; does the Board intend to seek the requested town meeting approval.

Background/Discussion

Covered in Executive Summary

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

Board/Commission Recommendation

n/a

Public Outreach

Item listed on posted agenda



Connection to Existing Applicable Plan (i.e., Strategic Plan, Master Plan, etc.)

Strategic Plan, Transportation Focus Area; Goal: Launch a downtown parking management system based on demand management principles that achieves (or is measured by) 85% occupancy of public parking spaces

Attachments

Power Point Presentation; Vote on Article 66/2020 ATM; prior Board meeting minutes since 2020 as related to paid parking



On-Street Paid Parking Pilot

Suggested Decision Points & Overview
Select Board September 28, 2022

Contents

Background – 2 minutes

- Previous Work
- Practitioner Advice

Options & Suggestions – 20 minutes

- Draft Mission Statement/Messaging
- Draft Goals & Measures of Effectiveness
- Select Board Pilot Decision Points
- Option Package Costs

Implementation – 10 minutes

- Recommended Implementation Timeline

Background

2-Minute Overview

Previous Work

- Parking Benefits District authorized in 2019
- “Transportation and Parking Commission” contemplated
- Integrated management desired for on-street, off-street, and enforcement
- Multi-space meters currently preferred by town administration
- Downtown Core is initial area of focus
- Draft RFP to procure hardware & software for integrated enforcement & permitting
- Suggested bylaw revisions prepared by the Police Department

Background: Practitioner Advice

- **Manage expectations:** no payment solution will satisfy all
- Expect some opposition for every option explored
- **Communicate proactively:** execute a communication plan to manage vocal opposition
- Solidify goals and measures of effectiveness in advance
- Start small: incremental roll-out offers best potential for lasting success
- Expect incremental progress: pilots need time and adjustment opportunities

Options & Suggestions

20-Minute Overview

Draft Mission Statement/Key Messaging

1. The Select Board wants to make the transportation system work better.
2. Reducing parking-related congestion and increasing space availability is beneficial.
3. The Select Board's paid parking pilot will charge the lowest rates to optimize availability.
4. The paid parking pilot's goal is to optimize parking, not generate revenue.
5. As pilot data becomes available, the Select Board will make decisions about improvements and next steps.

Example Pilot Goals & Measures of Effectiveness

Pilot Goal	Measures of Effectiveness
Improve On-Street Parking Availability	• # blocks within 5 percent of 85% target during target periods • # unique parking sessions initiated on-street
Maximize Off-Street Usage	• # unique parking sessions initiated in off-street lots & valet
Determine Best User Interface Option	• # parking sessions initiated by payment solution • # days enforcement suspended due to down payment solution • cost/benefit ratio of each payment solution
Reduce Enforcement Burden	• # payment invoices (citations) issued
Protect Residential Districts	• utilization trends in blocks adjacent to core

Select Board Pilot Decision Points

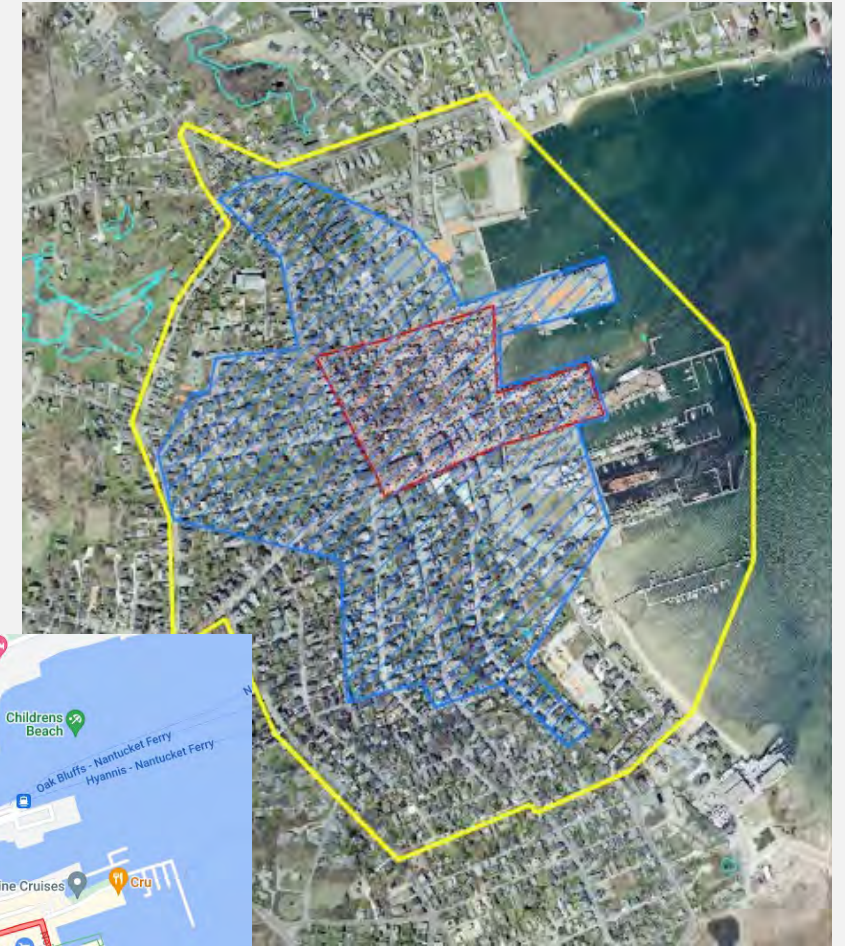
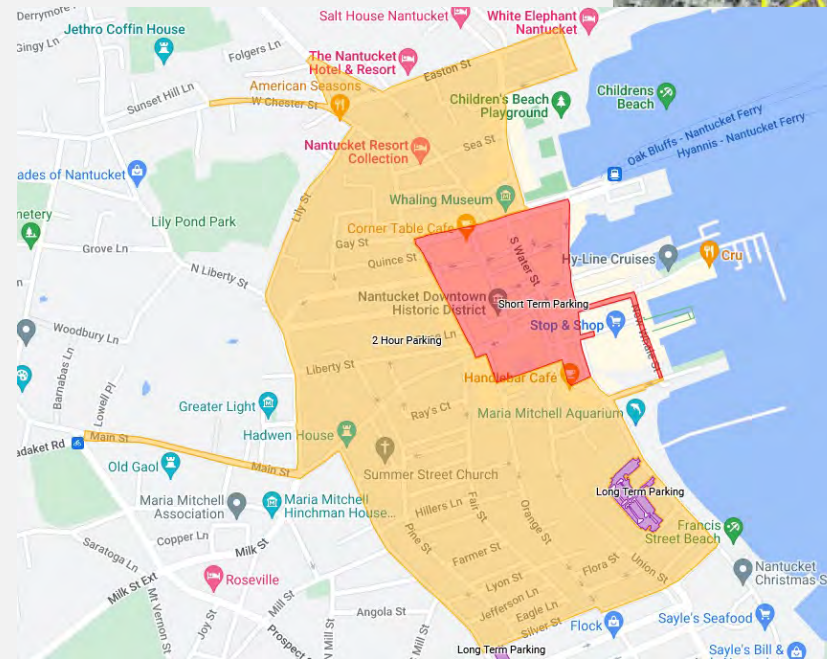
1. Geography
2. Restrictions & Rates
3. User Interface Packages
4. Revenue Considerations
5. Pilot Duration
6. Communication

Decision Point #1: Pilot Geography

Suggestions:

- Begin pilot in Core (appx. 276 spaces per Nelson/Nygaard & Tetra Tech Study)
- Consider process to create internal and external zones with specific time regulations

Nantucket's Current Parking Districts



Decision Point #2: Pilot Rates & Restrictions

Suggestions:

- Allow first 30 minutes free all sessions
- For simplicity of management and communication:
 - Eliminate hourly restrictions (e.g. 2HR Parking) where possible and use pricing to incentivize turnover
 - Determine a parking cap/maximum
 - Use only *peak* and *off-season* pricing schedules; include former *shoulder* in *peak* season schedule
- Ensure pricing scheme incentivizes valet and off-street lots

Peak & Shoulder			
Hours Parked	Escalating Price	Total Parking Session Cost	Average Rate Per Hour
0.5	\$ -	\$ -	\$ -
1	\$ 2.50	\$ 2.50	\$ 2.50
2	\$ 2.50	\$ 5.00	\$ 2.50
3	\$ 5.00	\$ 10.00	\$ 3.33
4	\$ 5.00	\$ 15.00	\$ 3.75
5	\$ 10.00	\$ 25.00	\$ 5.00
6	\$ 10.00	\$ 35.00	\$ 5.83
Off-Season (Half Price)			
Hours Parked	Escalating Price	Total Parking Session Cost	Average Rate Per Hour
0.5	\$ -	\$ -	\$ -
1	\$ 1.25	\$ 1.25	\$ 1.25
2	\$ 1.25	\$ 2.50	\$ 1.25
3	\$ 2.50	\$ 5.00	\$ 1.67
4	\$ 2.50	\$ 7.50	\$ 1.88
5	\$ 5.00	\$ 12.50	\$ 2.50
6	\$ 5.00	\$ 17.50	\$ 2.92

Potential Parking Rate Schedule:

- first 30 minutes free;
- first two hours \$2.50/hr;
- third and fourth hours \$5.00/hr;
- fifth and sixth hours \$10.00/hr;
- no parking beyond 6 hours

Notes: top tier peak season price > valet lot, which encourages use of valet; peak season is comparable with Barnstable County (\$2/hr first two hours, \$3/hr thereafter)

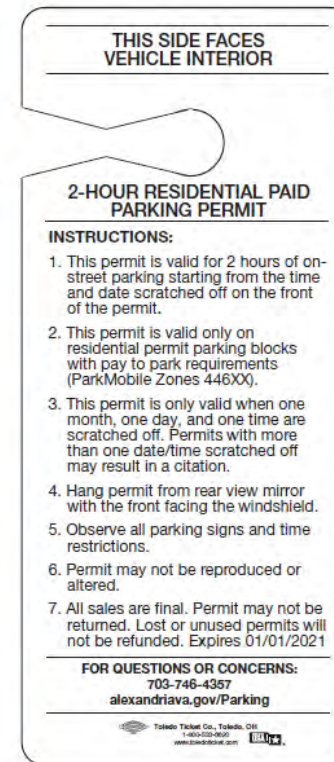
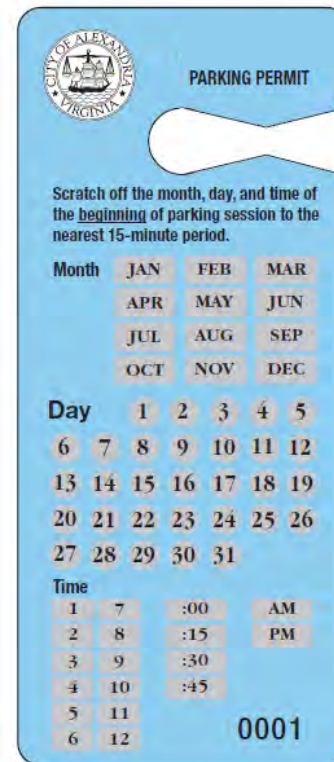
Decision Point #3: User Interface Packages

User Interface for On-Street Parking:

- Mobile Vendor Application
- Mobile Vendor Phone Call Number
- Mobile Vendor Web Service
- Multi-Space Parking Meters
- Pre-Pay Scratch-Off Hangtags

On-Street User Interface Packages:

- **Package One:** Mobile Vendor Application, Call Number, Web Service, and Pre-Pay Scratch-Off Hangtags
- **Package Two:** Multi-Space Parking Meters
- **Package Three:** Multi-Space Parking Meters, Pay by Phone Application, Call Number & Web Service



Paid Parking - User Interface Option Package Comparison – Characteristics			
	Package 1	Package 2	Package 3
Accommodates 3% of Population without Phone Access?	Yes: Pre-Pay Scratch off Hang Tags	Yes: Multispace Meters	Yes: Multispace Meters
Alternate Options in Event of Carrier Disruptions?	Yes: Pre-Pay Scratch-Off Hang Tags	Somewhat: Multispace Meters Operate without Back-End Services	Somewhat: Multispace Meters Operate without Back-End Services
Mitigations for Hardware Disruptions?	Not Applicable	Somewhat: Can walk to another meter in different zone.	Yes: Mobile App, Call, or Online Service
Service Maintenance In-Person or Remote?	Can be Accomplished Remotely	Requires In-Person Maintenance	Multispace Meters: In-Person Mobile: Remotely
Undesirable Aesthetic Impacts/Streetscape Clutter?	Revised Signage	Multispace Meters	Multispace Meters & Revised Signage
Undesirable Mobility Impacts?	None.	Multispace Meters reduce effective sidewalk area	Multispace Meters reduce sidewalk sidewalk area
Ability to End Sessions Early or Extend Sessions Remotely?	Yes: Mobile No: Pre-Pay Scratch Off Hang Tags	No.	Yes: Mobile No: Multispace Meters
Requires In-Vehicle Display?	No: Mobile Yes: Pre-Pay Scratch Off Hang Tags	Dependent on Service (Pay by Plate vs. Pay & Display)	Mobile: No. Multispace Meters: Depends.
Ability to Integrate with Back-End Permitting & Enforcement Systems?	Yes: Mobile No: Pre-Pay Scratch Off Hang Tags	Yes.	Yes.
Up-Front Costs	Least Expensive	More Expensive	Most Expensive

Paid Parking - User Interface Option Package Comparison – Benchmark Costs			
	Package 1 Mobile Vendor Application, Call Number, Web Service & Pre-Pay Scratch Off Hang Tags	Package 2 Multispace Meters	Package 3 Mobile Vendor Application, Call Number, Web Service & Multispace Meters
Infrastructure Capital Costs, incl. Shipping, Install, & Training	\$0	26 Multispace Meters ¹ : \$240,000	26 Multispace Meters ¹ : \$240,000
Signage Fabrication & Installation	\$5,000	\$5,000	\$5,000
Vendor-Start-Up Fees	Mobile: \$0-\$600	N/A	Mobile: \$600
Estimated Annual Maintenance Costs	\$0	Approximately \$52,000 Annually (\$2,000/meter)	Approximately \$52,000 Annually (\$2,000/meter)
Back-End Software Costs	Approximately \$35,000 Annually	Approximately \$35,000 Annually	Approximately \$35,000 Annually
Vendor Transaction Fees (per parking session)	Mobile: \$0.32-\$0.45	Multispace Meter: \$0.06-\$0.13	Mobile: \$0.32-\$0.45 Multispace Meter: \$0.06-\$0.13
Credit Card Service Fees (per parking session, assuming others are Merchant of Record)	Mobile: 3% + \$0.20	Multispace Meter: Mid - \$1.70% + \$0.05	Mobile: Mobile: 3% + \$0.20 Multispace Meter: Mid - \$1.70% + \$0.05
Approximate Time to Deploy following Contract ²	6-8 Months	10-14 months ¹	10-14 months ¹
¹ estimated 26 multispace meters based on the following typical practice ratios: Pay and Display – 1 meter for 8-12 spaces OR 2-3 meters per blockface; Pay by Plate – 1 meter per 20 spaces OR 1-2 meters per blockface. The Core includes approximately 51 blockfaces and approximately 276 spaces. One meter per 10.5 spaces for Pay and Display was assumed. A meter placement plan would need to be developed to assess number of meters, user convenience, and power needs.			
² Timing depends on ease of conversion of enforcement data into new back end (if desired), fabrication and installation of any necessary hardware and/or signage, communication campaign, and other technical setup/testing needs			

Decision Points #4 and #5

Revenue Considerations

Suggestions:

- Establish Parking Benefits District (authorized by ATM 2018 by MGL c. 40 § 22A)
- Direct revenue from District to Parking Benefit District enterprise fund
- Determine stewardship and oversight of enterprise fund, with consideration of:
 - Select Board
 - Transportation & Parking Commission

Pilot Duration

Suggestions:

- Implement three-year pilot
- Provide bi-annual reports on measures of effectiveness to Select Board (Late February and Late August)
- Following pilot, evaluate program and consider improvements or program termination

Decision Point #6: Communication

Suggestions:

- Develop Communications Plan
- Confirm mission statement/key message points
- Develop education materials:
 - Overhaul web site material
 - Business owner outreach
 - Resident outreach (residential district)
 - Resident outreach (general)
 - Leverage resources to advertise & educate
- Develop and implement warning campaign based on Police Department Guidance

Example Non-Enforcement Warning Campaign



NEED MOOR TIME?

We notice you are parking longer than your paid parking session or have not paid.

In the future, you may pay by:

- Using [parking mobile parking application]
- Calling [xxx-xxx-xxxx]
- Logging on to [parkingvendor website]
- Purchasing a pre-paid scratch-off hang tag at [business/town hall]

Future enforcement activity may result in parking invoices in the maximum amount.

Questions? Need support? Please contact Nantucket's Curbside Management Team at [xxx.xxx.xxx] or curbside@nantucket-ma.gov





LET'S COBBLE IT TOGETHER: SHARE OUR CURB

We notice you are parking longer than your paid parking session or have not paid.

In the future, you may pay by:

- Using [parking mobile parking application]
- Calling [xxx-xxx-xxxx]
- Logging on to [parkingvendor website]
- Purchasing a pre-paid scratch-off hang tag at [business/town hall]

Future enforcement activity may result in parking invoices in the maximum amount.

Questions? Need support? Please contact Nantucket's Curbside Management Team at [xxx.xxx.xxx] or curbside@nantucket-ma.gov





BEACHED WHALE SPOTTING

We notice you are parking longer than your paid parking session or have not paid.

In the future, you may pay by:

- Using [parking mobile parking application]
- Calling [xxx-xxx-xxxx]
- Logging on to [parkingvendor website]
- Purchasing a pre-paid scratch-off hang tag at [business/town hall]

Future enforcement activity may result in parking invoices in the maximum amount.

Questions? Need support? Please contact Nantucket's Curbside Management Team at [xxx.xxx.xxx] or curbside@nantucket-ma.gov



Implementation

10-Minute Overview

[illegible]

Approximate Year One Cost Example

<i>Item</i>	<i>Package 1 – Mobile & Pre-Pay Hangtags</i>	<i>Package 2 – Multispace Meters</i>	<i>Package 3 – Combination Mobile & Multispace Meters</i>
Start-Up	\$50,200	\$352,000	\$352,600
Staffing	\$418,125	\$418,125	\$418,125
Communication	\$22,575	\$22,575	\$22,575
Total	\$490,900	\$792,700	\$793,300

Discussion & Questions

ARTICLE 66

(Town Meeting Vote Required to Implement On-street Paid Parking)

To see if the town will vote to require a vote of town meeting prior to the implementation by the Town of Nantucket of paid on-street parking.

(Christopher Glowacki, et al)

FINANCE COMMITTEE MOTION: Moved that the Select Board be requested to seek the prior approval of Town Meeting before implementing paid on-street parking.

SELECT BOARD COMMENT: The Board does not support the Finance Committee Motion. One of the Board's Strategic Plan Goals is: "Launch a downtown parking management system based on demand management principles that achieves (or is measured by) 85% occupancy of public parking spaces". Paid parking is a tool that could be critical to the success of this Goal - which is meant to increase parking turnover so that people are more easily able to find parking in Town and make year-round access to the downtown a pleasant experience; and, to limit reliance on single-occupancy vehicles. The Board believes flexibility is needed to be able to implement paid parking, if needed.

ARTICLE 67

(Prohibiting Roundabouts Near Schools)

To see if the Town will vote to: Prohibit the construction of a rotary, a roundabout or a traffic circle by any other name on any public way within 1000 feet of a public school in the Town of Nantucket.

; or otherwise act thereon.

(John F. McGrady, Jr., et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.

ARTICLE 68

(Complaint Committee)

To see if the Town will vote to: Approve that all Town of Nantucket Departments and Boards, staffed by employees, elected or howsoever constituted, or empowered, and including the office of Town Administration and its head, set full, clear and published standards for their performance and, included therewith, have a full and clear accessible complaints procedure together with appropriated redress for the user of the services when its alleged that wrongdoing or maladministration has occurred. Moreover, see if the Town will vote to approve, within any limitations set by the laws of the Commonwealth of Massachusetts, the formation of a committee to deal with complaints of wrongdoing or maladministration made against and employee of the Town of Nantucket, any Department of the Town of Nantucket or any Board of Member of a Board elected by voters of the Town of Nantucket.

(Theresa Williams, et al)

FINANCE COMMITTEE MOTION: Moved not to adopt the Article.



Agenda Item Summary

Agenda Item #	XIV. 2.
Date	09/28/2022

As of 09/26/22

Staff

Town Manager, Assistant Town Managers, Administration Staff, Others

Subject

Town Manager Monthly Management Report

Highlighted Activity

- **2022 ATM/ATE continuing follow-up**
 - Active items:
 - bylaws – approval status with Attorney General, varies
 - Article 39: STR Regulations adopted/follow-up advertising, etc, in process; work group in progress
- **2023 ATM**
 - Prep
- **FY 2024 Budget**
 - Prep
- **Climate Action Plan/Sustainability Framework**
 - Funding for a Sustainability position was approved in the FY 23 budget; a position description has been developed and is underway to go through union review, advertising/hiring
- **Baxter Road long-term planning**
 - Update to Board scheduled for Oct 5; monthly staff meetings on this; summer forum held in Aug
- **SBPF Erosion Control Project**
- **Solar Project at Wannacomet/1 Milestone Rd**
- **Solid Waste Long-term Planning**
 - Monthly meetings, including SB member and a FC member

- Funding for a Solid Waste Manager position was approved in FY 23 budget; a position description has been developed and is underway to go through union review, advertising/hiring
 - Recycling Coordinator has resigned; holding off on that until Solid Waste Manager is hired
- **Strategic Plan**
 - Starting to prep for a Nov workshop
- **PFAS Town-wide Risk Assessment**
 - On-going & active
- **Stormwater/drainage issues**
- **Personnel:**
 - Hiring key positions approved at ATM2022
 - Classification & Compensation Study – project underway
 - Succession Planning and Retention long-term strategy – underway with internal review
 - Collective Bargaining Negotiations (~~DONE!~~) Prep underway for contracts that will expire 6/30/23
 - Working to schedule joint xs with School Comm, Water Comm, Airport Comm and SB
 - New Fire Chief arrives 10/1 – meet & greet with staff and public scheduled for 10/4
 - Asst Finance Director hired
 - ⊖ 30+- vacancies Town -wide (excluding School, Airport, Water)
- **Project management** – still working on this:
 - Project Management position
 - Current projects to be handled by outside firm:
 - Pleasant St (Silver to Main)
 - Pleasant St (Williams to Mid-Island Roundabout)
 - Somerset Rd – Raceway Dr stormwater drainage
 - Millie’s Bridge (coastal resiliency)
 - Newtown Rd (reconstruction plus side path, traffic calming)
- **Projects**
 - OIH/Senior Center
 - PFAS water main ext, west of Airport
 - Central fleet management
 - DEI Assessment
 - WRAP funding application approved

Housing

- Finalizing \$1m Town Employee Housing Assistance pilot program
- “State of Housing” held in August

- Working on planning for how Town manage/maintain its own housing stock (internal discussion re “out of the box” ideas)