

Town and County of Nantucket Select Board • County Commissioners

Jason Bridges, Chair
Matt Fee
Dawn E. Hill Holdgate
Malcolm W. MacNab
Brooke Mohr



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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 FEBRUARY 15, 2023 - 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/Bru0kV_0gdA

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_IrBpZPAeSOMZawXOxK558A

- I. CALL TO ORDER***
- II. SELECT BOARD ACCEPTANCE OF AGENDA***
- III. ANNOUNCEMENTS***
 1. The Select Board Meeting is Being Audio/Video Recorded.
 2. Town Offices will be Closed Monday, February 20, 2023 in Observance of Presidents' Day.
 3. Select Board Announcements/Comments.
- IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS***
 1. Follow-up on Public Comment From February 8, 2023 Board Meeting Regarding Landfill Operations.
- V. PUBLIC COMMENT****
- VI. NEW BUSINESS****
- VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS***
 1. Approval of Minutes of February 8, 2023 at 5:30 PM.
 2. Approval of Treasury Warrants for February 15, 2023.

3. Approval of Pending Contracts for February 15, 2023 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Coastal Resilience Advisory Committee: Quarterly Report.
2. Licensing: Request for Approval and Execution of Alcoholic Beverages Control Commission Charity Wine Permits for Nantucket Wine and Food Festival Events for Various Locations to be Held May 17 - May 21, 2023.

IX. PUBLIC HEARINGS

1. Nantucket Sewer Commission: Public Hearing to Consider Amendments to Nantucket Town Sewer District Pursuant to Section 10 of the Nantucket Sewer Act Regarding Articles 74 and 75 of the 2023 Annual Town Meeting.
2. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30488676, to Install Approximately 30' of 2-3" Conduits from Handhole 5-1 Across Highland Avenue to Handhole 5-2.
3. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30465618, to Replace Direct Buried Underground Electric Cables from Pole 53 on Hummock Pond Road Across Intersection at Millbrook Road with Approximately 60' of Cable in Conduit using Directional Drill Method and Installing Pull Boxes.
4. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30626108, to Install Approximately 110' of 2-3" Conduits from Handhole 51 Across Tom Nevers Road to Handhole 51-1 near 105-107 Tom Nevers Road.
5. Public Hearing to Consider a Utility Petition from Verizon New England Inc., Plan #MA2022-39 to Place One New 4" Conduit Approximately 453' Along Madaket Road, Beginning at Existing Manhole (MH3138) Westerly to Proposed Manhole (MH3138-1) and Manhole (MH3138-2), then across Madaket Road to Existing Pole 48, for Service to 262 Madaket Road.
6. Public Hearing to Consider Application for Alteration of Premises of Annual All-Alcoholic Beverages Restaurant License for Lola 41 Restaurant Nantucket, LLC dba Lola 41, Joseph Burgess, Manager, for Premises Located at 15 South Beach Street.
7. Public Hearing to Consider Application for Transfer of Annual Common Victualler with All-Alcoholic Beverages Club License from NGM, Inc. dba Miacomet Golf to Nantucket Islands Land Bank, Sean D. Oberly, Manager, for Premises Located at 12 W. Miacomet Road, with Addition of Management Agreement to Operate the Premises with NGM, Inc.; Change of License Type from Club to Restaurant; Alteration of Premises to Include Service on Golf Course; and Updated Premise Description for New Clubhouse Area.

8. Public Hearing to Consider Application for Transfer of Seasonal Wine and Malt Beverages General On-Premises License from NGM, Inc. dba Siasconset Golf, to Nantucket Islands Land Bank, Sean D. Oberly, Manager, for Premises Located at 260 Milestone Road, with Addition of Management Agreement to Operate the Premises with NGM, Inc.
9. Public Hearing to Consider Application for New Common Victualler with Seasonal All-Alcoholic Beverages Restaurant License for LH Manager Northeast, LLC dba The Pearl and Boarding House, Abigail Ayre, Manager, for Premises Located at 12 Federal 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.
10. Public Hearing to Consider Application for New Non-Live Entertainment License for LH Manager Northeast, LLC dba The Pearl and Boarding House, Abigail Ayre, Manager, for Premises Located at 12 Federal Street.

X. TOWN MANAGER'S REPORT

1. Update: Proposed Independent Review of Historic District Commission Operations.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Request for Endorsement of Timeline for November 7, 2023 Special Town Meeting.
2. Committee Reports.

XII. 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

EXHIBIT 1
AGREEMENTS TO BE EXECUTED BY TOWN MANAGER
UNLESS RESOLUTION OF DISAPPROVAL BY SELECT BOARD
February 15, 2023

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding	Term
Amendment to Professional Service Agreement	Town Administration	Consensus Building Institute, Inc	Add \$40,000 to the original contract amount of \$70,000 for a new contract total of \$110,000.	Amend contract for Short-term Rental Work Group facilitation services for additional process support	Town Administration Budget	August 17, 2022 - August 16, 2023
License Agreement	Town Administration	National Grid	\$17,500	Use of NGrid Candle Street Parking Lot for valet parking and daily luggage/parcel storage for 2023	Pass-through: will paid by valet parking vendor	May 15, 2023 - September 30, 2023 & December 1 - December 3, 2023
License Agreement	Town Administration	Mass Park, Inc. d/b/a Valet Park of America	(\$17,500)	Payment to the Town for use of the NGrid Candle Street Parking Lot for valet parking and daily luggage/parcel storage	N/A	May 15, 2023 - September 30, 2023, & December 1 - December 3, 2023, 20
Grant Agreement	Culture & Tourism	Massachusetts Cultural Council	(\$6,350)	Cultural sector recovery grant: to plan publicly available cultural activity that focuses on education, arts, conservation, and preservation of our sense of community	Massachusetts Cultural Council - Cultural District Grant	July 1, 2022 - June 30, 2023
Professional Service Agreement	Human Resources	Clear Track HR	N/A	Dependent Verification/Audit Services	N/A	February 15, 2023 - February 14, 2024
Purchase Agreement	Information Technology	ESRI, Inc	\$ 15,630	Renewal of ArcGIS Mapping Software for 2023	IT Budget	February 15, 2023 - February 14, 2024

Amendment to Professional Service Agreement	Our Island Home	Cross Country Staffing, Inc.	Add \$100,000 to the original contract amount of \$400,000 for a new contract total of \$500,000	Increase contract for travel nurses (RNs and LPNs) for OIH to cover expected cost through the term of the contract	OIH Budget	July 1, 2021 - June 30, 2024
Lease Agreement	Parks & Recreation/ Town Administration	Ryan Fitch d/b/a Sea Nantucket LLC	(\$105,126.57)	5-Year Lease for Francis Street Beach Kayak Concession	N/A	March 1, 2023 - November 31, 2027
Grant Agreement	Planning/Transportation	Massachusetts Department of Transportation	(\$500,000)	Grant for work to be conducted by Nantucket through Mass DOT's Complete Streets Funding Program for Williams Street - Pleasant Street - Sparks Ave sidewalk project	Massachusetts Department of Transportation	February 15, 2023 - December 31, 2024
Purchase Agreement	Sewer	Aerzen USA, Inc	\$18,100	Purchase of replacement Blower Stack for Surfside WWTF - Building 5	Sewer Budget	February 15, 2023 - February 14, 2024



Agenda Item Summary

Agenda Item #	VIII. 1.
Date	2/15/2023

Staff

Vincent Murphy, Sustainability Programs Manager

Subject

Coastal Resilience Advisory Committee Quarterly report – October to December 2022.

Executive Summary

This is the fourth quarterly reports from the Coastal Resilience Advisory Committee. The purpose of the quarterly reports is to provide a brief summary to the Select Board on quarterly activities of the Coastal Resilience Advisory Committee and on activities on Coastal Resilience Plan implementation efforts. It is also hoped to provide a regular platform for SB & CRAC to communicate and assist each other with coastal resilience direction.

Staff Recommendation

N/A

Background/Discussion

N/A

Impact: Environmental ☒ Fiscal ☐ Community ☒ Other ☐

Board/Commission Recommendation

The CRAC requests that the Select Board specifically list as a third goal in the Environmental area of their Strategic Plan the implementation of the 40 recommendations of the CRP over the next ten years.

Public Outreach

Overview & highlights of CRAC meetings from October to December 2022.

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

Implementation of the Coastal Resilience Plan.

Attachments

Quarterly report attached.



Quarterly report from the Coastal Resilience Advisory Committee (CRAC) to the Select Board for October to December 2022.

HIGHLIGHTS FROM THE QUARTER:

- The Committee wrote a letter of support for the August 11 Conservation Commission letter to Mass DEP. The committee recommended that the Select Board co-sign the letter as CRAC is advisory to Select Board. The Select Board approved, and the joint letter was sent on December 6, 2022.
- CRAC spoke with the Nantucket Historic Association about their climate resiliency planning, including their 2018 "[Flood Resiliency Report & Facilities Capital Expenditure Forecast Plan](#)"; a planned [WPI project](#) to look at building adaptation for the Whaling Museum; and the December 2022 [Climate Change Symposium](#) they are hosting.

COASTAL RESILIENCE PLAN (CRP) ACTIVITIES:

CRAC conducted a 1 year review of the status of the Coastal Resilience Plan's 40 recommendations to document their progress. Two projects are essentially completed or established as ongoing efforts:

Recommendation 1-5 Coastal Resilience & Sustainability Interdepartmental Working Group and **Recommendation 1-9 Shoreline Change Monitoring Program.**

There is a new page on the Town's website for the Shoreline Change Monitoring Program at <https://www.nantucket-ma.gov/2628/Shoreline-Change-Monitoring-Project>

One other project is partially completed. CRAC received an update in the spring that the first phase of **Recommendation 4-3 Coastal Erosion Mitigation and Dune Resilience** was completed with the development of a report by NCF and Trustees of Reservations which can be downloaded at <https://www.nantucket-ma.gov/DocumentCenter/View/42372/Stakeholder-Workshop-Nantucket-PDF>

19 other recommendations from the CRP are in various stages of development, and 18 remain to be started. See tables below.

OTHER BUSINESS

The Massachusetts Coastal Flood Risk Model (MC-FRM) maps showing the projected "Probability of Coastal Flooding" for the Present (2020), 2030, 2050, and 2070 are now available as layers on the Town's GIS system, making them freely available to the public. To access them at <https://nantucketma.mapgeo.io/datasets/properties>, click on Themes on the top right, and expand the selection for Emergency Preparedness.

This availability of the maps, which were recommended by and used in the Coastal Resilience Plan, will allow the Committee to present its updated Sea Level Rise recommendation to the Select Board in the first quarter of 2023.

Requests & Recommendations:

- Are there current or upcoming issues for which the Select Board would like the CRAC's advice?
- The CRAC requests that the Select Board specifically list as a third goal in the Environmental area of their Strategic Plan the implementation of the 40 recommendations of the CRP over the next ten years.

AREA OF STRATEGIC FOCUS:

Environmental Leadership



ASPIRATIONAL STATEMENT:

Nantucket residents and visitors share responsibility for the long-term sustainability of our beautiful island. We recognize our stewardship of the land, air, and water and work to ensure our community is resilient and self-sufficient. Other communities look to Nantucket to learn how to care for the natural environment.

GOALS:

- Provide data-driven recommendations on island-wide solid waste management guided by principles of sustainability.
- Finalize an island-wide, long-term water quality management plan that addresses ponds, harbors, stormwater, and wastewater with specific ways/methods to measure improvement.

Priority	Number	Project Name	Status	Notes
1	1-1	Community Outreach on Property Owner Resilience Best Practices	Not started	Mentioned in one CRAC meeting as a possible committee project
1	1-2	Updates to Zoning By-Law	Not started	To be led by PLUS and may need specialized consultants
1	1-3	Updates to Wetland Ordinance and Regulations	In development	NRD and Conservation Commission actively undertaking this
1	1-4	Strategic Retreat and Relocation Program	In development	Putting a scope of services together
1	1-5	Coastal Resilience & Sustainability Interdepartmental Working Group	Complete	Began meeting in April and meets quarterly. Vince is the Chair.
3	1-6	Joint Staff Review of Development Proposals	In development	A working group objective
1	1-7	Coastal Resilience and Sustainability Program	Not started	A priority for the Sustainability Programs Manager
2	1-8	Shoreline Change Monitoring Program	Complete	Morgan and Vince began in December 2021. Developing a webpage for December / January.
1	1-9	Sediment Sourcing and Transport Study	In development	Scope written and awaiting bid posting.
2	1-10	Stormwater Management Plan	In development	DPW and Sewer Dept actively developing this. Linked to 1-13
1	1-11	Sediment Budget	Not started	Needs 1-9 Sediment Transport Study complete first to inform this plan
2	1-12	Stormwater By-Laws Assessment	In development	Linked with 1-13
2	1-13	Stormwater By-Law and Regulations Update	In development	DPW and Sewer Dept actively developing this.
1	1-14	Update locally-adopted sea level rise scenarios and Best Available Flood Hazard Data	In development	CRAC is waiting on MC-FRM to be published on Town GIS to finish and update recommendation to Select Board.
1	2-1	Steamboat Wharf Resilience	Not started	January 2022, Steamship Authority said 6-8 years before they will begin facility updates on Nantucket. Plan to work with Steamship then.
1	2-2	Downtown Neighborhood Flood Barrier	In development	CRAC priority, linked with 2-6. Grant applied for (not won) to undertake a feasibility study and will continue to seek other opportunities
3	2-3	Easton Street and Hubert Avenue Road Raising	Not started	A priority 3 project slated for commencement before 2030.
3	2-4	Washington Street Extension and Consue Springs Walkway Raising	Not started	A priority 3 project slated for commencement before 2030. Land Bank undertaking works that may extend current usefulness
2	2-5	Building Scale Resilience at 37 Washington Street	Not started	Has not been talked about. Meant to be an example to the community
1	2-6	Downtown Neighborhood Flood Barrier - Phase 1 Project	In development	CRAC priority, linked with 2-2. Grant applied for (not won) to undertake a feasibility study and will continue to seek other opportunities

Priority	Number	Project Name	Status	Notes
1	3-1	Madaket Road Raising and Bridge Conversion	Not started	Briefly discussed with sewerage Madaket.
1	3-2	Ames Avenue Bridge Resilience	In development	NRD and Admin developing a project (just started 2 weeks ago, so researching). Linked with 3-4
3	3-3	F Street Boat Ramp	Not started	To commence after 2030
1	3-4	Madaket Erosion Mitigation Pilot	In development	NRD and Admin developing a project (just started 2 weeks ago, so researching). Linked with 3-2
1	3-5	Department of Public Works Facility and Land Fill Resilience	Not started	Bigger question first. Will DPW relocate? Then, plan appropriately.
2	4-1	Polpis Road Raising and Bridge Conversion at Folgers Marsh	In development	Tried to revive this project with NCF with a feasibility assessment and plan development in the spring with a grant application. Failed, but outline developed.
2	4-2	Polpis Road Raising, Culvert Expansion, and Wave Attenuation at Sesachacha Pond	In development	NRD was awarded a grant from SNEP for wave attenuation
3	4-3	Coatue Erosion Mitigation and Dune Resilience	In development	NCF and TTOR project. Initial study completed in spring 2022. More study and implantation required. How can CRAC/ Town help?
1	4-4	Numerical Modeling Study of Coatue Breaching	Not started	Scope developed in the spring but didn't progress. Could be picked up with the right grant application.
3	5-1	Sconset Bluff Dune Restoration	Not started	Anticipated to commence in 2026.
2	5-2	Codfish Park Dune Restoration	Not started	Anticipated to commence in 2024
2	5-3	Baxter Road Relocation Planning	In development	NRD and Admin began a contract with Arcadis in February 2022 to run for 12-18 months.
2	5-4	Sconset Bluff Nearshore Breakwaters Feasibility Study	Not started	Anticipated to commence in 2023. NOI for geotube in progress. May be a cost prohibitive project.
2	6-1	Nantucket Memorial Airport Dune Restoration	Not started	Anticipated to commence in 2026
1	6-2	Surfside Wastewater Treatment Plant Dune Restoration	In development	Sewer Dept is considering options
1	6-3	Tom Nevers Field Erosion Mitigation Pilot Project	In development	Being led by Parks and Recreation in DPW. Project just commenced.
2	6-4	Surfside Emergency Access Planning	Not started	Could be a brief project but need to find a way to advance it.
2	6-5	Sheep Pond Road Relocation Study	In development	Not currently a study, but relocation efforts underway
3	7-1	North Shore Dune Restoration and Nourishment	Not started	Anticipated to commence in 2026
3	7-2	Sand Pumping Feasibility Study	Not started	Anticipated to commence in 2026. possibly liked to 7-1. may be cost prohibitive

Complete	2
In development	19
Not started	19



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" value="charity wine permit"/> | | ☐ Change of DBA |

APPLICANT INFORMATION

Name of Licensee	Nantucket Wine & Food Festival Charitable Foundation	DBA	Nantucket Wine and Food Festival
Street Address	12 Maclean Lane, Nantucket MA		Zip Code 02554
Manager	Nancy Bean		
Charity Wine Permit		Wines	
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

Nantucket Island Management, LLC DBA Brant Point Grill / White Elephant 00115-HT-0762

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	01/31/2023	Time	5:25 PM	
Advertised	Yes ☐ No ☒	Date Published		Publication	
Abutters Notified:	Yes ☐ No ☒	Date of Notice			
Date APPROVED by LLA	02/15/2023	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)	May 17, 2023 (5:00pm-9:00pm) - Welcome Reception				
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

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| ☐ 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,
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| | ☒ Other <input type="text" value="charity wine permit"/> | | ☐ Change of DBA |

APPLICANT INFORMATION

Name of Licensee	Nantucket Wine & Food Festival Charitable Foundation	DBA	Nantucket Wine and Food Festival
Street Address	12 Maclean Lane, Nantucket MA		Zip Code 02554
Manager	Nancy Bean		
Charity Wine Permit		Wines	
Type (i.e. restaurant, package store)	Class (Annual or Seasonal)	Category (i.e. Wines and Malts / All Alcohol)	
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Additional remarks or conditions (E.g. Days and hours)	May 18, 2023 (5:30pm-9:30pm) - the Harbor Gala				
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
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| ☐ Change of Manager | ☐ Change Corporate Name | ☐ Change of Category (i.e. All Alcohol/Wine, Malt) | ☐ Management/Operating Agreement |
| ☐ Change of Officers/
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(LLC Members/ LLP Partners,
Trustees) | ☐ Issuance/Transfer of Stock/New Stockholder | ☐ Change of Hours |
| | ☒ Other <input type="text" value="charity wine permit"/> | | ☐ Change of DBA |

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Additional remarks or conditions (E.g. Days and hours)	May 20, 2023 (11:00am-5:00pm); May 21, 2023 (11:00am -5:00pm) - The Grand Tasting - 4 sessions				
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
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| ☐ 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" value="charity wine permit"/> | | ☐ Change of DBA |

APPLICANT INFORMATION

Name of Licensee	Nantucket Wine & Food Festival Charitable Foundation	DBA	Nantucket Wine and Food Festival
Street Address	12 Maclean Lane, Nantucket MA		Zip Code 02554
Manager	Nancy Bean		
Charity Wine Permit		Wines	
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

Nantucket Island Management, LLC DBA Brant Point Grill / White Elephant 00115-HT-0762

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	01/31/2023	Time	5:25 PM	
Advertised	Yes ☐ No ☒	Date Published		Publication	
Abutters Notified:	Yes ☐ No ☒	Date of Notice			
Date APPROVED by LLA	02/15/2023	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)	Seminars and special events: May 17-21, 2023 (9:00am-9:00pm)				
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 <input type="text" value="charity wine permit"/> | | ☐ Change of DBA |

APPLICANT INFORMATION

Name of Licensee	Nantucket Wine & Food Festival Charitable Foundation	DBA	Nantucket Wine and Food Festival
Street Address	12 Maclean Lane, Nantucket MA		Zip Code 02554
Manager	Nancy Bean		
Charity Wine Permit		Wines	Granted under Special Legislation? Yes ☐ No ☒
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

Nantucket Island Management, LLC DBA White Elephant Hotel Residences 00207-HT-0762

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	01/31/2023	Time	5:25 PM	
Advertised	Yes ☐ No ☒	Date Published		Publication	
Abutters Notified:	Yes ☐ No ☒	Date of Notice			
Date APPROVED by LLA	02/15/2023	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)	Seminars and special events: May 17-21, 2023 (11:00am-10:00pm)				
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 <input type="text" value="charity wine permit"/> | | ☐ Change of DBA |

APPLICANT INFORMATION

Name of Licensee	Nantucket Wine & Food Festival Charitable Foundation	DBA	Nantucket Wine and Food Festival
Street Address	12 Maclean Lane, Nantucket MA		Zip Code 02554
Manager	Nancy Bean		
Charity Wine Permit		Wines	
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

Nantucket Hotel 00202-HT-0762

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	01/31/2023	Time	5:25 PM	
Advertised	Yes ☐ No ☒	Date Published		Publication	
Abutters Notified:	Yes ☐ No ☒	Date of Notice			
Date APPROVED by LLA	02/15/2023	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)	educational seminars and special events scheduled to be held May 17-21, 2023				
For Transfers ONLY:					
Seller License Number:		Seller Name:			

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



Nantucket Wine & Food
May 17-21, 2023
Preliminary Programming

The scope and content for the 2023 programming will be similar to 2022 – with 45-50 events in total over 5 days. The events range from small intimate tastings and dinners for 22 guests to educational seminars for 40-150 guests to tasting events under the tent for 700 guests. The events will take place at the same venues as in past years, namely the White Elephant, Nantucket Hotel, Sankaty Club or other licensed facilities as used in the past. The tenting at the White Elephant will be the same size as pre-pandemic, with the second tent (Shoreline Tent) added back in to expand the space, lessen the crowding and with capacities reduced from pre-pandemic years.

There are no plans at this point for having separate Culinary Tents and programming.

Security Team from off-island will be secured as agreed upon.

Below is the preliminary list of events

WHITE ELEPHANT

5/17/2023, Welcome Reception, 5:00 PM, 8:00 PM
5/18/2023, Harbor Gala , 6:30 PM, 9:30 PM
5/18/2023, Harbor Gala VIP, 5:30 PM, 9:30 PM
5/19/2023, Luminary Breakfast Climate & Wine, 9:30 AM, 11:00 AM
5/19/2023, Chilean Wine Luncheon Seminar, 12:30 PM, 2:30 PM
5/19/2023, Seminar Passport Around the World Wine Seminar, 3:30 PM, 5:00 PM
5/19/2023, Seminar Mystical World of Pinot, 11:00 AM, 12:30 PM
5/19/2023, SPEV Bubbles & Claws Lobster Luncheon, 1:30 PM, 3:00 PM
5/19/2023, Seminar Judgement of Paris, 4:00 PM, 5:30 PM
5/19/2023, Rosé Brunch En Provence , 10:00 AM, 12:00 PM
5/19/2023, The World is Your Oyster Oyster and Wine Seminar, 4:30 PM, 6:00 PM
5/19/2023, SEM Rioja Tasting with Robin Kelly O'Connor, 2:00 PM, 3:30 PM
5/20/2023, Grand Tastings Session 1, 11:00AM, 1:30 PM
5/20/2023, Grand Tastings Session 2, 2:30 PM, 5:00 PM
5/21/2023, Grand Tastings Session 3, 11:00AM, 1:30 PM
5/21/2023, Grand Tastings Session 4, 2:30 PM, 4:30 PM

WHITE ELEPHANT VILLAGES

5/18/2023, Chablis Luncheon Domaine Christian Moreau, 11:00 AM, 1:00 PM
5/19/2023, Living la Bella Vita! Italian Wine Luncheon, 12:00 PM, 2:00 PM
5/19/2023, SPEV CABaret | California Cabernet, 3:30 PM, 5:00 PM
5/20/2023, Bordeaux 'The Saints' Luncheon, 12:00 PM, 2:00 PM
5/20/2023, Taste of Sonoma Wine Dinner, 7:00 PM, 10:00 PM



NANTUCKET HOTEL

5/19/2023, SEM Sonoma Seminar, 3:30 PM, 5:00 PM

5/19/2023, Seminar Wine and Cheese, 12:00 PM, 1:30 PM

5/19/2023, SPEV Aperitivo, 1:30 PM, 3:00 PM

5/20/2023, Signature Event Dames Déjeuner, 11:00 AM, 1:00 PM

5/20/2023, Seminar Hitchhiking through Napa with Kevin Zraly, 2:30 PM, 4:00 PM

5/20/2023, La Fête, 6:30 PM, 10:00 PM

PRIVATE HOME EVENTS

GWIGH Tastings – 12 total

20-24 people per event

Thursday 2 daytime tastings – 90 minutes

Friday 7 daytime tastings – 90 minutes

Saturday 5 daytime tastings – 90 minutes

GWIGH Luncheons – 2 total

40 people per event

Friday/Sat 2 daytime luncheons

GWIGH Dinners – 12 total

20-24 people per event

Friday 6 dinners

Saturday 6 dinners

Charity Events

- La Fête Wine Dinner @ Private Club or licensed facility – Saturday evening, 150 guests (location TBD – in past was at White Elephant Ballroom, Nantucket Yacht Club, Westmoor Club, Sankaty Golf Club or Dreamland Theater)
- Yappy Hour (Safe Harbor Fundraiser) – 50 guests
- Beach Clean Up – morning walk – 50 guests

Descriptions of Educational Seminars:

The educational seminars are now being designed (see preliminary list below). As noted above, these seminars take place and are logged into the above schedule at White Elephant and Nantucket Hotel. All events are seated with full service. Most events are 40-80 guests.

- Sustainable Seafood Luncheon Seminar
- Longmeadow Ranch – Farm to Table Luncheon Seminar
- Sonoma Wine Luncheon Seminar
- Judgement of Paris – Luncheon Seminar
- Rosé Brunch Seminar
- Bubbles & Claws – Sparkling Wine and Lobster Luncheon
- Chilean Wine Seminar
- Pinot Talks
- Bubbles Beyond Champagne



- Cab Around the World
- Climate and Wine
- Oregon Wine Seminar
- Oysters “Meroir” Seminar
- Northern Rhône Wine Seminar with Eric Asimov!
- Rock n’ Rhône – Wine Seminar with Philippe Newlin
- Truffle Seminar
- Caviar Seminar



January 31, 2023

Nantucket Board of Selectmen
Local Licensing Authority
16 Broad Street
Nantucket, MA 02554

Members of the Board:

This letter is to confirm and support the joint application of Nantucket Wine & Food Festival Charitable Foundation and The Nantucket Hotel & Resort for a temporary license for the sale of wine to be consumed on the premises of The Nantucket Hotel & Resort pursuant to Section 4 of Chapter 450 of the Acts of 1998.

This application is being made with regard to the educational seminars and special events, scheduled to be held at The Nantucket Hotel & Resort on May 17-21, 2023, to raise funds to support the charitable purposes of Nantucket Wine & Food Festival Charitable Foundation. These events and others planned as part of the 2023 Nantucket Wine & Food Festival are vital to raise much-needed revenue for charities serving the Nantucket Island community. As you know, the Nantucket Wine & Food Festival events also attract many visitors and provide much-needed revenue to the Nantucket business community.

We respectfully request your approval of the temporary license for the Nantucket Wine & Food Festival Charitable Foundation.

Thank you for your consideration of this request.

Sincerely,

Mark Snider
Owner
The Nantucket Hotel & Resort

January 30, 2023

Nantucket Board of Selectmen
Local Licensing Authority
16 Broad Street
Nantucket, MA 02554

Members of the Board:

This letter is to confirm and support the joint application of Nantucket Wine & Food Festival Charitable Foundation and the White Elephant for a temporary license for the sale of wine to be consumed on the premises of the White Elephant pursuant to Section 4 of Chapter 450 of the Acts of 1998.

This application is being made with regard to the Harbor Gala scheduled to be held at the White Elephant from 5:30 PM, May 18, 2023 to 9:30 PM, May 18, 2023 to raise funds to support the charitable purposes of Nantucket Wine & Food Festival Charitable Foundation. These events and others planned as part of the 2023 Nantucket Wine & Food Festival are vital to raise much-needed revenue for charities serving the Nantucket Island community. As you know, the Nantucket Wine & Food Festival events also attract many visitors and provide much-needed revenue to the Nantucket business community.

We respectfully request your approval of the temporary license for the Nantucket Wine & Food Festival.

Thank you for your consideration of this request.

Sincerely,

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Crosby', is written over the printed name.

James J. Crosby, CFO
White Elephant

January 30, 20223

Nantucket Board of Selectmen
Local Licensing Authority
16 Broad Street
Nantucket, MA 02554

Members of the Board:

This letter is to confirm and support the joint application of Nantucket Wine & Food Festival Charitable Foundation and the White Elephant for a temporary license for the sale of wine to be consumed on the premises of the White Elephant pursuant to Section 4 of Chapter 450 of the Acts of 1998.

This application is being made with regard to the Grand Tastings scheduled to be held at the White Elephant from 11:00 AM, May 20, 2023 to 5:00 PM, May 21, 2023 to raise funds to support the charitable purposes of Nantucket Wine & Food Festival Charitable Foundation. These events and others planned as part of the 2023 Nantucket Wine & Food Festival are vital to raise much-needed revenue for charities serving the Nantucket Island community. As you know, the Nantucket Wine & Food Festival events also attract many visitors and provide much-needed revenue to the Nantucket business community.

We respectfully request your approval of the temporary license for the Nantucket Wine & Food Festival.

Thank you for your consideration of this request

Sincerely,

Sincerely,

A handwritten signature in blue ink, appearing to be "JC", written over the word "Sincerely,".

James J. Crosby, CFO
White Elephant

January 30, 2023

Nantucket Board of Selectmen
Local Licensing Authority
16 Broad Street
Nantucket, MA 02554

Members of the Board:

This letter is to confirm and support the joint application of Nantucket Wine & Food Festival Charitable Foundation and the White Elephant for a temporary license for the sale of wine to be consumed on the premises of the White Elephant pursuant to Section 4 of Chapter 450 of the Acts of 1998.

This application is being made with regard to the Welcome Reception scheduled to be held at the White Elephant from 5:00 PM, May 17, 2023 to 9:00 PM, May 17, 2023 to raise funds to support the charitable purposes of Nantucket Wine & Food Festival Charitable Foundation. These events and others planned as part of the 2023 Nantucket Wine & Food Festival are vital to raise much-needed revenue for charities serving the Nantucket Island community. As you know, the Nantucket Wine & Food Festival events also attract many visitors and provide much-needed revenue to the Nantucket business community.

We respectfully request your approval of the temporary license for the Nantucket Wine & Food Festival.

Thank you for your consideration of this request

Sincerely,

Sincerely,

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James J. Crosby, CFO
White Elephant

January 30, 2023

Nantucket Board of Selectmen
Local Licensing Authority
16 Broad Street
Nantucket, MA 02554

Members of the Board:

This letter is to confirm and support the joint application of Nantucket Wine & Food Festival Charitable Foundation and the White Elephant for a temporary license for the sale of wine to be consumed on the premises of the White Elephant pursuant to Section 4 of Chapter 450 of the Acts of 1998.

This application is being made with regard to the Seminars and Special Events scheduled to be held at the White Elephant from 9:00 AM, May 17, 2023 to 9:00 PM, May 21, 2023 to raise funds to support the charitable purposes of Nantucket Wine & Food Festival Charitable Foundation. These events and others planned as part of the 2023 Nantucket Wine & Food Festival are vital to raise much-needed revenue for charities serving the Nantucket Island community. As you know, the Nantucket Wine & Food Festival events also attract many visitors and provide much-needed revenue to the Nantucket business community.

We respectfully request your approval of the temporary license for the Nantucket Wine & Food Festival.

Thank you for your consideration of this request.

Sincerely,

Sincerely,

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James J. Crosby, CFO
White Elephant

January 30, 2023

Nantucket Board of Selectmen
Local Licensing Authority
16 Broad Street
Nantucket, MA 02554

Members of the Board:

This letter is to confirm and support the joint application of Nantucket Wine & Food Festival Charitable Foundation and the White Elephant for a temporary license for the sale of wine to be consumed on the premises of the White Elephant pursuant to Section 4 of Chapter 450 of the Acts of 1998.

This application is being made with regard to the Seminars & Special Events scheduled to be held at the White Elephant Village Ballroom from 11:00 AM, May 17, 2023 to 10:00 PM, May 21, 2023 to raise funds to support the charitable purposes of Nantucket Wine & Food Festival Charitable Foundation. These events and others planned as part of the 2023 Nantucket Wine & Food Festival are vital to raise much-needed revenue for charities serving the Nantucket Island community. As you know, the Nantucket Wine & Food Festival events also attract many visitors and provide much-needed revenue to the Nantucket business community.

We respectfully request your approval of the temporary license for the Nantucket Wine & Food Festival.

Thank you for your consideration of this request.

Sincerely,

Sincerely,



James J. Crosby, CFO
White Elephant



NANTUCKET HEALTH DEPARTMENT

3 EAST CHESTNUT STREET

NANTUCKET, MASSACHUSETTS 02554

Telephone 508.228.7200

Tele fax 508.325.6117

MEMORANDUM

DATE: 2/17/23
TO: C. Elizabeth Gibson, Town Manager
FROM: Roberto Santamaría, Director of Health & Human Services Department
Andrew Vorce, Director of Planning & Land Use Services
David Gray, Director of Sewer Department
RE: Town Meeting Sewer Expansion Article # 74, 75

The abovementioned staff have reviewed the citizen warrant articles #74 & 75 regarding sewer expansion and inclusion in the sewer district. The staff agreed to recommend this article for a positive vote at Town Meeting due to both articles being fully included in the established Needs Areas.

Respectfully Submitted,

Roberto J. Santamaría
Director of Health & Human Services

ARTICLE 74

(Bylaw Amendment: Board of Sewer Commissioners/Sewer District Map Changes)

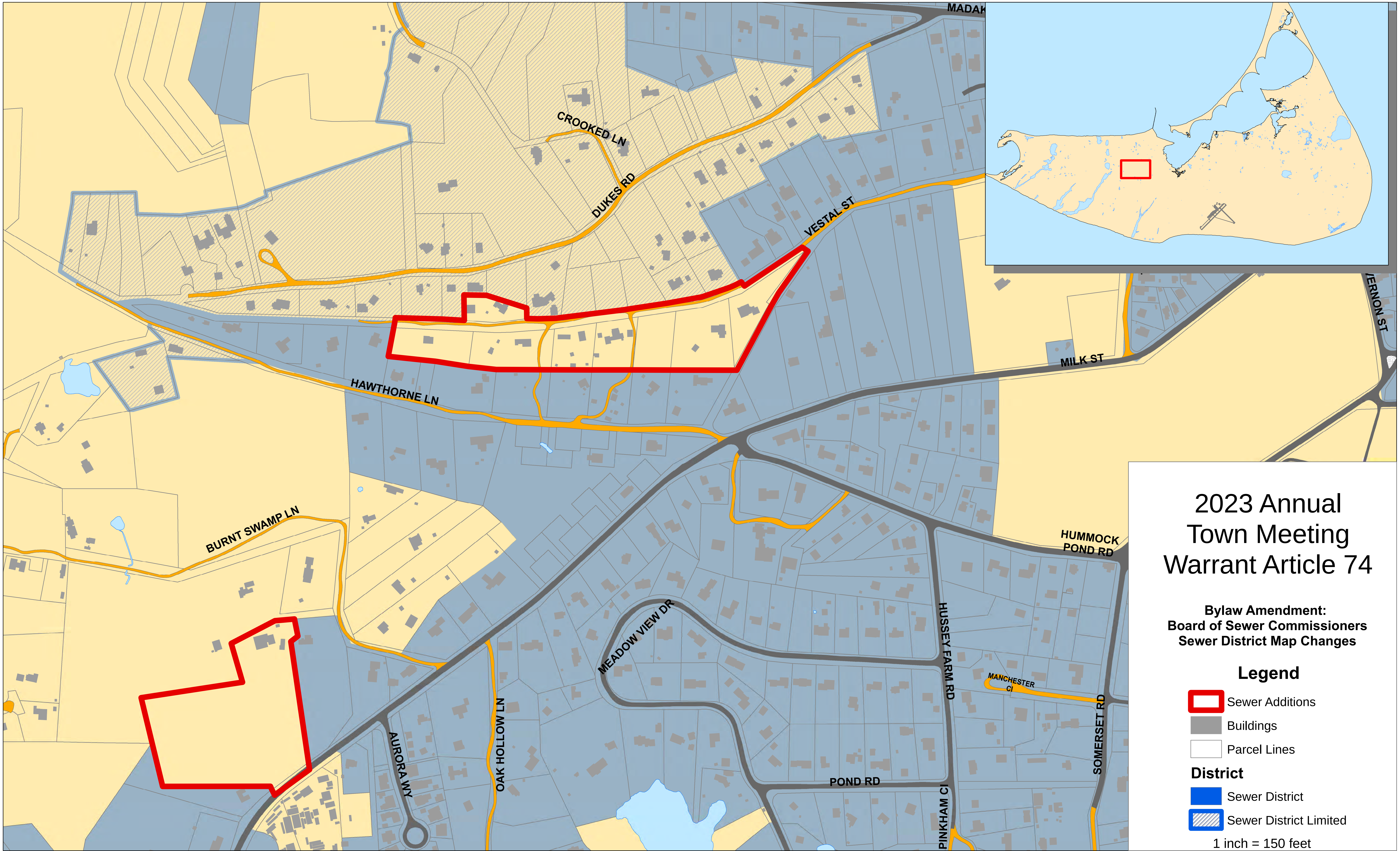
To see if the Town will vote to amend Chapter 41 (Board of Sewer Commissioners), section 41-3A (Town Sewer District) of the Code of the Town of Nantucket by adding the following parcels located within the "Hummock Pond North" sewer needs area designated within the Comprehensive Wastewater Management Plan, adopted in October 2014, to the Town Sewer District:

Map	Lot	Number	Street
56	320.1	71	Hummock Pond Road
56	256	70	Vestal Street
56	257	74	Vestal Street
56	274	78	Vestal Street
56	273	80	Vestal Street
56	272	80	Vestal Street
56	271	88	Vestal Street
56	250	91	Vestal Street
56	269	92	Vestal Street

All as shown on a map filed herewith at the Office of the Town Clerk.

Or to take any other action related thereto.

(Select Board)



2023 Annual Town Meeting Warrant Article 74

Bylaw Amendment:
Board of Sewer Commissioners
Sewer District Map Changes

Legend

-  Sewer Additions
-  Buildings
-  Parcel Lines
- District**
-  Sewer District
-  Sewer District Limited

1 inch = 150 feet

Data Sources:
The planimetric data on this mapsheet is based primarily upon interpretation of April, 2013 aerial photography. It was compiled to meet the ASPRS Standard for Class 1 Map Accuracy for 1"=100' scale maps.

The parcel boundaries are based primarily upon the Tax Assessor's data through December, 2013.

The data on this mapsheet represents the efforts of the Town of Nantucket and other cooperating organizations to record and compile pertinent geographical and related information utilizing the capabilities of the Nantucket Geographic Information System (GIS). The GIS staff maintains an ongoing program to record and correct errors in these data that are brought to its attention. The Town of Nantucket makes no claims as to the absolute validity or reliability of these data or their fitness for any particular use.



Town of Nantucket - GIS Mapsheet



Nantucket governmental agencies will not necessarily approve applications based solely on GIS data. Applicants for permits and licenses must inquire of the relevant agency for applicable requirements.
The presence of information on this mapsheet does not necessarily imply public right-of-way or the right of public access.

November, 2021

Please send identification of any errors and corresponding corrections to:

GIS Coordinator
Town of Nantucket
2 Fairgrounds Road
Nantucket, MA 02554

ARTICLE 75

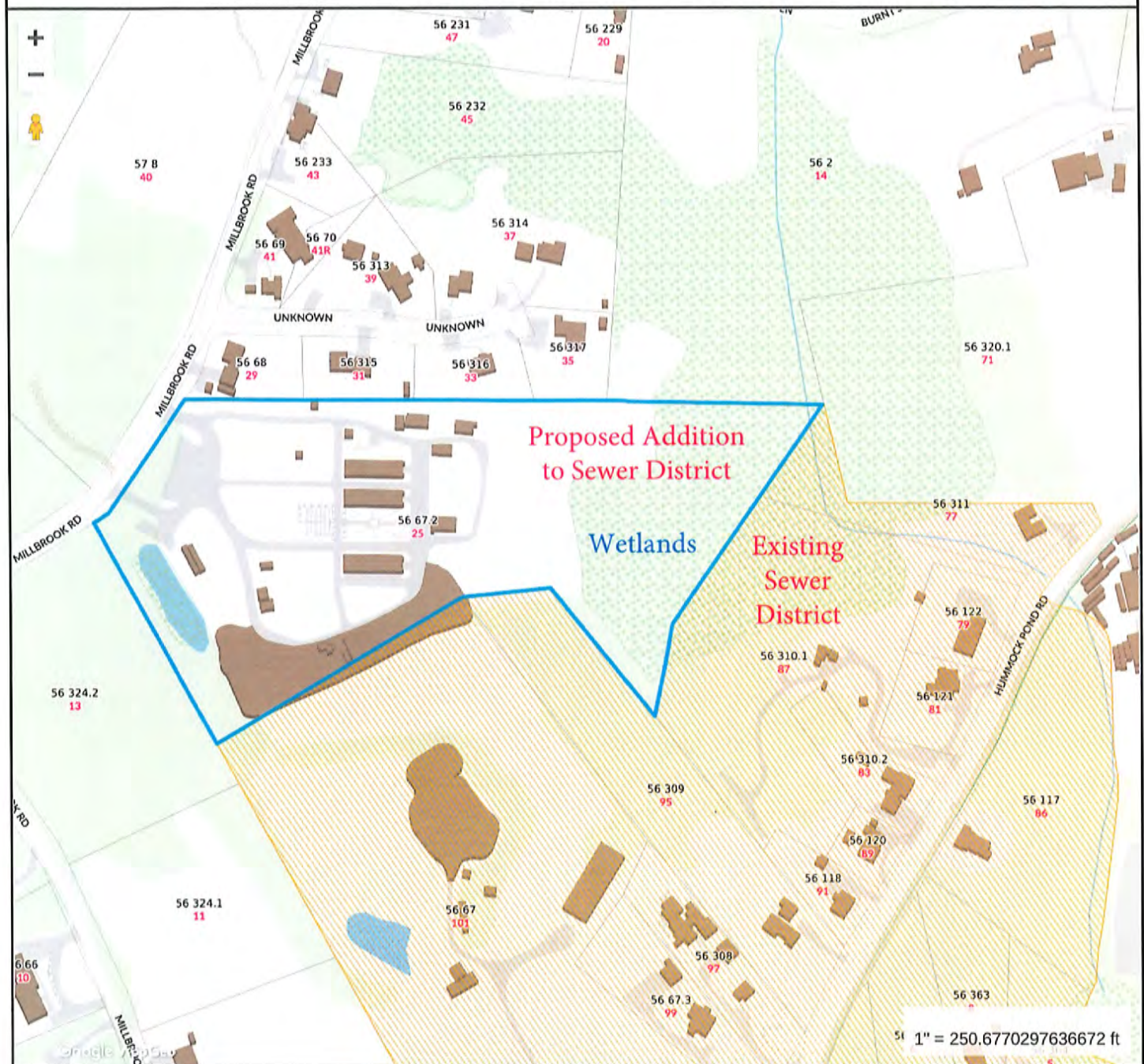
**(Bylaw Amendment: Board of Sewer Commissioners/Town Sewer District Map Change
- 25 Millbrook Road)**

To see if the Town will vote to add #25 Millbrook Road, Map 56 Parcel 67.2 to the adjacent Sewer District.

; or to otherwise act thereon.

(Martin McGowan, et al)

Sewer District Addition - 25 Millbrook Rd - Pumpkin Pond Farm



Property Information

Property ID 56 67.2
 Location 25 MILLBROOK RD
 Owner MCGOWAN MARTIN



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/02/2022
 Data updated Jan. 2021

Print map scale is approximate.
 Critical layout or measurement
 activities should not be done using
 this resource.



Agenda Item Summary

Agenda Item #	IX. 2.
Date	02/15/23

Staff

Katie Cabral

Subject

National Grid Utility Petition – Highland Ave

Executive Summary

National Grid is requesting permission to install conduits from handhole 5-1 to 5-2 on Highland Ave

Staff Recommendation

Approve with Conditions

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Abutter notifications sent and 2 weeks of notices in I&M

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

n/a

Attachments

Departmental comments; NGrid petition



UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: National Grid (#30488676)
TYPE: Petition for Manhole and Duct Location
SITE ADDRESS: Highland Avenue
HEARING DATE: February 15, 2023

COMMENTS

NPD: No Issues. – Deputy Gibson
FIRE: No Issues. -Chief Cranson
PLANNING: No Issues. -Holly Backus
DPW: No Issues. – Richard Moore
SEWER: Sewer lines must be marked out by the Sewer Department. – David Gray
WWCo: Call to mark out water lines. -Mark Willet

****Contractor must obtain all required Town permits prior to the commencement of work, including but not limited to Street Opening and Street Blocking permits.**

PETITION FOR MANHOLE AND DUCT LOCATION

Date 11/29/2022

To the Board of Selectmen

Of the Town of Nantucket, Massachusetts

NANTUCKET ELECTRIC COMPANY request permission to locate manholes, wires and ducts, including the necessary sustaining and protecting fixtures along the following public way:

Street Name Highland Ave

Description of Work National Grid Petitions to install approximately 30' of 2-3" conduits from handhole 5-1 to handhole 5-2.

Wherefore it prays that after due notice and hearing as provided by law, it may be granted a location for and permission to install and maintain manholes, ducts, wires, together with such sustaining and protecting fixtures as it may find necessary said manholes and ducts to be installed substantially in accordance with the plan filed herewith marked:

NANTUCKET ELECTRIC COMPANY

Plan No. 30488676

NANTUCKET ELECTRIC COMPANY

BY: Robert Leonida

Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATION

Date 11/29/2022

By the Board of Selectmen

Of the Town of Nantucket

Notice having been giving and public hearing held, as provided by law, it is hereby ordered : that **NANTUCKET ELECTRIC COMPANY** be and they are hereby granted permission to excavate the public highways to run and maintain underground electric conduits together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to and to make the necessary house connections along said extensions as requested in petition of said company dated the 29th day of November, 2022.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked—

NANTUCKET ELECTRIC COMPANY

Plan No. 30488676

Street Name Highland Ave

Description of Work National Grid Petitions to install approximately 30' of 2-3" conduits from handhole 5-1 to handhole 5-2.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the town of Nantucket, Massachusetts

Held on the _____ day of _____ 2022

Clerk of Selectmen

Received and entered in the records of location orders of the Town of Nantucket, Massachusetts

Book: _____ Page: _____

Attest: _____

Town Clerk

I hereby certify that on _____, 20____ at _____ o'clock ____ M

At _____ a public hearing was held on the petition of

NANTUCKET ELECTRIC COMPANY

for permission to excavate the public highways and to run and maintain underground electric conduits described in the order herewith recorded and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the company is permitted to erect poles, wires and fixtures under said order. And that hereupon said order was duly adopted.

Selectmen of the Town of

Nantucket, Massachusetts

CERTIFICATE

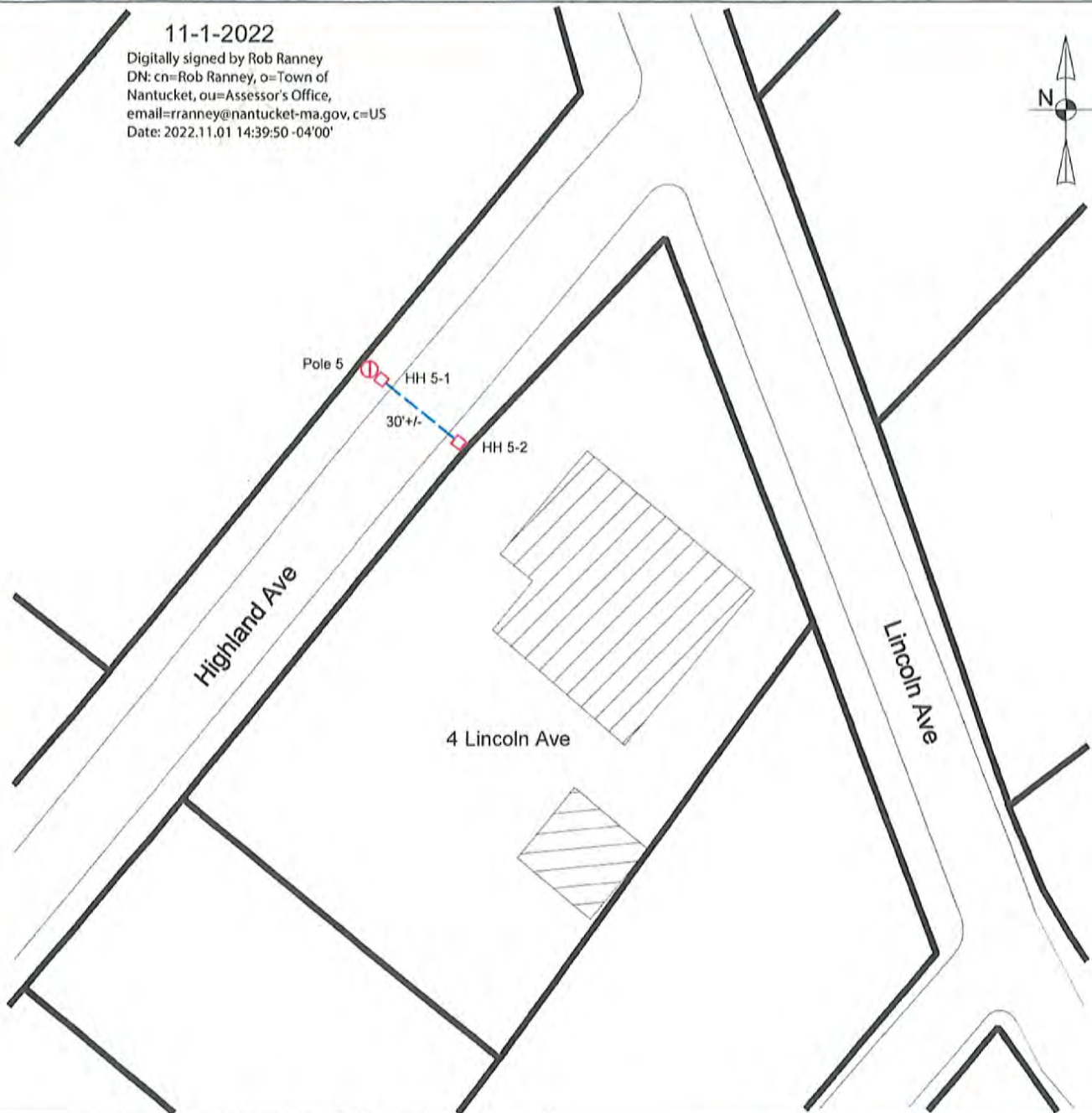
I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Nantucket, Massachusetts, on the _____ day of _____ 2022 and recorded with the records of location orders of said town, Brook _____ Page _____

This Certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____
Town Clerk

11-1-2022

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of
Nantucket, ou=Assessor's Office,
email=rranney@nantucket-ma.gov, c=US
Date: 2022.11.01 14:39:50 -04'00'



UNDERGROUND PETITION



POLE (EXISTING)



PROPOSED CONDUIT 2-3"

nationalgrid

Job description

- NGRID is Petitioning for 30'+/- of 2-3" conduits
from handhole 5-1 to handhole 5-2

Date: 9/1/22

WORK REQUEST: 30488676

To The: Town of Nantucket

For Proposed: Conduit & Handhole Location: Highland Ave

Drawn By: Tim L

DISTANCES ARE APPROXIMATE



Agenda Item Summary

Agenda Item #	IX. 3.
Date	02/15/23

Staff

Katie Cabral

Subject

National Grid Utility Petition – Hummock Pond Rd @ Millbrook Rd

Executive Summary

National Grid is requesting permission to replace direct buried underground electric cables with cable in conduit on Hummock Pond Rd at Millbrook Rd.

Staff Recommendation

Approve with Conditions

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Abutter notifications sent and 2 weeks of notices in I&M

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

n/a

Attachments

Departmental comments; NGrid petition



UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: National Grid (#30465618)
TYPE: Petition for Manhole and Duct Location
SITE ADDRESS: Hummock Pond Road at Millbrook Road
HEARING DATE: February 15, 2023

COMMENTS

NPD: No Issues. – Deputy Gibson
FIRE: No Issues. -Chief Cranson
PLANNING: No Issues. -Holly Backus
DPW: No Issues. – Richard Moore
SEWER: No Issues. – David Gray
WWCo: Call to mark out water lines. -Mark Willet

****Contractor must obtain all required Town permits prior to the commencement of work, including but not limited to Street Opening and Street Blocking permits.**

PETITION FOR MANHOLE AND DUCT LOCATION

11/1/22

To the Board of Selectmen

Of the Town of Nantucket, Massachusetts

NANTUCKET ELECTRIC COMPANY request permission to locate manholes, wires and ducts, including the necessary sustaining and protecting fixtures along the following public way:

Hummock Pond Rd. and Millbrook Rd.

Beginning at a point approximately 10' north of the centerline of the intersection of Hummock Pond Rd. and Millbrook Rd. and continuing approximately 50' in a north direction National Grid is replacing direct buried underground electric cables with cable in conduit using directional drill method and installing pull boxes.

Wherefore it prays that after due notice and hearing as provided by law, it may be granted a location for and permission to install and maintain manholes, ducts, wires, together with such sustaining and protecting fixtures as it may find necessary said manholes and ducts to be installed substantially in accordance with the plan filed herewith marked:

NANTUCKET ELECTRIC COMPANY

Plan No. 30465618

NANTUCKET ELECTRIC COMPANY

BY: Robert Leonida

Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATION

11/1/22

By the Board of Selectmen

Of the Town of Nantucket

Notice having been giving and public hearing held, as provided by law, it is hereby ordered : that **NANTUCKET ELECTRIC COMPANY** be and they are hereby granted permission to excavate the public highways to run and maintain underground electric conduits together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to and to make the necessary house connections along said extensions as requested in petition of said company dated the 1st day of November 2022.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked—

NANTUCKET ELECTRIC COMPANY

Plan No. 30465618

Hummock Pond Rd. and Millbrook Rd.

Beginning at a point approximately 10' north of the centerline of the intersection of Hummock Pond Rd. and Millbrook Rd. and continuing approximately 50' in a north direction National Grid is replacing direct buried underground electric cables with cable in conduit using directional drill method and installing pull boxes.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the town of Nantucket, Massachusetts

Held on the _____ day of _____ 2022

Clerk of Selectmen

Received and entered in the records of location orders of the Town of Nantucket, Massachusetts

Book: _____ Page: _____

Attest: _____

Town Clerk

I hereby certify that on _____, 20____ at _____ o'clock ____ M

At _____ a public hearing was held on the petition of

NANTUCKET ELECTRIC COMPANY

for permission to excavate the public highways and to run and maintain underground electric conduits described in the order herewith recorded and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the company is permitted to erect poles, wires and fixtures under said order. And that hereupon said order was duly adopted.

Selectmen of the Town of

Nantucket, Massachusetts

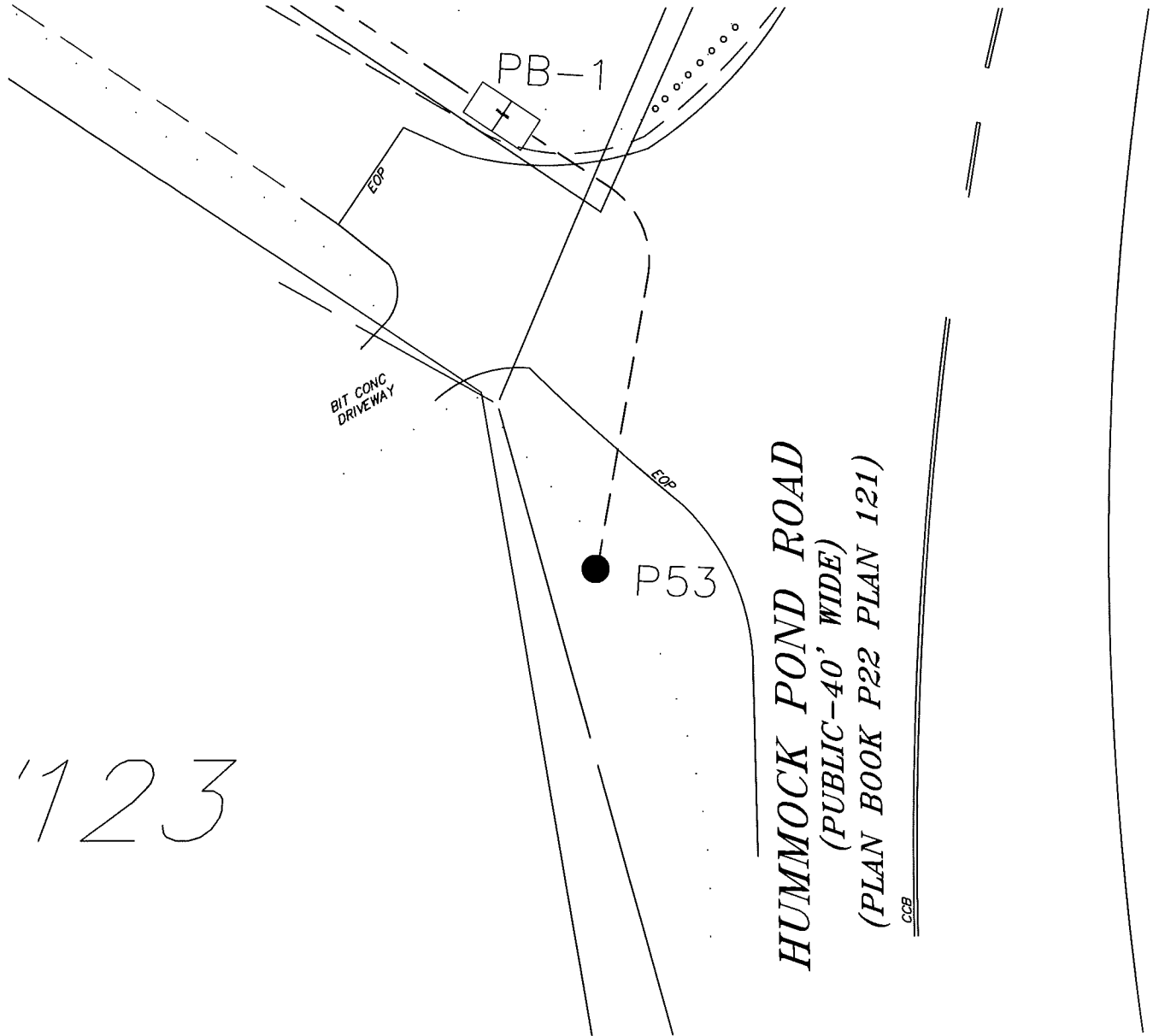
CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Nantucket, Massachusetts, on the _____ day of _____ 2022 and recorded with the records of location orders of said town, Brook _____ Page _____

This Certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____

Town Clerk



LEGEND

- J/O POLE
- ⊕ PULLBOX
- 4IN. PVC CONDUIT

POLE 53
PETITION

HUMMOCK POND ROAD

NANTUCKET, MA.

Date: 6/22/2022

Designer: F.A.

W/R: 30465618

nationalgrid



Agenda Item Summary

Agenda Item #	IX. 4.
Date	02/15/23

Staff

Katie Cabral

Subject

National Grid Utility Petition – Tom Nevers Road

Executive Summary

National Grid is requesting permission to install conduits from handhole 51 to 51-1 near 107 Tom Nevers Road.

Staff Recommendation

Approve with Conditions

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Abutter notifications sent and 2 weeks of notices in I&M

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

n/a

Attachments

Departmental comments; NGrid petition



UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: National Grid (#30626108)
TYPE: Petition for Manhole and Duct Location
SITE ADDRESS: Tom Nevers Road
HEARING DATE: February 15, 2023

COMMENTS

NPD: No Issues. – Deputy Gibson
FIRE: No Issues. -Chief Cranson
PLANNING: No Issues. -Holly Backus
DPW: No Issues. – Richard Moore
SEWER: No Issues. – David Gray
WWCo: No Issues. -Mark Willet

****Contractor must obtain all required Town permits prior to the commencement of work, including but not limited to Street Opening and Street Blocking permits.**

Invoice 30626108

PETITION FOR MANHOLE AND DUCT LOCATION

Date 11/30/2022

To the Board of Selectmen
Of the Town of Nantucket, Massachusetts

NANTUCKET ELECTRIC COMPANY request permission to locate manholes, wires and ducts, including the necessary sustaining and protecting fixtures along the following public way:

Street Name Tom Nevers Road

Description of Work National Grid Petitions to install approximately 110' of 2-3" conduits from handhole 51 to handhole 51-1.

Wherefore it prays that after due notice and hearing as provided by law, it may be granted a location for and permission to install and maintain manholes, ducts, wires, together with such sustaining and protecting fixtures as it may find necessary said manholes and ducts to be installed substantially in accordance with the plan filed herewith marked:

NANTUCKET ELECTRIC COMPANY

Plan No. 30626108

NANTUCKET ELECTRIC COMPANY

BY: Robert Leonida

Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATION

Date 11/30/2022

By the Board of Selectmen

Of the Town of Nantucket

Notice having been giving and public hearing held, as provided by law, it is hereby ordered : that **NANTUCKET ELECTRIC COMPANY** be and they are hereby granted permission to excavate the public highways to run and maintain underground electric conduits together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to and to make the necessary house connections along said extensions as requested in petition of said company dated the 30th day of November, 2022.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked—

NANTUCKET ELECTRIC COMPANY

Plan No. 30626108

Street Name Tom Nevers Road

Description of Work National Grid Petitions to install approximately 110' of 2-3" conduits from handhole 51 to handhole 51-1.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectmen of the town of Nantucket, Massachusetts

Held on the _____ day of _____ 2022

Clerk of Selectmen

Received and entered in the records of location orders of the Town of Nantucket, Massachusetts

Book: _____ Page: _____

Attest: _____
Town Clerk

I hereby certify that on _____, 20____ at _____ o'clock ____ M

At _____ a public hearing was held on the petition of

NANTUCKET ELECTRIC COMPANY

for permission to excavate the public highways and to run and maintain underground electric conduits described in the order herewith recorded and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the company is permitted to erect poles, wires and fixtures under said order. And that hereupon said order was duly adopted.

Selectmen of the Town of

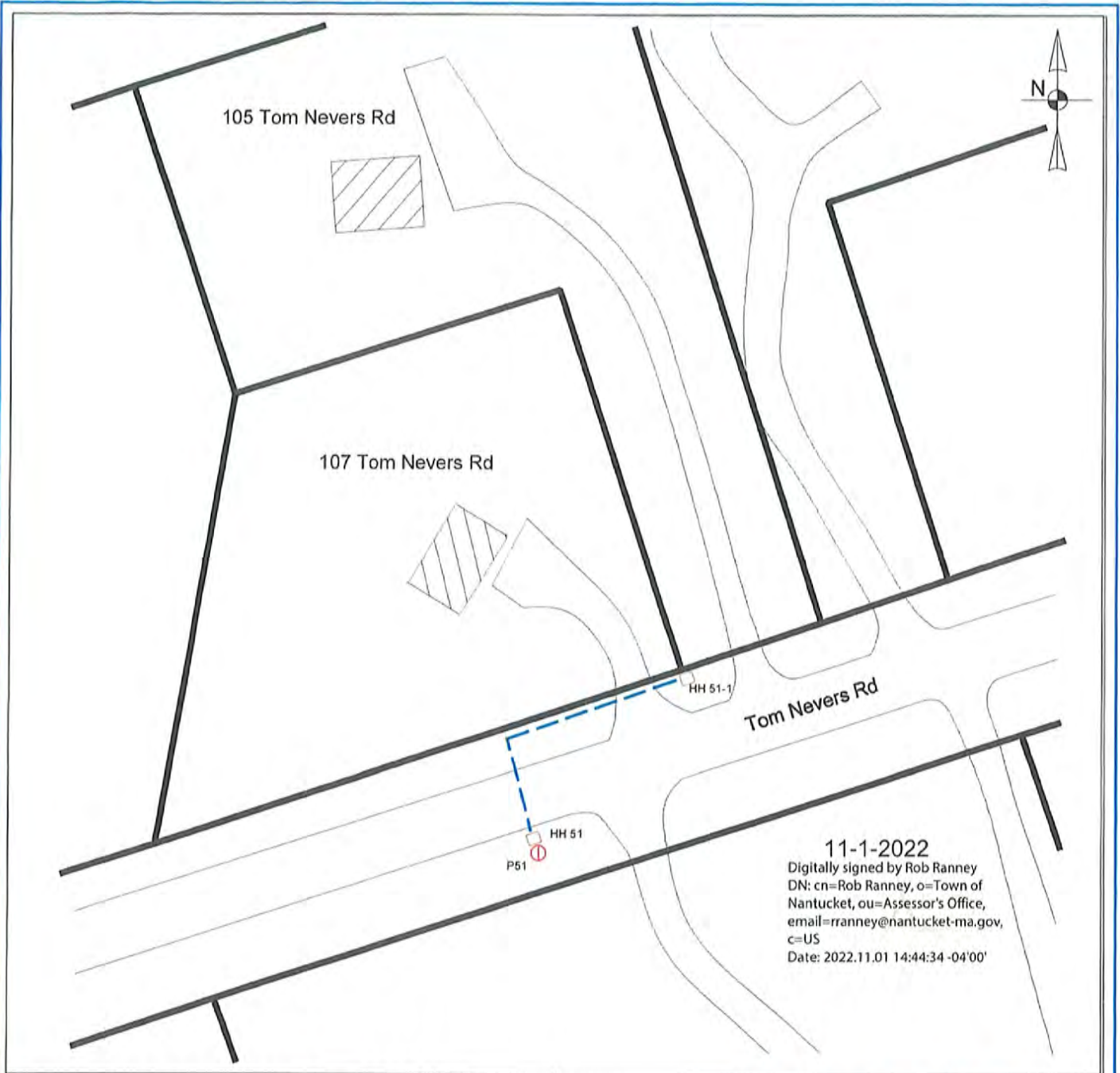
Nantucket, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Nantucket, Massachusetts, on the _____ day of _____ 2022 and recorded with the records of location orders of said town, Brook _____ Page _____

This Certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest: _____
Town Clerk



UNDERGROUND PETITION



POLE (EXISTING)



PROPOSED CONDUIT 2-3"



HANDHOLE (EXISTING)

Job description

- NGRID is Petitioning for 110'+/- of 2-3" duct from handhole 51 to handhole 51-1

nationalgrid

Date: 9/1/22

WORK REQUEST: 30626108

To The: Town of Nantucket

For Proposed: Conduit

Location: Tom Nevers Rd

Drawn By: Tim L

DISTANCES ARE APPROXIMATE



Agenda Item Summary

Agenda Item #	IX. 5.
Date	02/15/23

Staff

Katie Cabral

Subject

Verizon New England, Inc. – Madaket Rd

Executive Summary

Verizon New England is requesting permission to place new conduit and handholes to provide service to 262 Madaket Rd.

Staff Recommendation

Approve with Conditions

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Abutter notifications sent and 2 weeks of notices in I&M

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

n/a

Attachments

Departmental comments; Verizon petition



UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: Verizon New England Inc (#MA2022-39)
TYPE: Petition for Conduit Location
SITE ADDRESS: Madaket Road
HEARING DATE: February 15, 2023

COMMENTS

NPD: No Issues. – Deputy Gibson
FIRE: No Issues. -Chief Cranson
PLANNING: No Issues. -Holly Backus
DPW: No Issues. – Richard Moore
SEWER: No Issues. – David Gray
WWCo: Call to mark out water lines. -Mark Willet

****Contractor must obtain all required Town permits prior to the commencement of work, including but not limited to Street Opening and Street Blocking permits.**

PETITION FOR CONDUIT LOCATION

To the **Select Board**

of **Nantucket**, Massachusetts

VERIZON NEW ENGLAND INC. requests permission to lay and maintain underground conduits, with the wires and cables to be placed therein, under the surface of the following public way or ways:

Madaket Rd:

Place one new four-inch (4") conduit approximately four hundred and fifty-three feet (453') beginning at existing Manhole numbered MH3138, which is situated on the southerly side of Madaket Rd, thence extending in a westerly direction along Madaket Rd to proposed Manhole location, numbered MH3138-1 on the southerly side of Madaket Rd, thence extending westerly along Madaket Rd approximately three hundred and seventy-seven feet (377') to a proposed Manhole location numbered MH3138-2, located on the southerly side of Madaket Rd, then extending in a northwesterly direction across Madaket Rd, ultimately ending at existing Pole 48.

This petition is necessary in order to provide service to #262 Madaket Rd.

Also, for permission to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

Plan marked-VZ N.E. Inc. No. **MA2022-39** updated **December 28, 2022** showing location of conduit to be constructed is filed herewith.

VERIZON NEW ENGLAND INC.

By _____
Daryl Crossman - Manager - Rights of Way

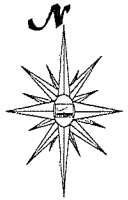
Dated this _____ day of _____, 2022.

PETITION PLAN NANTUCKET

NO: MA2022-39
DATE: October 6, 2022

VERIZON NEW ENGLAND INC.
CONDUIT PLACEMENT

verizon



PARCEL 594_10
241 MADAKET RD

PARCEL 594_11
249 MADAKET RD

PARCEL 594_265
255 MADAKET RD

PARCEL 594_210
253 MADAKET RD

PARCEL 594_107
2 N CAMBRIDGE ST

EXISTING MH3138
TO REMAIN

PROPOSED MH3138-1

PROPOSED CONDUIT
(2) 4" PVC 453'

PROPOSED CONDUIT
(2) 4" PVC 377'

PARCEL 594_211
252 MADAKET RD

PARCEL 594_212
254 MADAKET RD

PARCEL 594_213
250 MADAKET RD

PROPOSED CONDUIT
(2) 4" PVC 30'

PROPOSED MH3138-2

PARCEL 594_269
262 MADAKET RD

PARCEL 594_215
260 MADAKET RD

PARCEL 594_271
264 MADAKET RD

—T-T-T-T— PROPOSED SOLELY OWNED CONDUIT

□ EXISTING SOLELY OWNED MANHOLE TO REMAIN

LEGEND

----- EDGE OF PAVEMENT

----- EDGE OF PROPERTY

----- CENTER OF ROAD



Agenda Item Summary

Agenda Item #	IX. 6.
Date	2/15/2023

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Alteration of Premises Application – **Lola 41 Restaurant Nantucket, LLC DBA Lola 41, 15 South Beach Street, License #05979-RS-0762**

Executive Summary

Lola 41 Nantucket, LLC is applying for an Alteration of Premises for an **Annual All-Alcoholic Beverages Restaurant** Liquor License for **DBA Lola 41** at **15 South Beach Street**.

The Application requests All Alcoholic Beverages service be allowed in the tented exterior area approved for service during COVID conditions. There will be no overall increase in approved occupancy/seating capacity. The current license allows for liquor service in the interior dining area and attached patio.

Staff Recommendation

Applicant has submitted required documentation as outlined below and is fully in compliance with all requirements of their Liquor and associated Licenses. Lola 41 has not been cited for any violation of their Liquor License.

Requirements for Alteration of Liquor License Premises:

- ABCC Alteration of Premises Application
- Floor Plan for Licensed and Proposed Premises
- Supporting Financial Records
- Legal Right to Occupy
- Advertisement and Abutter Notification

Background/Discussion

In 2020 and 2021, LOLA 41 was allowed to expand its liquor and food service to outdoor premises in response to the COVID-19 State of Emergency Outdoor Dining allowances. This request is an application to continue outdoor service on a permanent basis. COVID approvals for outdoor dining expire on April 1, 2023.

Prior to applying for the Alteration of Premises, Lola 41 went before the Planning Board to amend the Special permit – see below for decision. If approved by Select Board and ABCC, the conditions below will be part of the permanent license.



SUMMARY OF PLANNING BOARD DECISION

FINDINGS:

The Nantucket Planning Board, at its May 9, 2022 meeting, found that the Applicant's proposal is in harmony with the general purpose and intent of the Bylaw.

DECISION

The Nantucket Planning Board voted to close the public hearing on May 9, 2022, to grant the requested relief, and to Amend the previously Granted Special Permit, as follow:

1. That the Applicant shall be permitted to have a tent on the Premises for longer than thirty (30) days;
2. That the Applicant shall be afforded flexibly to redistribute the seating configuration between the interior and exterior of the Premises, provided the total seating capacity of eighty-nine (89) seats is not exceeded

Comments and Consideration:

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; ABCC and courts prefer findings be based on the following:

- The appropriateness of a liquor license at a particular location
- The number of existing dispensaries in Town
- The views of the inhabitants of the locality in which a license is sought
- Traffic, noise, size (typically applies to a new location)
- The sort of operation that carries the license
- The reputation of the applicant

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

Abutter notification; two weeks advertisement in I&M

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

N/A



Attachments

ABCC Alteration of Premises Application and Supporting Documents; ABCC Outdoor Dining Guidelines and Patio Guidelines; Lola 41 Liquor License





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City /Town

05979-RS-0762

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 Lola 41 Restaurant Nantucket, LLC

DBA LOLA 41

Street Address 15 South Beach Street Nantucket, MA

Zip Code 02554

Manager Joseph Burgess

Granted under Special Legislation? Yes ☐ No ☒

\$12 Restaurant

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

One story building located at 15 South Beach Street. 1,370 sq. ft. inclusive of kitchen. Front door with handicap ramp facing South Beach Street. Second entrance/exit on the east side of building. A third door at the rear of building. Dining room on the first floor. Attached outdoor covered patio. Additional tent seating in outdoor patio in the side yard of property.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:

Date

01/20/2023

Time

Advertised

Yes ☒ No ☐

Date Published

02/02/2023

Publication

Inquirer & Mirror

Abutters Notified:

Yes ☒ No ☐

Date of Notice

12/08/2022

Date APPROVED by LLA

02/15/2023

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

BEAUDETTE AND SWAIN
PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW
35 OLD SOUTH ROAD, SUITE D
P.O. BOX 2049
NANTUCKET, MASSACHUSETTS 02584

RICHARD P. BEAUDETTE
BRYAN J. SWAIN



PHONE: (508) 226-4455

FAX: (508) 226-3070

WWW.NANTUCKETLAWFIRM.COM

OF COUNSEL

KEVIN F. DALE

WILLIAM F. HUNTER

Thursday, January 19, 2023

EMAIL AND HAND DELIVERY

Amy Baxter, Licensing Administrator
2 Fairgrounds Road
Nantucket, MA 02554

Re: Lola 41 Restaurant Nantucket, LLC
D/B/A: LOLA 41
License No. 05979-RS-0762
Alteration of Premises Application
15 South Beach Street Nantucket, MA 02554

Dear Amy:

My office represents Lola 41 Restaurant Nantucket LLC, D/B/A: LOLA 41, in the above-referenced matter. My client is seeking approval to amend Lola 41's liquor license to include a tented patio as part of the Licensed Premises, in accordance with its previous outdoor seating configuration that was permitted during the COVID-19 Pandemic. The Applicant's proposal to include the outdoor tented patio as part of its licensed premises will not result in it increasing its total aggregate seating capacity of eighty-nine (89). The Applicant simply seeks to modify its licensed premises to include an additional outdoor seating space.

On May 9, 2022, the Applicant was issued a Special Permit from the Nantucket Planning Board to increase its outdoor seating capacity from twenty-four (24) seats, to thirty-six (36) seats, and to have a long-term tent on the Premises to cover such outdoor seating. The Special Permit

afforded the Applicant the flexibility to redistribute its seating capacity between the interior and exterior of the Premises so long as their aggregate seating capacity did not exceed eighty-nine (89) seats.

The Applicant desires to reconfigure its seating capacity, seasonally, to allow it to seat up to thirty-six (36) outdoor patrons during the warmer seasons, and when outdoor seating is no longer practical, it will return such outdoor seats back into the interior of the Premises.

As a part of the application to Alter the Licensed Premises, enclosed, please find the following:

1. Completed Alteration of Premises Application;
2. ABCC's Payment Receipt;
3. Financial Statement;
4. Corporate Vote of the Applicant;
5. The Applicant's Certificate of Lease, evidencing it's right to occupy the Premises;
6. Proposed Site Plan;
7. A check payable to "Town of Nantucket", for the local filing fee, and
8. A copy of the Planning Board's Special Permit authorizing the tent to remain on the Premises and additional outdoor seating thereunder.

Please let me know if you have any questions. I am available by phone at 508-228-4455 or by email at: bryan@vdhlaw.com.

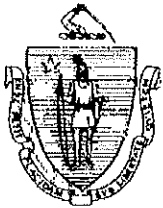
Sincerely,



Bryan J. Swain

Enc.

cc: Lola 41 Restaurant Nantucket LLC



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

AMENDMENT-Change or Alteration of Premises Information

☐ **Change of Location**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

☒ **Alteration of Premises**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Lola 41 Restaurant Nantucket LLC	Nantucket	05979-RS-0762

Please provide a narrative overview of the transaction(s) being applied for. Attach additional pages, if necessary.

The Applicant seeks to license an outdoor area, as part of the licensed premises, identified as "Proposed Tent Seating" on the enclosed plan, which was formerly used as exterior seating during the COVID-19 Pandemic. See Additional Space for a further explanation of the proposed changes.

APPLICATION CONTACT

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

Name	Title	Email	Phone
Bryan J. Swain	Attorney	bryan@vdhlaw.com	508-228-4455

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

Please summarize the details of the alterations and highlight any specific changes from the last-approved premises.

The Applicant seeks to license an outdoor area, as part of the licensed premises, identified as "Proposed Tent Seating" on the enclosed plan, which was formerly used as exterior seating during the COVID-19 Pandemic. See Additional Space for a further explanation of the proposed changes.

2B. PROPOSED DESCRIPTION OF PREMISES

Please provide a complete description of the proposed premises, 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.

One-story building located at 15 S. Beach Street. 1,370 s.f inclusive kitchen. Basement. Front door with handicap ramp facing S. Beach Street. Second entrance/exit on the east side of building. A third door at the rear of the building. The dining room on the first floor. Attached outdoor covered Patio. Additional Tent Seating in outdoor patio in the side yard of the property.

Total Sq. Footage	3,894	Seating Capacity	89	Occupancy Number	89 Patrons
Number of Entrances	2	Number of Exits	3	Number of Floors	1.5

AMENDMENT-Change or Alteration of Premises Information

3. CHANGE OF LOCATION

3A. PREMISES LOCATION

Last-Approved Street Address

N/A

Proposed Street Address

N/A

3B. 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.

N/A

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises

Lease

Landlord Name

NIR Retail, LLC

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

1/2/2021

Rent per Month

Lease Ending Date

12/31/2024

Rent per Year

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

☒ Yes ☐ No

4. FINANCIAL DISCLOSURE

Associated 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):

Associated Cost(s):

Tent Rental: \$27,697.04

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
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.
N/A			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

ADDITIONAL INFORMATION

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

The Applicant seeks to license an outdoor area, as part of the licensed premises, identified as "Proposed Tent Seating", on the plan attached hereto, which was formerly used as exterior seating during the COVID-19 Pandemic. The Applicant does not seek to increase its existing seating capacity, it simply seeks to the ability move some of its tables and chairs from the interior of the building to the exterior of the Premises, and use such area for exterior seating, on its private property, while weather permits. Once the seasons change, and it's no longer practical to have exterior seating, the Applicant desires to move the proposed exterior seating back into the Premises and serve patrons therein during the winter months.

APPLICANT'S STATEMENT

I, Marco Coelho the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of Lola 41 Restaurant Nantucket 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:

Marco Coelho

Date:

1/19/23

Title:

MARCO COELHO, Manager of LOLA HOSPITALITY HOLDINGS,
Manager of Lola 41 Restaurant Nantucket LLC

ENTITY VOTE

The Board of Directors or LLC Managers of Lola 41 Restaurant Nantucket, LLC
Entity Name
duly voted to apply to the Licensing Authority of Nantucket and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on December 9, 2022
Date of Meeting

For the following transactions (Check all that apply):

☒ Alteration of Licensed Premises

☐ Change of Location

☐ Other

"VOTED: To authorize Marco Coleho
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."

A true copy attest,



Corporate Officer /LLC Manager Signature
MARCO COELHO, Manager of LOLA HOSPITALITY HOLDINGS,
Manager of Lola 41 Restaurant Nantucket LLC

(Print Name)

For Corporations ONLY

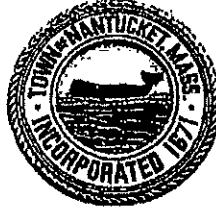
A true copy attest,

Corporation Clerk's Signature

(Print Name)



2022 00175273

Cert: 21819 Doc: AMENDME
Registered: 09/20/2022 01:10 PM

2022 JUN 15 PM 2:53

NANTUCKET
TOWN CLERK

Nantucket Planning Board

AMENDMENT TO AN EXISTING SPECIAL PERMIT AMENDMENT NO. 1

Owner:
NIR Retail, LLCApplicant:
Lola 41 Restaurant Nantucket, LLC**15 South Beach Street**
Nantucket Tax Assessors Map: 42.4.2, Parcel: 57.1
Commercial Downtown (CDT) Zoning DistrictLot 15 on Nantucket Land Court Plan Number 4737-E
Certificate of Title No. 21819
Nantucket Registry District of the Land CourtPreviously Granted Special Permit Shown as:
Nantucket Planning Board File No. 08-17
Document No. 158468
Nantucket Registry District of the Land Court

May 9, 2022

PROPOSAL

The Applicant, Lola 41 Restaurant Nantucket, LLC (the "Applicant"), leases the improved real property located at 15 S. Beach Street, Nantucket Town and County, Commonwealth of Massachusetts, identified as Parcel 57.1 on Nantucket Tax Accessor's Map 42.4.2, and is further identified as Lot 15 on Nantucket Land Court Plan No. 4737-E, registered at the Nantucket Registry District of the Land Court (the "Premises"), seeks to Amend a Previously Granted Special Permit, known as Nantucket Planning Board File No 07-18, to allow it to increase its' outdoor seating capacity and to cover such seats with a tent in excess of thirty (30) days.

DESCRIPTION OF THE PROPOSED PROJECT:

The Applicant is proposing to modify the existing Special Permit to allow for a tent to remain on the Premises in excess of thirty (30) days, and to increase the total number of outdoor seats from twenty-four (24) to thirty-six (36), provided the total seating capacity of eighty-nine (89) seats is not exceeded.

BASIS OF THE DECISION

The Board's decision refers to and is based upon the following:

- Application for an Amendment to a Previously Granted Special Permit, filed with the Town Clerk on April 11, 2022;
- Staff Report dated May 6, 2022;
- Representations and testimony received in connection with the public hearings held on May 9, 2022, and
- Other assorted documents that are on file with the Planning Board.

The Planning Board closed the public hearing on May 9, 2022. Minutes from the May 9, 2022 Planning Board meeting are on file with Planning and Land Use Services.

FINDINGS

The Nantucket Planning Board, at its May 9, 2022 meeting, found that the Applicant's proposal was in harmony with the general purpose and intent of the Bylaw.

DECISION

The Nantucket Planning Board voted to close the public hearing on May 9, 2022, to grant the requested relief, and to Amend the previously Granted Special Permit, as follow:

1. That the Applicant shall be permitted to have a tent on the Premises for longer than thirty (30) days;
2. That the Applicant shall be afforded flexibly to redistribute the seating configuration between the interior and exterior of the Premises, provided the total seating capacity of eighty-nine (89) seats is not exceeded, and
3. That all other conditions of the original decision and subsequent modification/s shall remain in full force and effect except as modified herein.

SIGNATURE PAGE TO FOLLOW

SIGNATURE PAGE**RECORD OF VOTE:**

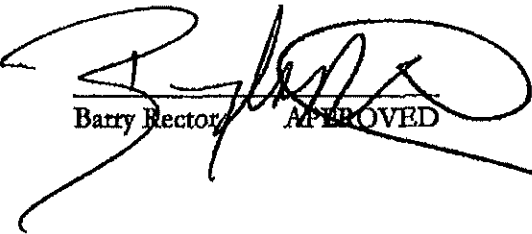
The Planning Board, at its public meeting held on **May 9, 2022**, voted **UNANIMOUSLY, 5-0** to: **APPROVE** the requested Amendment to the previously granted Special Permit, to **GRANT** the requested relief provided for herein, and to **ENDORSE** this Special Permit Decision.


 John Trudel III, Chair APPROVED


 Dave Iverson, Vice- Chair APPROVED


 Nathaniel Lowell APPROVED

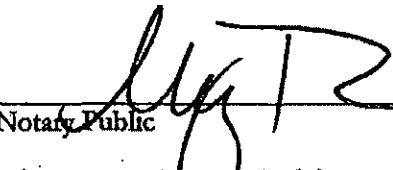

 Stephen Welch APPROVED


 Barry Rector APPROVED

COMMONWEALTH OF MASSACHUSETTS

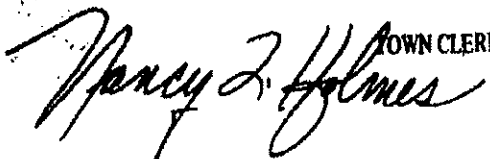
Nantucket, ss.

On the 15th day of June, 2022, before me, the undersigned notary public, personally appeared Barry Rector, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he/she signed the foregoing instrument voluntarily, as his/her free act and deed, for the purposes therein expressed.

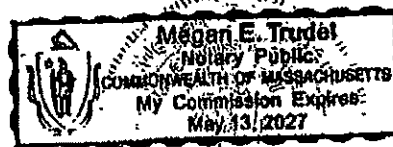

 Notary Public

Printed name: Megan Trudel
 My Commission Expires: May 13, 2027

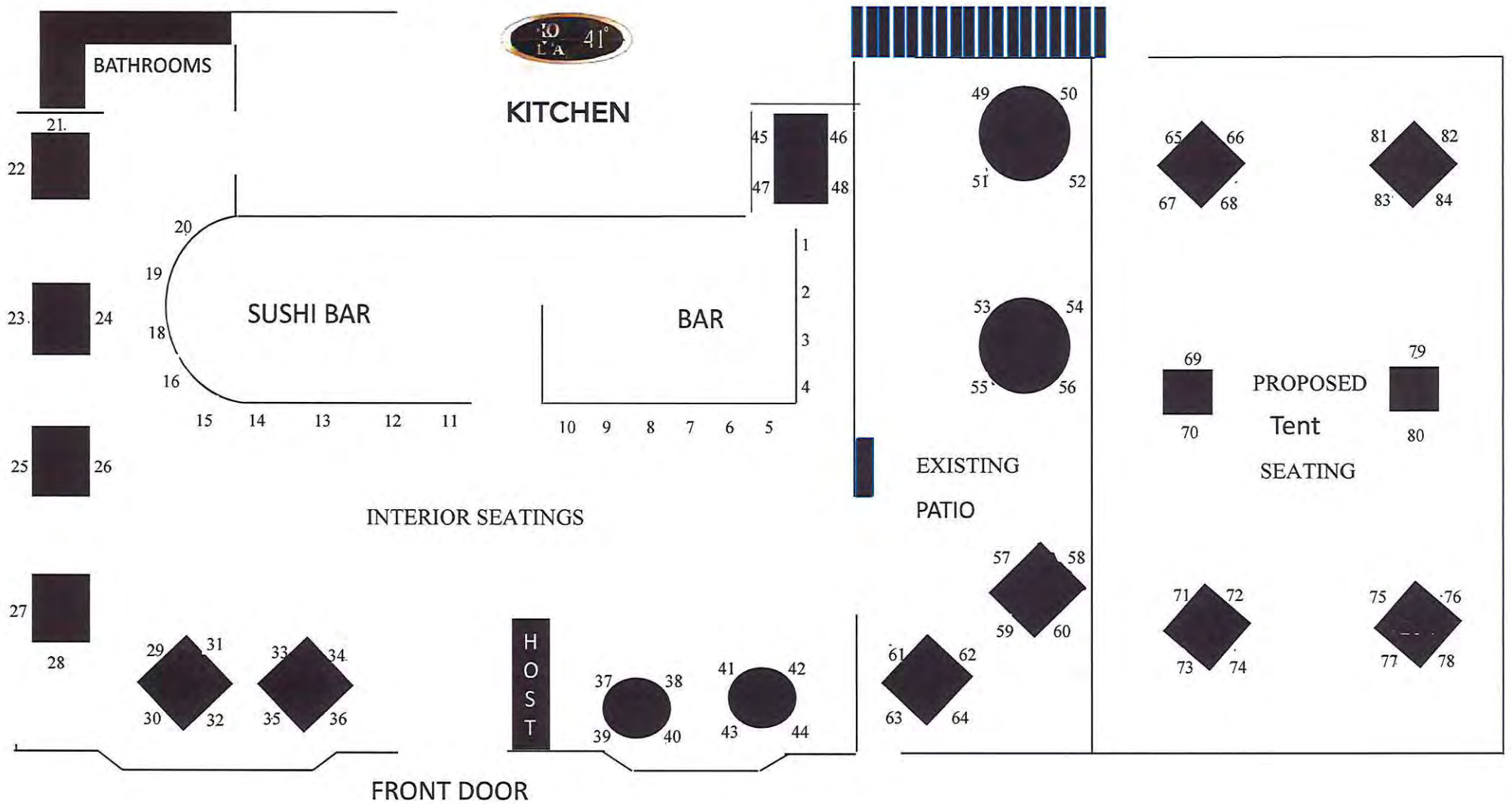
I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED, PURSUANT TO GENERAL LAWS, SECTION 11


 TOWN CLERK

NANTUCKET TOWN & COUNTY CLERK



SEP 20 2022



TOWN OF NANTUCKET

LIQUOR LICENSE

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER... NIR RETAIL, LLC.....

MAILING ADDRESS.....

PROPERTY LOCATION... 15 South Beach Street, Nantucket, MA 02554.....

ASSESSORS MAP/PARCEL... 42.4.2 / 57.1.....

SUBMITTED BY... Richard P. Beaudette, Esq.....

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land whose property directly touches the proposed property and churches and schools within 500 feet of the property, all as they appear on the most recent applicable tax list.

December 8, 2022

DATE

Mary Haley,
Senior Clerk,
Assessor's Office

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Digitally signed by
Mary Haley, Senior
Clerk, Assessor's Office
Date: 2022.12.08
15:37:34 -05'00'

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
4241	31		COHEN STEVEN L TR	SAFE HARBOR REALTY TRUST	PO BOX 786	NANTUCKET	MA	02554	2 HARBOR VIEW WY
4242	3		NANTUCKET ISLAND RESORTS LLC	C/O NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	19 N WATER ST
4242	7		NIR RETAIL LLC	NEW ENGLAND DEVELOP- ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02116	11 S BEACH ST
4242	8		NANTUCKET YACHT CLUB		PO BOX 667	NANTUCKET	MA	02554	3 HARBOR VIEW WY
Count:	4								

LICENSE #: 05979-RS-0762

LICENSE FEE: \$3,900.00

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

TO BE CONSUMED ON THE PREMISES

BUSINESS: LOLA 41 Restaurant
Nantucket LLC

DBA: LOLA 41

PREMISES: 15 South Beach St.
Nantucket, MA 02554

MANAGER: Joseph Burgess

ON PREMISES DESCRIBED AS:

One story building located at 15 South Beach Street.
1,370 sq. ft. inclusive of kitchen. Front door with
handicap ramp facing South Beach Street. Second
entrance/exit on east side of Building. Third door at
rear of building off kitchen. Outdoor patio.

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 21st day of December 2022.



Jason Bridges
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2023

**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 #	IX. 7.
Date	2/15/2023

Staff

Amy Baxter, Licensing Administrator

Subject

Annual All Alcoholic Beverages Club License Transfer Application: **NGM, Inc., DBA Miacomet Golf, 12 W. Miacomet Road, License #00002-CL-0762**

Executive Summary

Nantucket Golf Management, Inc. is applying for a Transfer of Liquor License #000002-CL-0762 to Nantucket Islands Land Bank to include multiple amendments to the structure and operation of the license and premises located at 12 W. Miacomet Road.

The Multiple Amendments include the following:

1. Addition of a Management Agreement with NGM, Inc.
2. Change of License Manager to Sean Oberly
3. Alteration of Premises: Adding 18-hole golf course to Licensed Premises and updated premise description of restaurant and clubhouse.
4. Change of Category from Club to Restaurant.

Staff Recommendation

Applicant meets all requirements and has submitted documentation as outlined below.

Application must be approved by both the Local Licensing Authority (Select Board) and ABCC. A new License will be issued within (7) Business Days of notification of final approval by ABCC.

Background/Discussion

1. In the process of working through the audit of existing licenses, Licensing staff determined that all golf courses must be brought into compliance by adding any service on gold courses to the liquor licenses through an alteration of premises.
2. Working with Miacomet, additional items were found to be inconsistent with the current state of operations which led to the Transfer and multiple amendments application to include:
3. TRANSFER: Transfer of the licenses form the existing management company to the owner of the property – Nantucket Islands Land Bank.
4. MANAGEMENT AGREEMENT: The Land Bank in turn added a management agreement with NGM, Inc. which had previously held the license and recently underwent a change in



management. NGM, Inc. employs the proposed License Manager, Sean Oberly. See below for a summary of Management Agreements.

5. LICENSE TYPE: The existing license type is CLUB. That requires the establishment to serve only members and their guests. The restaurant at Miacomet is open to the public and not restricted to guests. Therefore the type of license is being changed to RESTAURANT.
6. ALTERATION OF PREMISES. In addition to adding the golf course to the licensed premises, Miacomet is adding an updated description to better reflect the new restaurant area constructed after the fire damaged the former structure.

Summary for a Management Agreement:

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.

Adding Golf Course to Licensed Premise:

Miacomet Golf is also requesting to add their 18 hole golf course to the Licensed Premise. Please see attached description of service and ABCC Advisory for Golf Course Alcohol service.

If Alteration is approved, licensee will need to add signage at any crossing of a public way per ABCC Advisory: "No alcoholic beverages permitted beyond this point." Locations to be inspected by Licensing upon issuing of updated license. In any area where alcohol passes over a public way, Miacomet Golf will need to apply for a Transportation Permit from the ABCC.

Impact: Environmental ☐	Fiscal ☐	Community ☐	Other ☐
---	--	---	---------------------------------------

N/A

Board/Commission Recommendation

N/A

Public Outreach

Abutter notification; two weeks advertisement in I&M

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

N/A

Attachments

ABCC Transfer with Management Agreement Application and Supporting Documents; Current Miacomet Golf License with Proposed Alterations; ABCC Golf Course Advisory; Public Notice and Abutter Notification





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City /Town

00002-CL-0762

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 Nantucket Islands Land Bank

DBA Miacomet Golf

Street Address 12 W. Miacomet Road, Nantucket, MA

Zip Code 02554

Manager Sean Oberly

Granted under Special Legislation? Yes ☐ No ☒

\$12 Restaurant

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

Entire Clubhouse, First Floor Dining Room, Bar/Lounge, Kitchen and Ancillary Storage, Receiving Area, Hallways, Covered Porch Seating, Outdoor Patio Surrounding Clubhouse, Entire Second Floor, Entire Basement and Simulator Area, and 18 Holes of the Golf Course.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date 01/27/2023 Time

Advertised Yes ☒ No ☐ Date Published

02/02/2023

Publication

Inquirer & Mirror

Abutters Notified: Yes ☒ No ☐ Date of Notice

01/30/2023

Date APPROVED by LLA

02/15/2023

Decision of the LLA

Approves this Application

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

For Transfers ONLY:

Seller License Number:

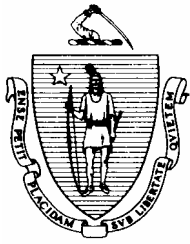
00002-CL-0762

Seller Name:

Nantucket Golf Management, Inc.

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



Timothy P. Cahill
Treasurer and Receiver General

Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: (617) 727-3040
Fax: (617) 727-1258

Eddie J. Jenkins
Chairman

NOTICE
TO ALL LOCAL LICENSING AUTHORITIES
AND ALL LICENSEES UNDER M.G.L. c. 138, § 12

To advance the Alcoholic Beverages Control Commission's out-reach to assist you in your efforts to control the licensed premises and the operation of the business, to prevent violation of any of the provisions of the Liquor Control Act and Commission regulations, to help conduct the licensed business in a proper and orderly manner, and to avoid compliance issues, the Alcoholic Beverages Control Commission ("the Commission") would advise you of a recent Commission action. On April 2, 2009, the Commission issued a decision that sets out the guidelines the Commission will apply in deciding whether to approve any application for a § 12 license to sell alcoholic beverages at any location on the grounds of a golf course deemed reasonable and proper.

The following GUIDELINES were established by the Commission in the decision issued in *In Re: New England Golf Partners, Inc. dba Georgetown Club*, Georgetown (ABCC Decision dated April 2, 2009). The Guidelines that the Commission set to approve an application for the service of alcoholic beverages on the holes of a golf course are as follows:

1. Alcoholic beverages cannot be sold or delivered outdoors on the grounds of a golf course unless and until approved in writing by both the local licensing authorities and the Alcoholic Beverages Control Commission as part of a § 12 licensed establishment.

Once approved in writing by both the local licensing authorities and the Alcoholic Beverages Control Commission as part of a § 12 licensed establishment only those alcoholic beverages sold or delivered by the approved licensee may be consumed and possessed by the patrons outdoors on the grounds of a golf course that is included as part of a § 12 licensed establishment.

2. An application to extend the premises must describe the area in detail. The applicant must provide the description of the area in detail that includes the location and size of any areas of service and storage of alcoholic beverages, including whether alcoholic beverages will be sold or delivered in or from a cart. For example:

“the 18 holes of the golf course as shown on the scorecard on the golf course dated January 27, 2009 attached hereto and marked as Exhibit 1 to be sold from 3 beverage carts”;

“the area containing the 18 holes of the golf course shown on the plan attached hereto dated January 27, 2009 attached hereto and marked as Exhibit 1 to be sold at the stands indicated and from a beverage cart”;

“the area containing holes 1-7, 9-12- and 16-18 on the north side of Main Street as shown on the plan attached hereto dated January 27, 2009 attached hereto and marked as Exhibit 1 to be sold at the stands indicated and from a beverage cart and stored in the shack indicated.”

3. The applicant for the license to be used on the grounds of a golf course must provide documented proof that the applicant has a legal right to occupy the grounds of the golf course on which permission is sought to sell and deliver alcoholic beverages. For example, the applicant may provide a copy of a lease, an occupancy agreement, a letter agreement or a contract.
4.
 - (a) The grounds of the golf course must be contiguous and appurtenant to the existing licensed premises.
 - (b) Public ways may intersect, interrupt or divide the grounds of the golf course for which approval is sought. The Commission will approve a single license to cover that portion of the grounds of a golf course that lies across a public way provided the licensee applies for and receives from the Commission a transportation permit under M.G.L. c. 138, § 22 for each beverage cart used in the transportation and delivery of alcoholic beverages.
 - (c) No licensee shall permit any patron to possess or carry alcoholic beverages in or on a public way.
 - (d) At each crossing of a public way, each licensee shall post signs stating “no alcoholic beverages permitted beyond this point” at appropriate locations in a conspicuous place where these signs can easily be read.
 - (e) Parking lots of a golf course will be treated the same as a public way. The Commission will not approve any parking lot to be included in the description of licensed premises on the grounds of a golf course.
5. The licensing authorities should consider the type of neighborhood and the potential for noise in the environs.
6. No more than two drinks shall be sold, delivered or in the possession of any one patron at any one time while on the grounds of a golf course approved in writing by both the local licensing authorities and the Alcoholic Beverages Control Commission.

7. The applicant must post signs stating “no alcoholic beverages permitted beyond this point” at appropriate locations bordering the course in a conspicuous place where these signs can easily be read. The local licensing authorities may specify the location of any such signs.

8. No § 12 licensee shall permit any patron to possess alcoholic beverages on the grounds of a golf course approved in writing by both the local licensing authorities and the Alcoholic Beverages Control Commission other than those alcoholic beverages purchased from that licensee.

9. No § 12 licensee shall permit any patron to carry or transport any alcoholic beverages off the grounds of a golf course approved in writing by both the local licensing authorities and the Alcoholic Beverages Control Commission.

10. A § 12 licensee is reminded that the § 12 licensee must ensure that each person employed for the direct handling or selling of alcoholic beverages is 18 years of age or older.

Licensees should be vigilant during the golfing season to avoid violations of G.L. c.138, § 69 and ensure that no alcoholic beverage is sold or delivered on any licensed premises to an intoxicated person. Care should also be taken to avoid violations of G.L. c.138, § 34 by ensuring not only that no one makes “a sale or delivery of any alcoholic beverage or alcohol to any person under 21 years of age, either for his own use or for the use of his parent or any other person” but also that no one furnishes, and knowingly or intentionally supplies, gives, or provides to or allows a person under 21 years of age to possess alcoholic beverages on premises or property owned or controlled by a license holder.

With grateful appreciation and many thanks for your attention, assistance and co-operation in these efforts, the Commission is confident that each of you work daily to ensure that all operations are structured, advertised and actually operated in compliance with all laws of the Commonwealth. Through our efforts together, we can be sure that each license serves the public need and is operated only in such a manner so as to protect the common good. With this mutual success, our spring and summer seasons will be safe.

Dated at Boston, Massachusetts this 3rd day of April 2009.

ALCOHOLIC BEVERAGES CONTROL COMMISSION

A handwritten signature in black ink, appearing to read "Eddie J. Jenkins". The signature is stylized with a large, looping initial "E" and a cursive "Jenkins".

Eddie J. Jenkins,
Chairman

BEAUDETTE AND SWAIN
PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW
35 OLD SOUTH ROAD, SUITE D
P.O. BOX 2049
NANTUCKET, MASSACHUSETTS 02584

RICHARD P. BEAUDETTE
BRYAN J. SWAIN

PHONE: (508) 228-4455
FAX: (508) 228-3070
WWW.NANTUCKETLAWFIRM.COM

OF COUNSEL
KEVIN F. DALE
WILLIAM F. HUNTER

Monday, January 23, 2023

EMAIL AND HAND DELIVERY

Amy Baxter, Licensing Administrator
2 Fairgrounds Road
Nantucket, MA 02554

Re: Liquor License Transfer Application
NMG, Inc., d/b/a Miacomet Golf
12 W. Miacomet Road, Nantucket, MA 02554
Liquor License Number 0762-CL-02

Dear Amy:

My office represents NMG, Inc., d/b/a Miacomet Golf, in the above- referenced matter. My client is seeking approval to transfer its' liquor license to the Nantucket Islands Land Bank, the owner of the golf course located at 12 W. Miacomet Road, Nantucket Town and County, Commonwealth of Massachusetts, and related thereto, seeks to be an approved third-party management company to manage the golf course and restaurant thereon, alter the licensed premises to include the entire golf course, and to change the classification of the liquor license from a Club License to a Restaurant License.

As a part of the Transfer Application, enclosed, please find the following:

1. Evidence of payment of the ABCC's filing fee, and a check made payable to the Town of Nantucket for the local filing fee;
2. A check made payable to the "Inquirer and Mirror" for the newspaper notice fee;

3. The monetary transmittal form;
4. The DOR Certificate of Good Standing;
5. The DUA Certificate of Compliance;
6. The Transfer Application;
7. The Manager Application;
8. A vote of the entities;
9. Business structure documents;
10. CORI Authorization forms;
11. Proof of citizenship for the proposed manager of record;
12. The Land Bank's deed to the premises;
13. Floor plans;
14. The management agreement, and
15. The proposed manager's TIPS certification.

Please let me know if you have any questions. I am available by phone at 508-228-4455
or by email at: bryan@vdhlaw.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan J. Swain", with a stylized, flowing script.

Bryan J. Swain

Enc.

cc: NMG, Inc.
Nantucket Islands Land Bank



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

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

Nantucket

1. TRANSACTION INFORMATION

☒ Transfer of License

☒ Alteration of Premises

☐ Change of Location

☒ Management/Operating Agreement

☐ Pledge of Inventory

☐ Pledge of License

☐ Pledge of Stock

☐ Other

☐ Change of Class

☐ Change of Category

☒ Change of License Type
(\$12 ONLY, e.g. "club" to "restaurant")

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.

The Applicant, Nantucket Islands Land Bank, a municipal body politic and corporate, owns a golf course located on Nantucket at the address hereinafter provided. The Golf Course is currently licensed to Nantucket Golf Management, Inc ("NGM"), which holds an Annual, All Alcoholic Beverages, Club License. NGM is a third-party management company. The Applicant seeks to transfer the license from NGM as the Licensee, to the Nantucket Island Land Bank as the Licensee with NGM being the approved management company, for compliance purposes as requested by the Town of Nantucket, as provided for in Additional Space

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES

TYPE

CATEGORY

CLASS

On-Premises-12

§12 Restaurant

All Alcoholic Beverages

Annual

3. BUSINESS ENTITY INFORMATION

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

Current or Seller's License Number

00002-CL-0762

FEIN

Entity Name

Nantucket Islands Land Bank

DBA

Miacomet Golf

Manager of Record

Sean Oberly

Street Address

12 W. Miacomet Road, Nantucket, MA 02554

Phone

Email

bryan@vdlaw.com; soberly@miacommetgolf.com

Add'l Phone

508-228-4455 c/o Bryan Swain

Website

<https://www.miacometgolf.com/>

4. 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. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

Entire Club House, First Floor Dining Room, Bar / Lounge, Kitchen and Ancillary Storage, Receiving Area, Hallways, Covered Porch Seating, Outdoor Patio Surrounding Clubhouse, Entire Second Floor, Entire Basement and Simulator Area, and 18 Holes of the golf course as shown on the plan attached hereto as Exhibit "A".

Total Sq. Footage

14,536

Seating Capacity

153

Occupancy Number

325

Number of Entrances

3

Number of Exits

9

Number of Floors

3

APPLICATION FOR A TRANSFER OF LICENSE

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name By what means is the license being transferred? 

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
MATTHEW D. GALVIN	President, Treasurer, Secretary and Director	100%
Sean D. Oberly	VICE PRESIDENT	0%

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, LLC Members, 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
Nantucket Islands Land Bank	22 Broad St, Nantucket, MA 02554	N/A	N/A
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Licensee / Municipal Landowner	100%	☐ Yes ☒ No	☐ 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
		☐ Yes ☐ No	☐ 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
		☐ Yes ☐ No	☐ 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
		☐ Yes ☐ No	☐ Yes ☐ No
		☐ Yes ☐ No	☐ Yes ☐ No

APPLICATION FOR A TRANSFER OF LICENSE

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

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

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

Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ 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

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
Nantucket Golf Management, Inc.	General On-Premises	Nantucket Golf Management, Inc.	Nantucket
d/b/a Siasconet Golf Course		d/b/a Siasconet Golf Course	

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	

APPLICATION FOR A TRANSFER OF LICENSE

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
4/22/2015	Nantucket Golf Management, Inc.	Nantucket	1-day suspension for underage service

7. CORPORATE STRUCTURE

Entity Legal Structure

Date of Incorporation

State of Incorporation

Is the Corporation publicly traded? ☐ Yes ☒ No

8. 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

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

9. APPLICATION CONTACT

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

Name:

Phone:

Title:

Email:

APPLICATION FOR A TRANSFER OF LICENSE

10. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	
B. Purchase Price for Business Assets	
C. Other* (Please specify)	5,000.00
D. Total Cost	5,000.00

*Other: (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
N/A	
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.
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.

--

11. 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?

--

12. MANAGER APPLICATION

A. MANAGER INFORMATION

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

Proposed Manager Name	Sean D. Oberly	Date of Birth		SSN	
Residential Address	2 EQUATOR DRIVE, Nantucket, MA 02554				
Email	soberly@miacometgolf.com	Phone			
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
1/1/2022	Present	General Manager	NMG., Inc.	Matthew D. Galvin
2005	1/1/2022	Superintendent	NGM, Inc.	Alan Costa

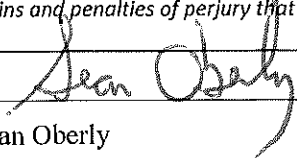
D. PRIOR DISCIPLINARY ACTION

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
4/22/2015	Nantucket Golf Mgt., Inc	MA	Nantucket	I-day suspension for service to an underage patron

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


Sean Oberly

Date

1/23/23

13. MANAGEMENT AGREEMENT

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

☒ Yes ☐ No

If yes, please fill out section 13.

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

The Applicant has hired NGM, Inc., f/k/a Nantucket Golf Management, Inc., to direct, supervise, manage and operate its golf course and restaurant as a professional third-party manager.

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.*

13A. 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

NGM, Inc.

12 W. Miacomet Road, Nantucket, MA 02554

Name of Principal

Residential Address

SSN

DOB

MATTHEW D GALVIN

Title and or Position

Percentage of Ownership Director

US Citizen

MA Resident

President, Secretary, Treasurer and Director

100%

☐ Yes ☒ No

☒ Yes ☐ No

☐ Yes ☒ No

Name of Principal

Residential Address

SSN

DOB

Sean D. Oberly

Title and or Position

Percentage of Ownership Director

US Citizen

MA Resident

Vice President

0%

☐ 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

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership Director

US Citizen

MA Resident

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.

13B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

LICENSE

Does any individual or entity identified in question 13A, 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
Nantucket Golf Management, Inc.	General On Premises	Nantucket Golf Management, Inc.	Nantucket
d/b/a Siasconset Golf Course		d/b/a Siasconset Golf Course	

13C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 13A, 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

13D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 13A, 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
Nantucket Golf Management, Inc.	General On Premises	Nantucket	1/1/22 to 12/31/24
d/b/a Siasconset Golf Course			

13E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question section 13B, 13C, 13D 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
4/22/2015	Nantucket Golf Management, Inc.	Nantucket	1-day suspension for service to an underage patron
	d/b/a Miacomet Golf		

13F. 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 1/1/2022 e. Management Term End Date 12/31/2024, with extensions

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

☒ \$ per month/year (indicate amount) 250,000.00

☐ % of alcohol sales (indicate percentage)

☐ % of overall sales (indicate percentage)

☐ other (please explain)

ABCC Licensee Officer/LLC Manager

Signature: [Signature]

Title: Executive Director

Date: 1/26/23

Management Agreement Entity Officer/LLC Manager

Signature: [Signature]

Title: President

Date: 1/23/23

ENTITY VOTE

The Board of Directors or LLC Managers of

NMG, Inc.

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

1/23/23

Date of Meeting

For the following transactions (Check all that apply):

☒ Management Agreement

☐ Other

"VOTED: To authorize

Sean Oberly

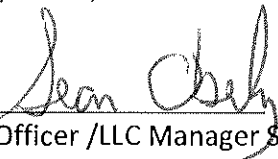
Name of Person

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."

A true copy attest,

For Corporations ONLY

A true copy attest,


Corporate Officer /LLC Manager Signature

Corporation Clerk's Signature

Sean Oberly

(Print Name)

(Print Name)

ADDITIONAL INFORMATION

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

The Applicant, Nantucket Islands Land Bank, a municipal body politic and corporate, owns a golf course located on Nantucket at the address of 12 W. Miacomet Road, Nantucket, MA 02554. The Golf Course is currently licensed to Nantucket Golf Management, Inc ("NGM,"), which holds an Annual, All Alcoholic Beverages Club License. NGM is a third-party management company. The Applicant seeks to transfer the license from NMG as the Licensee, to the Nantucket Island Land Bank, the property owner, as the Licensee with NMG being the approved management company, for compliance purposes as requested by the Town of Nantucket. In connection with the Town of Nantucket's compliance requests, the applicant seeks to change the classification from a "Club" License to a "Restaurant" License and alter the "Licensed Premises" to include the entire golf course as shown on the attached plan.

APPLICANT'S STATEMENT

Executive Director

I, Jesse A. Bell the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☐ LLC/LLP manager
Authorized Signatory

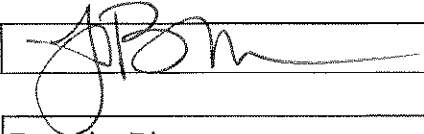
of Nantucket Islands Land Bank
Name of the Entity/Corporation

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:

1/26/23

Title:

Executive Director

CORPORATE VOTE

The Board of Directors or LLC Managers of

Nantucket Islands Land Bank

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket

City/Town

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 | | ☐ Change of DBA |

"VOTED: To authorize

Jesse A. Bell

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

Sean Oberly

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
Executive Director

Jesse A. Bell,

(Print Name)

For Corporations ONLY

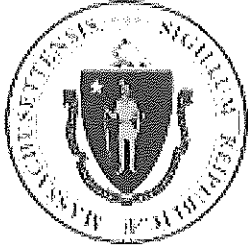
A true copy attest,



Corporation Clerk's Signature

Matthew D. Galvin

(Print Name)



The Commonwealth of Massachusetts
William Francis Galvin

No Fee

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Statement of Change of Supplemental Information

(General Laws, Chapter 156D, Section 2.02 AND Section 8.45; 950 CMR 113.17)

1. Exact name of the corporation: NGM, INC

2. Current registered office address:

Name: SEAN OBERLY

No. and Street: 12 W MIACOMET ROAD

City or Town: NANTUCKET State: MA Zip: 02554 Country: USA

3. The following supplemental information has changed:

___ Names and street addresses of the directors, president, treasurer, secretary

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	MATTHEW D GALVIN	
TREASURER	MATHEW D GALVIN	
SECRETARY	MATTHEW D GALVIN	
VICE PRESIDENT	SEAN OBERLY	
DIRECTOR	MATTHEW D GALVIN	

___ Fiscal year end:

December

___ Type of business in which the corporation intends to engage:

GOLF MANAGEMENT

___ Principal office address:

No. and Street: 12 W MIACOMET ROAD

City or Town: NANTUCKET State: MA Zip: 02554 Country: USA

___ g. Street address where the records of the corporation required to be kept in the Commonwealth are located (post office boxes are not acceptable):

No. and Street: 12 WEST MIACOMET ROAD

City or Town: NANTUCKET State: MA Zip: 02554 Country: USA
 which is

☒ its principal office

☐ an office of its transfer agent

☐ an office of its secretary/assistant secretary

☐ its registered office

Signed by MATTHEW GALVIN, its PRESIDENT
on this 3 Day of February, 2022

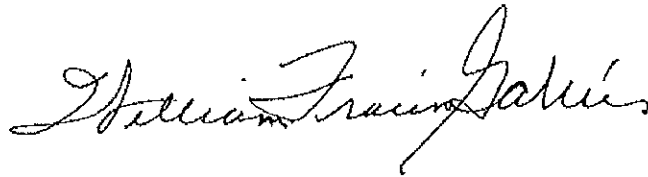
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All Rights Reserved

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

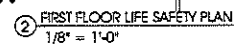
deemed to have been filed with me on:

February 03, 2022 03:51 PM

A handwritten signature in cursive script, reading "William Francis Galvin". The signature is written in dark ink and is centered on the page.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



ALL EXTERIOR WALL ASSEMBLIES ARE NOT RATED
CONSTRUCTION L.L.N.C.

REFER TO STRUCTURAL DRAWINGS FOR LOAD BEARING WALL LOCATIONS

→ REQUIRED EXT

(60) DOOR RATING / INDICATED IN # OF MINUTES

EXIT LIGHTED EXIT SIGN REFER TO REFLECTED
CEILING PLAN AND ELECTRICAL DRAWINGS

ALL EXTERIOR WALL ASSEMBLIES ARE NOT RATED
CONSTRUCTION. U.N.O.

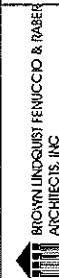
REFER TO STRUCTURAL DRAWINGS FOR LOAD
HEAVING WALL LOCATIONS

⇒ REQUIRED EYE

(62) DOOR RATING / INDICATED IN # OF MINUTES

EX LIGHTED EXIT SIGN. REFER TO REFLECTED
CEILING PLAN AND ELECTRICAL DRAWINGS

STAMP:



 **BROWN LINDQUIST FENUCCIO & TRABER**
ARCHITECTS, INC.
203 WALTON STREET, SUITE # 933 COLLEGE STREET, 10TH FLOOR
VAN HOUTE, IN 47360
PH 508-362-5332
#IN508-362-5332
#IN508-362-5332

**MIACOMET GOLF CLUB
NEW CLUBHOUSE**

112 WEST MIACOMET ROAD
NANTUCKET, MA 02554

TITLE:
LIFE SAFETY PLANS

SCALE: $1/8" = 1'-0"$

DATE ISSUED: 09.19.2018

REVISIONS

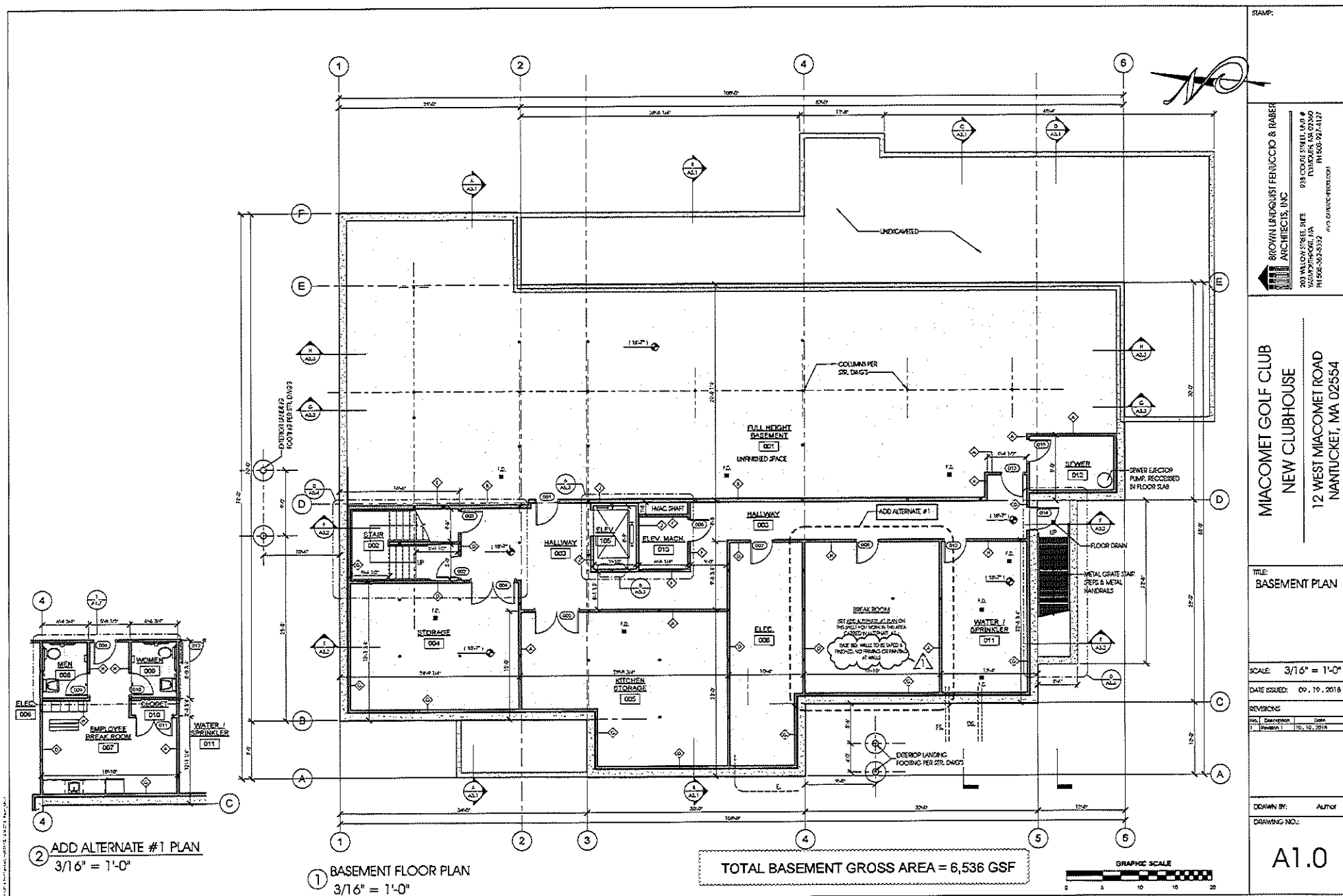
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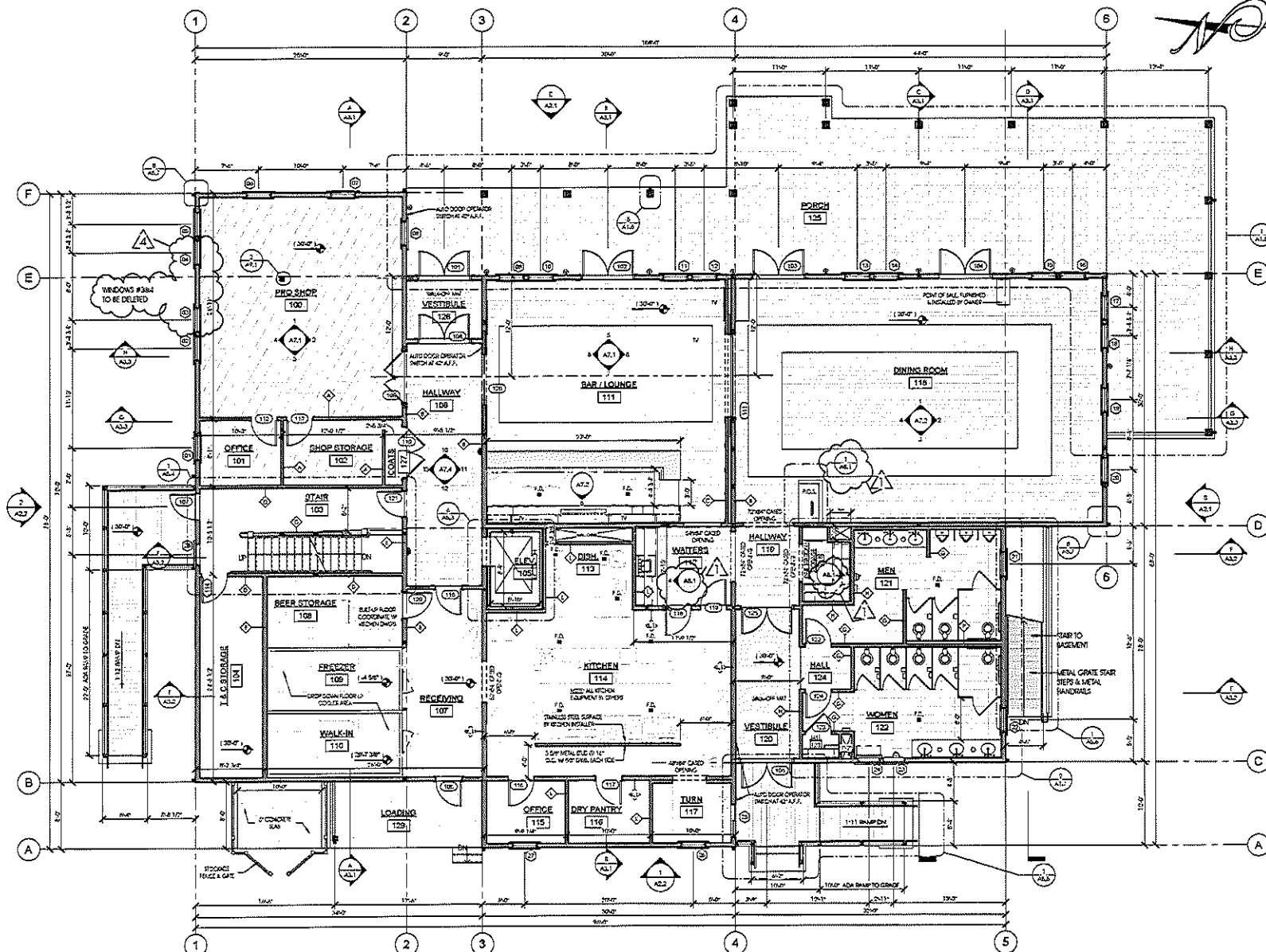
DRAWN BY: Author

DRAWING NO.:

A0.4

PROJECT NO. 2018-001
DATE: 10/10/2018
DRAWN BY: AUF
CHECKED BY: AUF





① FIRST FLOOR PLAN
3/16" = 1'-0"

TOTAL FIRST FLOOR GROSS AREA = 6,536 GSF (EXCLUDES PORCH COVERED DINING)



STAMP:

BROWN LINDQUIST FENICCO & RABER
ARCHITECTS, INC.
333 COLUMBIA STREET, SUITE 200
NANTUCKET, MASSACHUSETTS 02554
PHONE: 508-222-8352
WWW.BROWNARCHITECTS.COM

MACOMET GOLF CLUB
NEW CLUBHOUSE
12 WEST MACOMET ROAD
NANTUCKET, MA 02554

TITLE:
FIRST FLOOR
PLAN

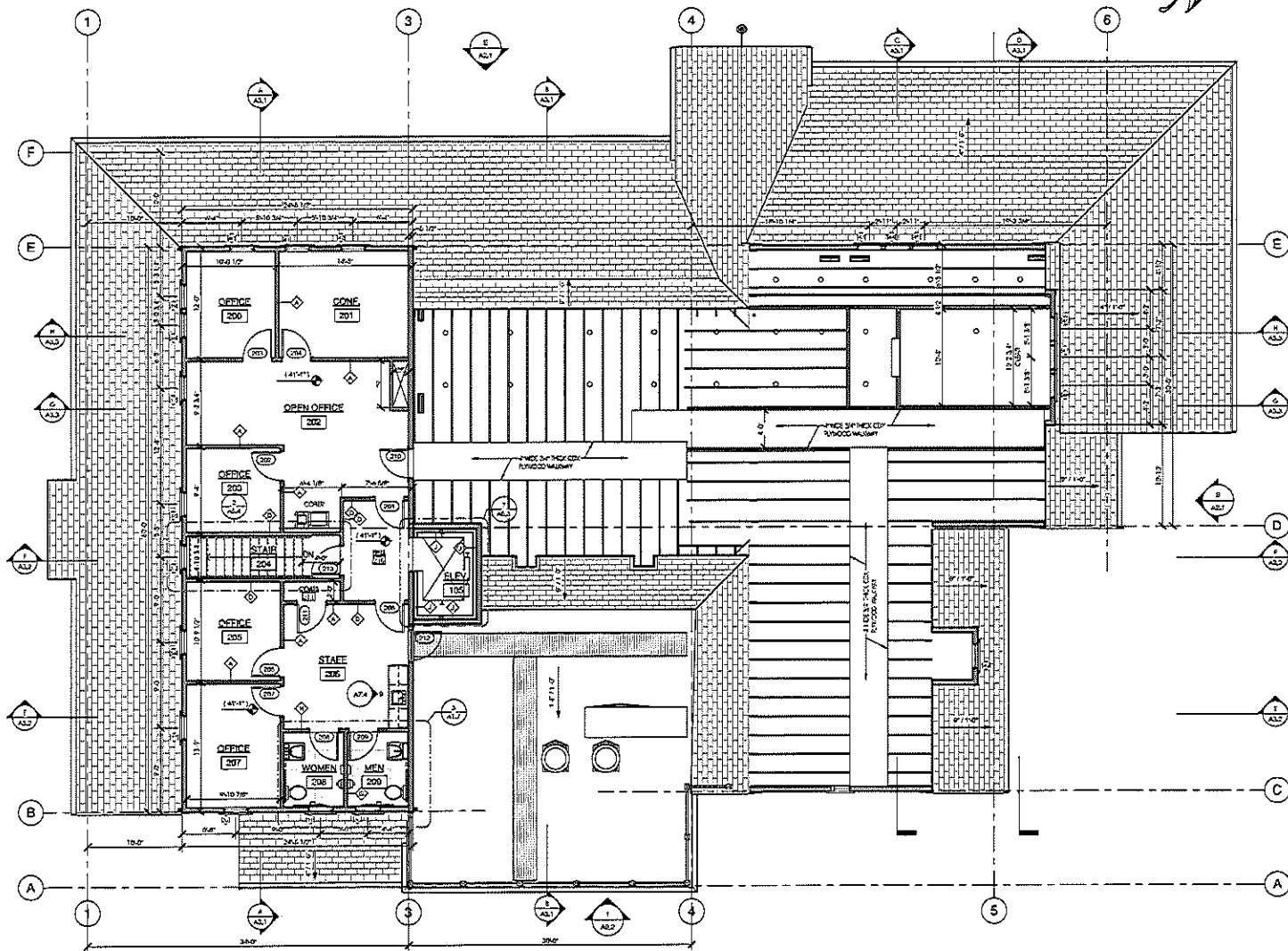
SCALE: 3/16" = 1'-0"

DATE ISSUED: 09.10.2018

REVISIONS		
NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	10/10/2018
2	ISSUED FOR PERMIT	10/24/2018

DRAWN BY: Author
DRAWING NO.:

A1.1



① SECOND FLOOR PLAN
3/16" = 1'-0"

TOTAL GROSS AREA = 1,550 GSF



STAMP:

BROWN LINDQUIST FENUCCIO & BABER
ARCHITECTS, INC.
200 MIACOMET LANE, SUITE 100
NANTUCKET, MA 02554
PH 508-362-3333
WWW.BLFAARCHITECTS.COM

MIACOMET GOLF CLUB
NEW CLUBHOUSE
12 WEST MIACOMET ROAD
NANTUCKET, MA 02554

TITLE:
SECOND FLOOR
PLAN

SCALE: 3/16" = 1'-0"

DATE ISSUED: 09.10.2018

REVISIONS:

Rev. Description Date

DRAWN BY: AUTHOR

DRAWING NO.:

A1.2



Commonwealth of Massachusetts
Department of Revenue
Geoffrey E. Snyder, Commissioner

mass.gov/dor

Letter ID: L1308181024
Notice Date: December 22, 2022
Case ID: 0-001-808-691



CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



NGM INC
12 W MIACOMET RD
NANTUCKET MA 02554-4369

Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, NGM INC is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.

What if I have questions?

If you have questions, call us at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 9:00 a.m. to 4:00 p.m..

Visit us online!

Visit mass.gov/dor to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief
Collections Bureau



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT
DEPARTMENT OF UNEMPLOYMENT ASSISTANCE

Maura Healey
GOVERNOR

Kim Driscoll
LT. GOVERNOR



412676943

Michael Doheny
ACTING SECRETARY

Katie Dishnica
ACTING DIRECTOR

NGM Inc.
Attn: RMI Tax Department
12 WEST MIACOMET ROAD
NANTUCKET, MA 02554

EAN:
January 18, 2023

Certificate Id:66425

The Department of Unemployment Assistance certifies that as of 1/18/2023 ,NGM Inc. is current in all its obligations relating to contributions, payments in lieu of contributions, and the employer medical assistance contribution established in G.L.c.149,§189.

This certificate expires in 30 days from the date of issuance.

Katie Dishnica, Acting Director

Department of Unemployment Assistance



A 360TRAINING COMPANY

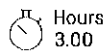
CERTIFICATE OF COMPLETION

This certifies that

Oberly Sean

is awarded this certificate for

TIPS On-Premise Alcohol Server Training



Hours
3.00



Completion Date
01/19/2023



Expiration Date
01/18/2026



Certificate #
ON-000027542594

Official Signature

THIS CERTIFICATE IS NON-TRANSFERABLE

5000 Plaza on the Lake, Suite 305 | Austin, TX 78746 | 877.881.2235 | www.360training.com

(CUT HERE)

(CUT HERE)



Issued: 01/19/2023
Certificate #: ON-000027542594

Oberly Sean
12 west mlacomet road
Hantucket MA 02554

CERTIFIED

Expires: 01/18/2026



Phone: 800-438-8477
www.gettips.com

This card was issued for successful completion of the TIPS program.

Signature _____

NOTICE OF PUBLIC HEARING

Please be advised that the Select Board will hold a public hearing on Wednesday, February 15, 2023 at 5:30 PM to consider an application for a Transfer of an Annual Common Victualler All Alcoholic Beverages Club License from NGM, Inc. dba Miacomet Golf, 12 W. Miacomet Road to Nantucket Islands Land Bank with addition of a Management Agreement to operate the premises with NGM, Inc., Sean D. Oberly, Manager. Additional Amendments include a Change of License Type from Club to Restaurant and an Alteration of Premises to include service on the golf course and updated premise description for new clubhouse area. The hearing will be held in-person at the first floor Community Room of the Public Safety Facility, 4 Fairgrounds Road as well as via Zoom Webinar. Please see meeting posting for remote participation and viewing links. For further information, please email licensing@police.nantucket-ma.gov.

B08 SELECT BOARD



**Town & County of
NANTUCKET, MA**

LICENSING AND PERMITS
PSF, 4 Fairgrounds Road, M-F 8am-4pm
508-325-4100 · licensing@police.nantucket-ma.gov

**TOWN OF NANTUCKET SELECT BOARD/LICENSING AUTHORITY
NOTICE OF LIQUOR LICENSING PUBLIC HEARING**

Dear Abutter:

In accordance with MGL Chapter 138, Section 15A you are hereby notified that a Liquor License Public Hearing will be held as noticed below. For more information or to provide written comments, please email licensing@police.nantucket-ma.gov.

NOTICE OF PUBLIC HEARING

Description of Proposed Premises:

Additional Application Information:

IN PERSON PARTICIPATION: PSF Community Room, 4 Fairgrounds Road

REMOTE PARTICIPATION:

You Tube Link For Viewing Only: <https://youtu.be/g4QzY4grksk>

Zoom Webinar Registration Link to Virtually Attend Meeting:

https://us06web.zoom.us/webinar/register/WN_IdpZTZo4RkyaEy3fhTszww

TOWN OF NANTUCKET

LIQUOR LICENSE

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER..... **NANTUCKET ISLANDS LAND BANK**
C/O Bryan J. Swain, B&S, 35 D Old South Road, PO BOX 2049, Nantucket, MA 02554
MAILING ADDRESS.....
PROPERTY LOCATION..... **12 W MIACOMET RD**
ASSESSORS MAP/PARCEL..... **81 / 150**
SUBMITTED BY..... **Bryan J. Swain, Esq.**

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land whose property directly touches the proposed property and churches and schools within 500 feet of the property, all as they appear on the most recent applicable tax list.

December 19, 2022

DATE

Mary Haley,
Senior Clerk,

Assessor's Office

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Digitally signed by Mary
Haley, Senior Clerk,
Assessor's Office
Date: 2022.12.19 14:46:23
-05'00'

Exhibit "A"



LICENSE #: **TBD-RS-0762**

LICENSE FEE: **\$3,250.00**

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN

**ANNUAL RETAIL RESTAURANT (formerly
CLUB) LICENSE**

**TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES**

TO BE CONSUMED ON THE PREMISES

BUSINESS: **Nantucket Islands Land
Bank**
MANAGEMENT: **NGM, Inc.**
DBA: **Miacomet Golf**
PREMISES: **12 West Miacomet Road
Nantucket, MA 02554**
MANAGER: **Sean Oberly**

ON PREMISES DESCRIBED AS:

(Existing description) 12 W Miacomet Rd Clubhouse for public access golf course, kitchen, deck, bar & grill. Five entrances to building.

**Entire Clubhouse, First Floor Dining Room,
Bar/Lounge, Kitchen and Ancillary Storage,
Receiving Area, Hallways, Covered Porch Seating,
Outdoor Patio Surrounding Clubhouse, Entire
Second Floor, Entire Basement and Simulator
Area, and 18 Holes of the Golf Course.**

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 XX .

DRAFT

Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, XX

**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 #	IX. 8.
Date	2/15/2023

Staff

Amy Baxter, Licensing Administrator

Subject

Seasonal Wine and Malt Beverages General On-Premises License Transfer Application: **NGM, Inc., DBA Siasconset Golf, 260 Milestone Road, License #03463-GP-0762**

Executive Summary

Nantucket Golf Management, Inc. is applying for a Transfer of Liquor License #03463-GP-0762 to Nantucket Islands Land Bank to include a Management Agreement for NGM, Inc. to manage the daily operations of the premises. Application includes a proposed change of license manager to Sean Oberly.

Staff Recommendation

Applicant meets all requirements and has submitted documentation as outlined below.

Application must be approved by both the Local Licensing Authority (Select Board) and ABCC. An amended License will be issued within (7) Business Days of notification of final approval by ABCC.

Background/Discussion

In a similar transaction as Miacomet Golf, NGM, Inc. is requesting a transfer of the Seasonal General On-Premise Liquor License for Siasconset Golf to the property owner, Nantucket Islands Land Bank. The Nantucket Islands Land Bank further requests approval of a Management Agreement with NGM, Inc. to manage the daily operations of the premises at 260 Milestone Road.

Summary for a Management Agreement:

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.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

Abutter notification; two weeks advertisement in I&M



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

N/A

Attachments

ABCC Transfer with Management Agreement Application and Supporting Documents; Current Siasconset Golf License with proposed Amendments; Public Notice and Abutter Notification





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City /Town

03463-GP-0762

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 Nantucket Islands Land Bank

DBA Siasconset Golf Course

Street Address 260 Milestone Road, Nantucket, MA

Zip Code 02554

Manager Sean Oberly

Granted under
Special Legislation? Yes ☐ No ☒

\$12 General On-Premises

Seasonal

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

Clubhouse containing bar area, front hall, front room and outdoor porch, storage areas behind bar and adjacent to the bar.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date 01/23/2023 Time

Advertised Yes ☒ No ☐ Date Published 02/02/23 Publication

Inquirer & Mirror

Abutters Notified: Yes ☒ No ☐ Date of Notice 12/19/22

Date APPROVED by LLA 02/15/2023

Decision of the LLA

Approves this Application

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

For Transfers ONLY:

Seller License Number: 03463-GP-0762

Seller Name: Nantucket Golf Management, Inc.

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

BEAUDETTE AND SWAIN
PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW
35 OLD SOUTH ROAD, SUITE D
P.O. BOX 2049
NANTUCKET, MASSACHUSETTS 02584

RICHARD P. BEAUDETTE
BRYAN J. SWAIN

PHONE: (508) 228-4455
FAX: (508) 228-3070
WWW.NANTUCKETLAWFIRM.COM

OF COUNSEL
KEVIN F. DALE
WILLIAM F. HUNTER

Monday, January 23, 2023

EMAIL AND HAND DELIVERY

Amy Baxter, Licensing Administrator
2 Fairgrounds Road
Nantucket, MA 02554

Re: Liquor License Transfer Application
NMG, Inc., d/b/a Siasconset Golf Course
260 Milestone Road, Nantucket, MA 02554
Liquor License Number 03463-GP-0762

Dear Amy:

My office represents NMG, Inc., d/b/a Siasconset Golf Course, in the above- referenced matter. My client is seeking approval to transfer its' liquor license to the Nantucket Islands Land Bank, the owner of the golf course located at 260 Milestone Road, Nantucket Town and County, Commonwealth of Massachusetts, and related thereto, seeks to be an approved third-party management company to manage the golf course and bar on the Premises.

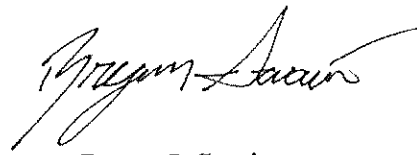
As a part of the Transfer Application, enclosed, please find the following:

1. Evidence of payment of the ABCC's filing fee, and a check made payable to the Town of Nantucket for the local filing fee;
2. A check made payable to the "Inquirer and Mirror" for the newspaper notice fee;
3. The monetary transmittal form;

4. The DOR Certificate of Good Standing;
5. The DUA Certificate of Compliance;
6. The Transfer Application;
7. The Manager Application;
8. A vote of the entities;
9. Business structure documents;
10. CORI Authorization forms;
11. Proof of citizenship for the proposed manager of record;
12. The Land Bank's deed to the premises;
13. Floor plans;
14. The management agreement, and
15. The proposed manager's TIPS certification.

Please let me know if you have any questions. I am available by phone at 508-228-4455
or by email at: bryan@vdhlaw.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan J. Swain", with a stylized, cursive script.

Bryan J. Swain

Enc.

cc: NMG, Inc.
Nantucket Islands Land Bank



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

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

Nantucket

1. TRANSACTION INFORMATION

☒ Transfer of License

☐ Alteration of Premises

☐ Change of Location

☒ Management/Operating Agreement

☐ Pledge of Inventory

☐ Pledge of License

☐ Pledge of Stock

☐ Other

☐ Change of Class

☐ Change of Category

☐ Change of License Type
(\$12 ONLY, e.g. "club" to "restaurant")

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.

The Applicant, Nantucket Islands Land Bank, a municipal body politic and corporate, owns a golf course located on Nantucket at the address hereinafter provided. The Golf Course is currently licensed to Nantucket Golf Management, Inc ("NGM"), which holds a Seasonal, Wine and Malt Beverages, G/O/P License. NGM is a third-party management company. The Applicant seeks to transfer the license from NGM as the Licensee, to the Nantucket Island Land Bank as the Licensee with NGM being the approved management company, for compliance purposes as requested by the Town of Nantucket, as provided for in Additional Space.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES

TYPE

CATEGORY

CLASS

On-Premises-12

\$12 General On-Premises

Wines and Malt Beverages

Seasonal

3. BUSINESS ENTITY INFORMATION

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

Current or Seller's License Number 03463-GP-0762

FEIN

Entity Name Nantucket Islands Land Bank

DBA Siasconset Golf Course

Manager of Record

Sean Oberly

Street Address 260 Milestone Road, Nantucket, MA 02554

Phone (508) 257-6596

Email

bryan@vdhlaw.com; soberly@miacometgolf.com

Add'l Phone 508-228-4455 c/o Bryan Swain

Website

<https://www.sconsetgolf.com/>

4. 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. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

Club House containing bar area, front hall, front room and outdoor porch, storage areas behind bar, and adjacent to the bar.

Total Sq. Footage 5,239

Seating Capacity 20

Occupancy Number 49

Number of Entrances 3

Number of Exits 3

Number of Floors 3

APPLICATION FOR A TRANSFER OF LICENSE

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name	Nantucket Golf Management, Inc.	By what means is the license being transferred?	Gift
------------------------	---------------------------------	---	------

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
MATTHEW D. GALVIN	President, Treasurer, Secretary and Director	100%
Name of Principal	Title/Position	Percentage of Ownership
Sean D. Oberly	VICE PRESIDENT	0%
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership

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, LLC Members, 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
Nantucket Islands Land Bank	22 Broad St, Nantucket, MA 02554	N/A	N/A
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Licensee / Municipal Landowner	100%	☐ Yes ☒ No	☐ Yes ☒ No
MA Resident			
☐ Yes ☒ No			
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident			
☐ Yes ☐ No			
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident			
☐ Yes ☐ No			
Name of Principal	Residential Address	SSN	DOB
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
		☐ Yes ☐ No	☐ Yes ☐ No
MA Resident			
☐ Yes ☐ No			

APPLICATION FOR A TRANSFER OF LICENSE

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

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

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

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

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

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
Nantucket Golf Management, Inc.	CLUB	Nantucket Golf Management, Inc.	Nantucket
d/b/a Miacomet Golf		d/b/a Miacomet Golf	

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	

APPLICATION FOR A TRANSFER OF LICENSE

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
4/22/2015	Nantucket Golf Management, Inc.	Nantucket	1-day suspension for underage service
	d/b/a Miacomet Golf		

7. CORPORATE STRUCTURE

Entity Legal Structure

Date of Incorporation

State of Incorporation

Is the Corporation publicly traded? ☐ Yes ☒ No

8. 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

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

9. APPLICATION CONTACT

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

Name:

Phone:

Title:

Email:

APPLICATION FOR A TRANSFER OF LICENSE

10. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	
B. Purchase Price for Business Assets	
C. Other* (Please specify)	5,000.00
D. Total Cost	5,000.00

*Other: (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
N/A	
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.
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.

--

11. 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?

--

12. 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

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
1/1/2022	Present	General Manager	NMG., Inc.	Matthew D. Galvin
2005	1/1/2022	Superintendent	NGM, Inc.	Alan Costa

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
4/22/2015	Nantucket Golf Mgt., Inc	MA	Nantucket	1-day suspension for service to an underage patron

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

Sean Oberly

13. MANAGEMENT AGREEMENT

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

☒ Yes ☐ No

If yes, please fill out section 13.

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

The Applicant has hired NGM, Inc., f/k/a Nantucket Golf Management, Inc., to direct, supervise, manage and operate its golf course and restaurant as a professional third-party manager.

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.*

13A. 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
NGM, Inc.	12 W. Miacomet Road, Nantucket, MA 02554	508-325-0333

Name of Principal	Residential Address	SSN	DOB
MATTHEW D GALVIN			

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
President, Secretary, Treasurer and Director	100%	☐ Yes ☐ No	☒ Yes ☐ No	☐ Yes ☒ No

Name of Principal	Residential Address	SSN	DOB
Sean D. Oberly			

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
Vice President	0%	☐ 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.

13B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

LICENSE

Does any individual or entity identified in question 13A, 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
Nantucket Golf Management, Inc.	CLUB	Nantucket Golf Management, Inc.	Nantucket
d/b/a Miacomet Golf		d/b/a Miacomet Golf	

13C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 13A, 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

13D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 13A, 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
Nantucket Golf Management, Inc. d/b/a Miacomet Golf	Club/Annual/ All Alcoholic	Nantucket	1/1/22 to 12/31/24

13E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question section 13B, 13C, 13D 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
4/22/2015	Nantucket Golf Management, Inc. d/b/a Miacomet Golf	Nantucket	1-day suspension for service to an underage patron

13F. 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 1/1/2022

e. Management Term End Date 12/31/2024, with extensions

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

☒ \$ per month/year (indicate amount)

250,000.00

☐ % of alcohol sales (indicate percentage)

☐ % of overall sales (indicate percentage)

☐ other (please explain)

ABCC Licensee Officer/LLC Manager

Signature:

[Signature]

Title:

Executive Director

Date:

1/24/23

Management Agreement Entity Officer/LLC Manager

Signature:

[Signature]

Title:

President

Date:

1/23/2023

ENTITY VOTE

The Board of Directors or LLC Managers of
Entity Name
duly voted to apply to the Licensing Authority of
City/Town and the
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

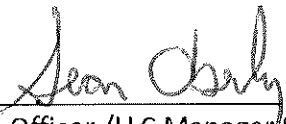
☒ Management Agreement

☐ Other

"VOTED: To authorize
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."

A true copy attest,


Corporate Officer /LLC Manager Signature

Sean Oberly

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

ADDITIONAL INFORMATION

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

The Applicant, Nantucket Islands Land Bank, a municipal body politic and corporate, owns a golf course located on Nantucket at the address of 260 Milestone Road, Nantucket, MA 02554. The Golf Course is currently licensed to Nantucket Golf Management, Inc ("NGM,"), which holds an Seasonal, General-On Premises, Liquor License. NGM is a third-party management company. The Applicant seeks to transfer the license from NMG as the Licensee, to the Nantucket Island Land Bank, the property owner, as the Licensee with NMG being the approved management company, for compliance purposes as requested by the Town of Nantucket.

APPLICANT'S STATEMENT

Executive Director

I, Jesse A. Bell the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☐ LLC/LLP manager
Authorized Signatory

of Nantucket Islands Land Bank
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:

JAB

Date:

1/26/23

Title:

Executive Director

CORPORATE VOTE

The Board of Directors or LLC Managers of

Nantucket Islands Land Bank

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket

City/Town

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 | | ☐ Change of DBA |

"VOTED: To authorize

Jesse A. Bell

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

Sean Oberly

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,



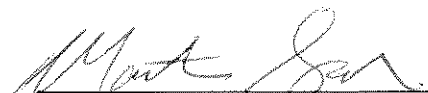
Corporate Officer /LLC Manager Signature
Executive Director

Jesse A. Bell,

(Print Name)

For Corporations ONLY

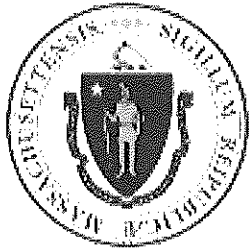
A true copy attest,



Corporation Clerk's Signature

Matthew D. Galun

(Print Name)



The Commonwealth of Massachusetts
William Francis Galvin

No Fee

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Statement of Change of Supplemental Information

(General Laws, Chapter 156D, Section 2.02 AND Section 8.45; 950 CMR 113.17)

1. Exact name of the corporation: NGM, INC

2. Current registered office address:

Name: SEAN OBERLY

No. and Street: 12 W MIACOMET ROAD

City or Town: NANTUCKET State: MA Zip: 02554 Country: USA

3. The following supplemental information has changed:

Names and street addresses of the directors, president, treasurer, secretary

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	MATTHEW D GALVIN	14 BOULDER BROOK CT BELLE MEAD, NJ 08502 USA
TREASURER	MATHEW D GALVIN	14 BOULDER BROOK CT BELLE MEAD, NJ 08502 USA
SECRETARY	MATTHEW D GALVIN	14 BOULDER BROOK CT BELLE MEAD, NJ 08502 USA
VICE PRESIDENT	SEAN OBERLY	159 HUMMOCK POND ROAD NANTUCKET, MA 02554 USA
DIRECTOR	MATTHEW D GALVIN	14 BOULDER BROOK CT BELLE MEAD, NJ 08502 USA

Fiscal year end:

December

Type of business in which the corporation intends to engage:

GOLF MANAGEMENT

Principal office address:

No. and Street: 12 W MIACOMET ROAD

City or Town: NANTUCKET State: MA Zip: 02554 Country: USA

g. Street address where the records of the corporation required to be kept in the Commonwealth are located (post office boxes are not acceptable):

No. and Street: 12 WEST MIACOMET ROAD

City or Town: NANTUCKET State: MA Zip: 02554 Country: USA
 which is

☒ its principal office ☐ an office of its transfer agent
☐ an office of its secretary/assistant secretary ☐ its registered office

Signed by MATTHEW GALVIN, its PRESIDENT
on this 3 Day of February, 2022

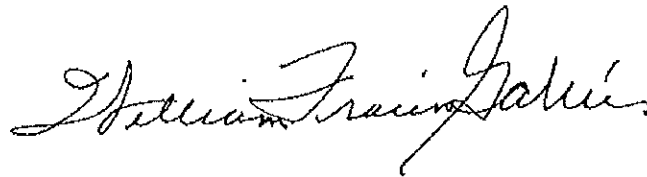
© 2001 - 2022 Commonwealth of Massachusetts
All Rights Reserved

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

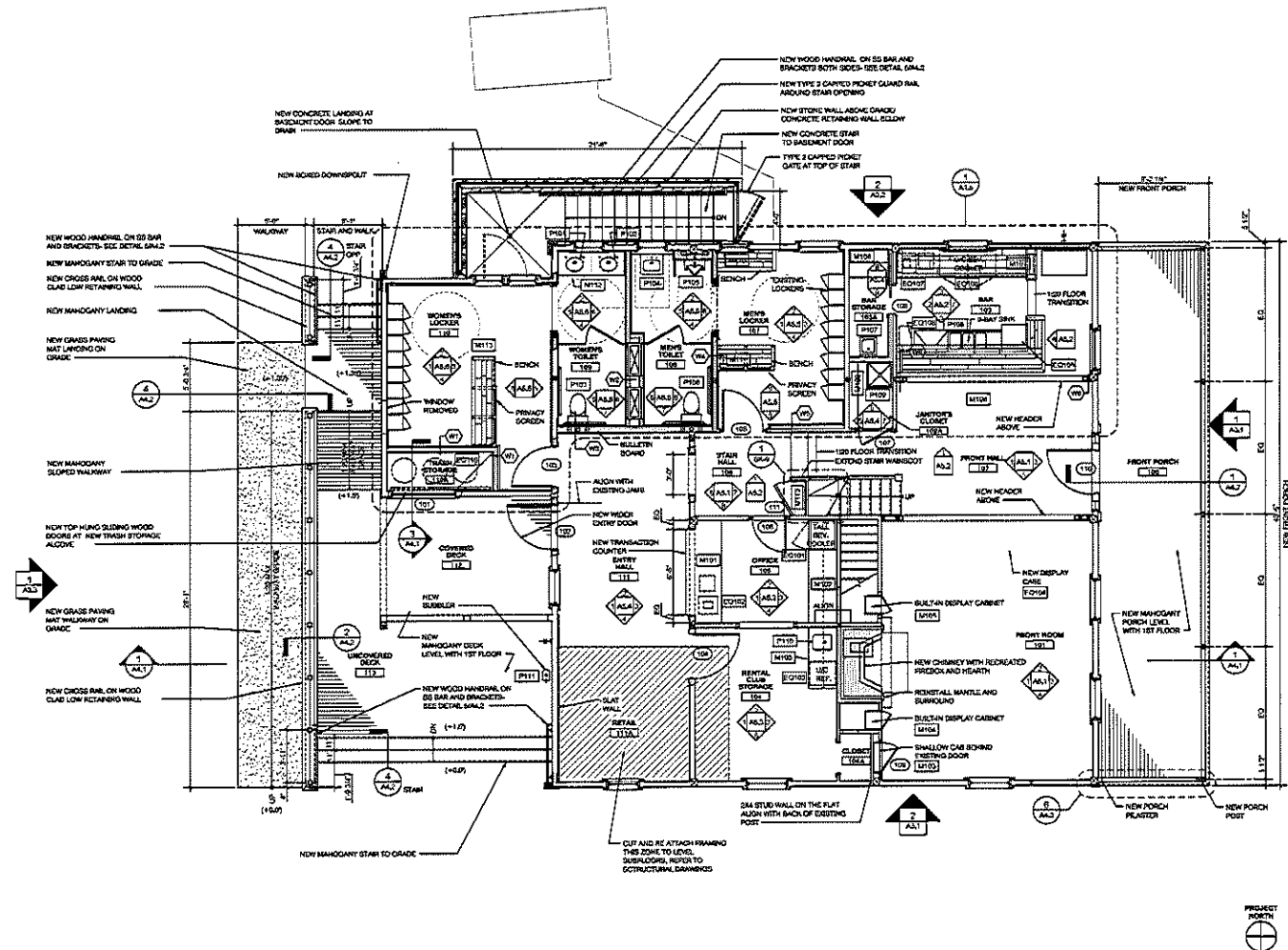
February 03, 2022 03:51 PM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive, flowing style with a large initial 'W' and 'G'.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

PLAN LEGEND	PLAN GENERAL NOTES
 EXISTING WALL REMAINING	1. NEW INTERIOR WALLS ARE 2X4 STUD @ 16" O.C. UNLESS NOTED OTHERWISE.
 NEW WALL	2. DIMENSIONS AND CLEAR FINISH DIMENSIONS UNLESS NOTED OTHERWISE.
 EXTERIOR ELEVATION	3. COORDINATE DOOR OPENINGS WITH DOOR SCHEDULE.
 INTERIOR ELEVATION	4. DOORS ARE TO BE CENTERED UNLESS NOTED OTHERWISE.
 SECTION CUT	
 DETAIL CALLOUT	
 DOOR IDENTIFICATION KEY	
 PLUMBING FIXTURE IDENTIFICATION KEY	
 MECHANICAL IDENTIFICATION KEY	
 EQUIPMENT IDENTIFICATION KEY	
 WALL TYPE KEY	



Rev.	By	Date	Description
1	KL	7/15	30% Design

Old Scorsell Golf Course Clubhouse Renovation

Client
Nantucket Island Land Bank
22 Broad Street, Nantucket, MA 02554

Enlarged Plans

Scale: 1/8" = 1'-0"

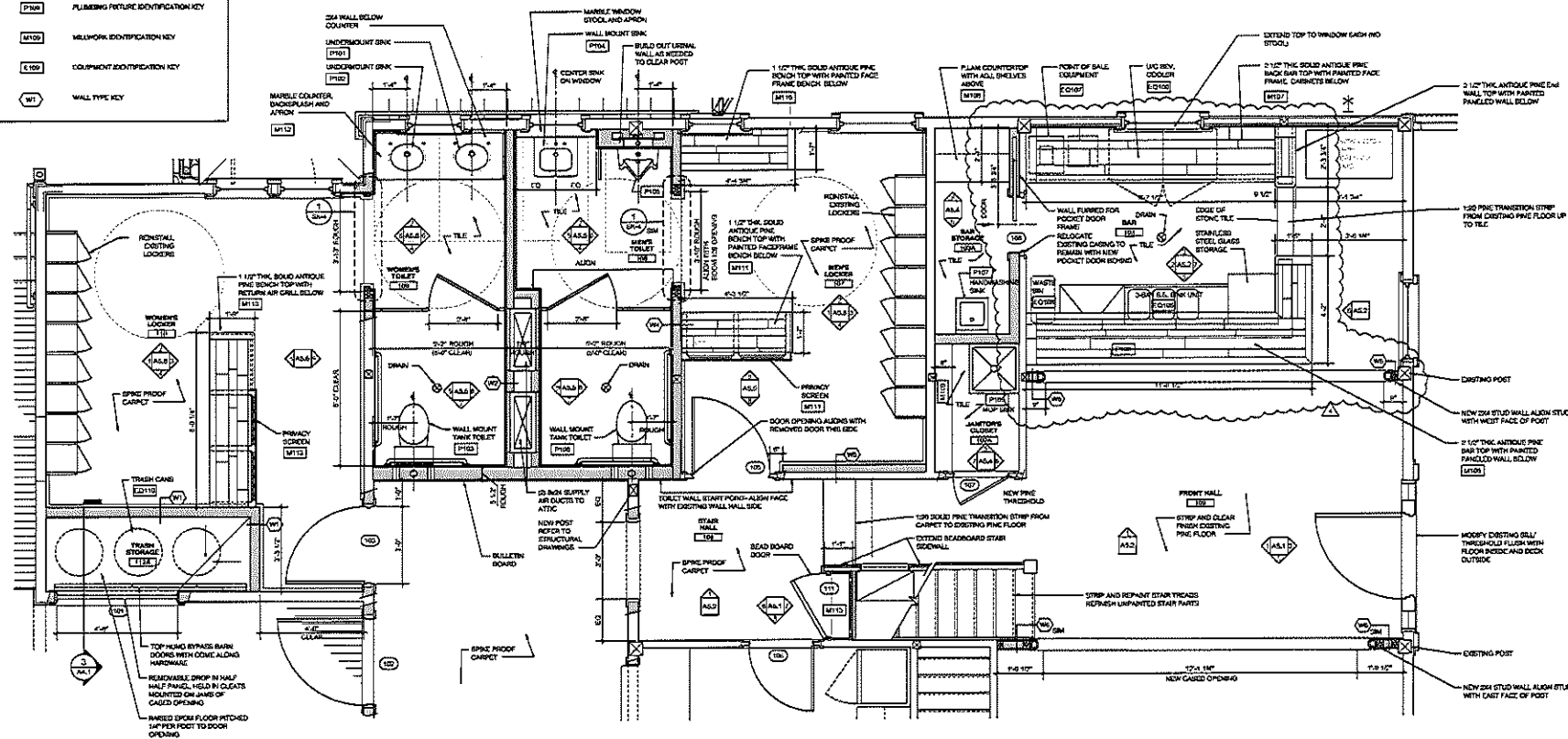
Project Number
31102100
Rev.
20 August 2014
Scale
1/8" = 1'-0"

Drawn Number

A1.4



PLAN LEGEND	PLAN GENERAL NOTES
EXISTING WALL/ROOFING	1. NEW INTERIOR WALLS ARE 2x4 STUD @ 16" O.C. UNLESS NOTED OTHERWISE.
NEW WALL	2. DIMENSIONS ARE CLEAR FINISH DIMENSIONS UNLESS NOTED OTHERWISE.
EXTERIOR ELEVATION	3. COORDINATE DOOR OPENING WITH DOOR SCHEDULE.
INTERIOR ELEVATION	4. DOORS ARE TO BE CENTERED UNLESS NOTED OTHERWISE.
SECTION CUT	
DETAIL CALLOUT	
DOOR IDENTIFICATION KEY	
PLUMBING FIXTURE IDENTIFICATION KEY	
MILLWORK IDENTIFICATION KEY	
EQUIPMENT IDENTIFICATION KEY	
WALL TYPE KEY	





Commonwealth of Massachusetts
Department of Revenue
Geoffrey E. Snyder, Commissioner

mass.gov/dor

Letter ID: L1308181024
Notice Date: December 22, 2022
Case ID: 0-001-808-691



CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



NGM INC
12 W MIACOMET RD
NANTUCKET MA 02554-4369

Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, NGM INC is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.

What if I have questions?

If you have questions, call us at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 9:00 a.m. to 4:00 p.m..

Visit us online!

Visit mass.gov/dor to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief
Collections Bureau

NOTICE OF PUBLIC HEARING

Please be advised that the Select Board will hold a public hearing on Wednesday, February 15, 2023 at 5:30 PM to consider an application for a Transfer of a Seasonal General On Premises Wine and Malt Beverages License from NGM, Inc., dba Siasconset Golf, 260 Milestone Road, to Nantucket Islands Land Bank with addition of a Management Agreement to operate the premises with NGM, Inc., Sean D. Oberly, Manager. The hearing will be held in-person at the first floor Community Room of the Public Safety Facility, 4 Fairgrounds Road as well as via Zoom Webinar. Please see meeting posting for remote participation and viewing links. For further information, please email licensing@police.nantucket-ma.gov.

B09 SELECT BOARD



**Town & County of
NANTUCKET, MA**

LICENSING AND PERMITS
PSF, 4 Fairgrounds Road, M-F 8am-4pm
508-325-4100 · licensing@police.nantucket-ma.gov

**TOWN OF NANTUCKET SELECT BOARD/LICENSING AUTHORITY
NOTICE OF LIQUOR LICENSING PUBLIC HEARING**

Dear Abutter:

In accordance with MGL Chapter 138, Section 15A you are hereby notified that a Liquor License Public Hearing will be held as noticed below. For more information or to provide written comments, please email licensing@police.nantucket-ma.gov.

NOTICE OF PUBLIC HEARING

Description of Proposed Premises:

Additional Application Information:

IN PERSON PARTICIPATION: PSF Community Room, 4 Fairgrounds Road

REMOTE PARTICIPATION:

You Tube Link For Viewing Only: <https://youtu.be/g4QzY4grksk>

Zoom Webinar Registration Link to Virtually Attend Meeting:

https://us06web.zoom.us/webinar/register/WN_IdpZTZo4RkyaEy3fhTszww

TOWN OF NANTUCKET

LIQUOR LICENSE

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER..... **NANTUCKET ISLANDS LAND BANK**
C/O Bryan J. Swain, B&S, 35 D Old South Road, PO BOX 2049, Nantucket, MA 02554
MAILING ADDRESS.....
PROPERTY LOCATION..... **260 MILESTONE RD**
ASSESSORS MAP/PARCEL..... **72 / 48**
SUBMITTED BY: **Bryan J. Swain, Esq.**

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land whose property directly touches the proposed property and churches and schools within 500 feet of the property, all as they appear on the most recent applicable tax list.

December 19, 2022	Mary Haley,	Digitally signed by
	Senior Clerk,	Mary Haley, Senior
	Assessor's Office	Clerk, Assessor's Office
		Date: 2022.12.19
		14:52:04 -05'00'
DATE	ASSESSOR'S OFFICE	
	TOWN OF NANTUCKET	

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
50	3		THE NANTUCKET GOLF CLUB INC		PO BOX 313	SIASCONSET	MA	02564	250 MILESTONE RD
72	8		NANTUCKET CONSERVATION FOUND I		PO BOX 13	NANTUCKET	MA	02554	299 MILESTONE RD
72	49		SCONSET TRUST INC		PO BOX 821	SIASCONSET	MA	02564	270 MILESTONE RD
Count:		3							

LICENSE #: 03463-GP-0762

LICENSE FEE: \$2,600.00

Amendments in Red

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
SEASONAL GENERAL ON PREMISE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
LICENSE WINE AND MALT BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: Nantucket Islands Land Bank
MANAGEMENT: NGM, Inc.
DBA: Siasconset Golf Course
PREMISES: 260 Milestone Road
Nantucket, MA 02554
MANAGER: Sean Oberly

ON PREMISES DESCRIBED AS:

Alcohol service will be limited to only the bar area, front hall, front room and front porch. Alcohol storage will be limited to behind the bar and in the bar storage area adjacent to the bar.

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 XX

DRAFT

Chair, Select Board

THIS LICENSE IS VALID APRIL 1 – JANUARY 15 XX



Agenda Item Summary

Agenda Item #	IX. 9 & 10.
Date	2/15/2023

Staff

Amy Baxter, Licensing Administrator

Subject

New Restaurant Application to Include: Common Victualler with Seasonal All-Alcoholic Beverages Restaurant License – LH Manager Northeast, LLC, dba The Pearl and Boarding House, 12 Federal Street, Abigail Ayre, Manager.

Executive Summary

The Applicant seeks NEW Licenses for the operation of The Pearl and Boarding House at 12 Federal Street.

The Licenses under review in separate Public Hearings are:

- Common Victualler with Seasonal All-Alcoholic Beverages Restaurant Liquor License
- Non-Live Entertainment License for Interior Spaces.

The Licenses of the former operator, The Boarding House Inc. were not renewed by vote of the Select Board on March 16, 2022. The Licenses have not been active since 2021.

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

- The Pearl and Boarding House is in the downtown Historic District and within walking distance of the majority of restaurants, shops and transportation for the island. The location has been a licensed restaurant for over 40 years.

The number of existing dispensaries in Town

Annual Package Stores – Wine & Malt:	5
Annual Package Stores – All Alcohol:	5
Seasonal Package Stores – Wine & Malt:	4
Seasonal Package Stores – All Alcohol:	4
Annual On-Premise Licenses:	44
Seasonal On-Premise Licenses:	41

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

- No public comments were received by Licensing as of 2-7-23.



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

- The Pearl and Boarding House property is in the heart of the Historic District. The application before the Select Board seeks the same licenses and conditions applied to the former operator.
- No noise complaints on record with NPD in past 3 years.

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

- The Applicant currently operates other licensed establishments on Nantucket including Faraway Hotel and The Beachside.

Background/Discussion

The property at 12 Federal Street was sold in 2021. There were no licenses issued and no operations at the location in 2022.

The applicant is requesting the same type and category of licenses that existed with the previous operator. Renovations currently underway are mostly cosmetic and per building codes. No significant alteration to the premises.

A meeting between the owner/operator, Planning and Licensing was held in early February to discuss the operation and determine any requirements for a special permit/Planning Board review. It was determined this property did not meet requirements for a MCD/Special Permit and would not need Planning Board review.

The Entertainment License Request is for Non-Live Streaming and Background Music.

Impact: Environmental ☐ **Fiscal** ☐ **Community** ☐ **Other** ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

Abutter notification; two weeks advertisement in I&M

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

N/A

Attachments

New Liquor License ABCC Application and Floor Plans; ABCC Summary Form; Determination Letter; 2021 Liquor and Entertainment Licenses for 12 Federal Street; Draft Liquor and Entertainment Licenses





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 The Pearl and Boarding House

Street Address 12 Federal Street Nantucket, MA

Zip Code 02554

Manager Abigail Ayre

Granted under Special Legislation? Yes ☐ No ☒

\$12 Restaurant

Seasonal

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

Four story wooden structure; 2 front entrances; 1 patio/deck entrance; 2 rear exits; 2 separate kitchens; 3 levels of dining; 4 levels of storage/offices; delivery and seasonal patios with seating in rear of building.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date 01/30/2023 Time

Advertised Yes ☒ No ☐ Date Published 02/02/2023 Publication

Inquirer & Mirror

Abutters Notified: Yes ☒ No ☐ Date of Notice 01/30/2023

Date APPROVED by LLA 02/15/2023

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 **Abigail Ayre**

Title **Manager of Record**

Company name **LH Manager Northeast, LLC**

DBA **The Pearl and Boarding House**

Primary Phone

■■■■■■■■■■

Primary E-mail **a.ayre@pearlnantucket.com**

Primary Mailing Address **110 E 25th Street, NY, NY 10010**

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

Manager Cell Phone

■■■■■■■■■■

Manager E-mail **a.ayre@pearlnantucket.com**

PREMISES

Licenses Applying For:



LIQUOR



COMMON VICTUALLER



ENTERTAINMENT

Address of Establishment: **12 Federal Street, Nantucket, MA 02554**

Description of Premises:

Four story wooden structure; two front entrances; 1 patio/deck entrance; two rear exits; 2 separate kitchens; 3 levels of dining; 4 levels of storage/offices; delivery and seasonal patios with seating in rear of building.

Total Sq. Footage: **7,000**

of Exits **2**

of Entrances **3**

Proposed Seating Capacity Interior **144**

Proposed Seating Capacity Exterior **57**

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)

The exterior and interior renovations of the Pearl and Boarding House will include building code compliance upgrades (including ADA compliance), aesthetic upgrades, and mechanical and electrical upgrades. Interior renovations include the addition of an ADA lift between the Pearl and the Boarding House, upgrades to the HVAC systems, and aesthetic upgrades including millwork, paint, tile, and audio-visual upgrades. Exterior renovations include exterior paint, landscaping, and aesthetic upgrades to the outdoor patio and seating area.



TOWN OF NANTUCKET

NEW LICENSE APPLICATION

LIQUOR * COMMON VICTUALLER * ENTERTAINMENT

COMMON VICTUALLER LICENSE APPLICATION

DBA The Pearl and Boarding House

Address of Proposed Licensed Premises 12 Federal 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)

The restaurant will serve dinner nightly when open starting at 5:30pm and until 11:00pm. The menu, influenced from Japanese and French cooking techniques, will include dishes prepared with raw seafood and oysters, local and farm grown vegetables, noodle and rice dishes, grilled meats and thoughtfully prepared seafood entrees with a light dessert menu. We will not be offering take out, daytime food services or a late night food menu.

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

The structure is 4 floors and 3 of the floors will be used for dining as well as 2 season patios. One patio is on the front of the building to the right and the other is on the left closer to India Street. These will both include dining height tables and chairs. The inside of the first level will include a bar with 8 stools and 2 additional dining height tables in the bar area. The dining room of the first level includes a counter with 6 additional seats and 7 dining height tables. The second floor of the structure includes a bar with 8 bar stools and 1 high top table. The dining room of the second floor has all dining height tables, banquette style as well as dining height table and chairs. The third floor has two larger tables for private events, each accomodating up to 15 guests.

Hours of Operation for Food Service: Mon. 5:30pm-1:00am Tues. 5:30pm-1:00am Wed. 5:30pm-1:00am Thurs. 5:30pm-1:00am
Fri. 5:30pm-1:00am Sat. 5:30pm-1:00am Sun. 5:30pm-1:00am

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 Nantucket (2021)
Beachside (2022)

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.

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)

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. 5:30pm-1:00am	Tues. 5:30pm-1:00am	Wed. 5:30pm-1:00am	Thurs. 5:30pm-1:00am
	Fri. 5:30pm-1:00am	Sat. 5:30pm-1:00am	Sun. 5:30pm-1:00am	
Entertainment Hours Exterior:	Mon.	Tues.	Wed.	Thurs.
	Fri.	Sat.	Sun.	



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-10

☒ 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.

Four story wooden structure; two front entrances; 1 patio/deck entrance; two rear exits; 2 separate kitchens; 3 levels of dining; 4 levels of storage/offices; delivery and seasonal patios with seating in rear of building.

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	4/12/2019
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			

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 12 Federal 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 \$66,666.67

Lease Ending Date Upon termination

Rent per Year \$800,000.00

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
4/2019	12/2022	General Manager	The Nautilus & Gaslight	
11/2017	3/2019	Manager & Asst. G.M.	Loco Tacqueria & Fat Baby	
3/2015	10/2017	Maitre'd & Floor Manager	Row 34	
8/2013	11/2016	Server	Brasserie TenTen	

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

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, Rami Zeidan the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory

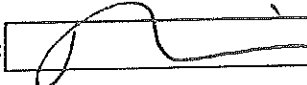
of LH Manager Northeast, LLC
Name of the Entity/Corporation

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:

1-18-22

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 and the
City/Town
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 <u> </u> | | ☐ Change of DBA |

"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."

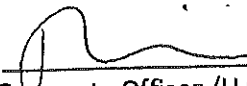
"VOTED: To appoint

Abigail Ayre

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)

THE PEARL

Salads

Vietnamese Lettuce Wraps Spring Rolls, Slaw, Nuoc Cham
Addictive Cabbage Sea Salt Ferment, Sesame, Nori
Smashed Cucumbers Garlicky Dressing, Tingly Crunch
Tiger Salad Peppery Greens, Radishes, White Soy, Citrus, Herbs
Onion Rings Tokyo Spice - Tempura, Banana Ketchup
Dilly Dandelion Greens Broccolini, Kimchi, Gochugaru, Lemon
Ice Cold Melon Elderflower Vinegar, Shio Koji, Coriander
Grilled Okra Ohitashi Tea Dashi, Bonito, Yuzu Kosho Pearls
Maitake Mushroom Tempura Sweet Chili Dip, Thai Basil, Panilla

Starters

Golden Potstickers Heritage Pork, Shrimp, Hot Garlic Bath
Lobster Rangoons Traditional Sweet & Sour Dip
60 Second Egg Sunny Quail Egg, Foie, Truffle, Brioche, Frisé
Red Miso Soup Negi, Tofu, Beech Mushroom, Wakame
Bao Buns
Mongolian Duck- Miso Cucumber, Scallion, Five Spice
Katsu Fish- Daikon Slaw, Tonkatsu Sauce, Lava Mayo
Kurobuta Pork Belly - Plum Sauce, Pickled Daikon
Roasted Shiitake v. - Hoisin, Scallion, Cucumber

Raw & Lightly Cooked

Yellowfin Martini Crispy Gyoza, Creme Fraiche, Roe
Akoya Roll Toro, Torch'd Tuna, Avocado, Cucumber, Ponzu
Dressed Native Oysters Sudachi Pearls, Cucumber, Concord Ice
Eastern Halibut Fried Leek, Asian Pear, Smoked Almond
Swordfish Oak Smoked, Lemon Kosho, Tomato Dashi
Land & Sea Wagyu Tartare, Scallop, Caviar, Farro, Chili, Lime

Entrees

Salt + Pepper Wok Fried Lobster House Lo Mein, Spinach, Grilled Lime, BBQ Glaze
Massaman Curry v. Avocado Tempura, Native Veg, Cured Tomato, Jasmine Sticky Rice
Crispy Panko Halibut Tom Kha Gai Broth, Coconut, Shimeji & Shiitake Mushrooms
Lemongrass + Coriander BBQ Prime Beef Green Papaya Salad, Green Chili krACK, 5 Spice Peanuts, Jasmine Sticky Rice
Hakata Ramen 24 Hour Pork, Fried Garlic, Poached Egg, Bamboo, Scallion, Nori, Red Ginger

Large Share

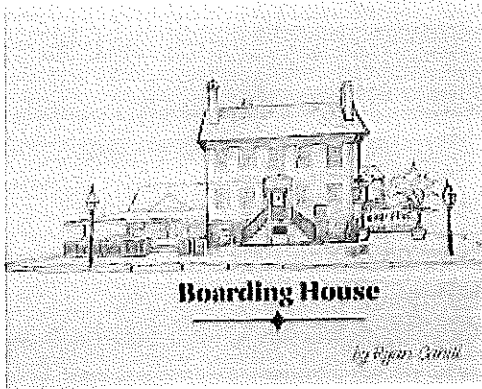
Tomahawk Steak for 2 38 oz. Dry Aged Vermont Beef- Carved Tableside, Rings & Fries, Sides, Dips, Sauces

Dessert

Lamington Cake Raspberry, Coconut, Cocoa
Toasted Rice Panna Cotta v. Meringue Crunch, Mango, Basil
BOHO Cookies Warm Dark Chocolate Chunk Cookies, Sea Salt
Floating Island Vanilla Anglaise, Dulce de Leche Caramel

Off Menu

BOHO Burger Wagyu, Smokey Bacon, Aged Cheddar, LTO, Pickles, Boho Sauce



Snack Plate Pickles & Ferments, Farmers Cheese Dip, Wagyu Jerky, House Bread

French Sturia Caviar Classic Set, Buckwheat Pancakes

Tiger Salad Peppery Native Greens, Radishes, White Shoyu, Fried Garlic, Citrus, Herbs

Crispy Green Tomatoes Smoky Remoulade, Tomato Jam, Chive

Hand Cut Frites or Tempura Rings Tokyo Spice, Banana Ketchup, Umami Mayo

Ricotta Dumplings Matsutake, Mushroom Dashi, Shaved Truffle

Tuna Poke Nachos Eastern Yellowfin, Wonton, Spicy Mayo, Scallion, Jalapeno

Black Bass Taradito Black Sesame, Negi, Lime, Cucumber, Citrus

Tostada Oyster Escabeche, Littlenecks, Uni, Lime, Crispy Onion, Salsa Macha

Karaage Fried Chicken, Savory Waffle, Ginger Soy, Tartar Sauce

Swordfish Sliders Blackened, Island Slaw, Pickled Chili, Lava Sauce

Veggie SmashBurger Ancient Grain Patty, Native Greens, Pickles, BOHO Sauce

BOHO Burger Wagyu, Smokey Bacon, Aged Cheddar, LTO, Pickles, BOHO Sauce

Ramen Hakata Style, 24 Hour Pork, Fried Garlic, Poached Egg, Bamboo, Scallion, Nori, Red Ginger

Bao Buns

Mongolian Duck- Miso Cucumber, Scallion, Five Spice

Katsu Fish- Kimchi Slaw, Tonkatsu Sauce, Lava Mayo

Kurobuta Pork Belly - Plum Sauce, Pickled Daikon

Roasted Shiitake v. - Hoisin, Scallion, Cucumber

All above available with crispy tofu

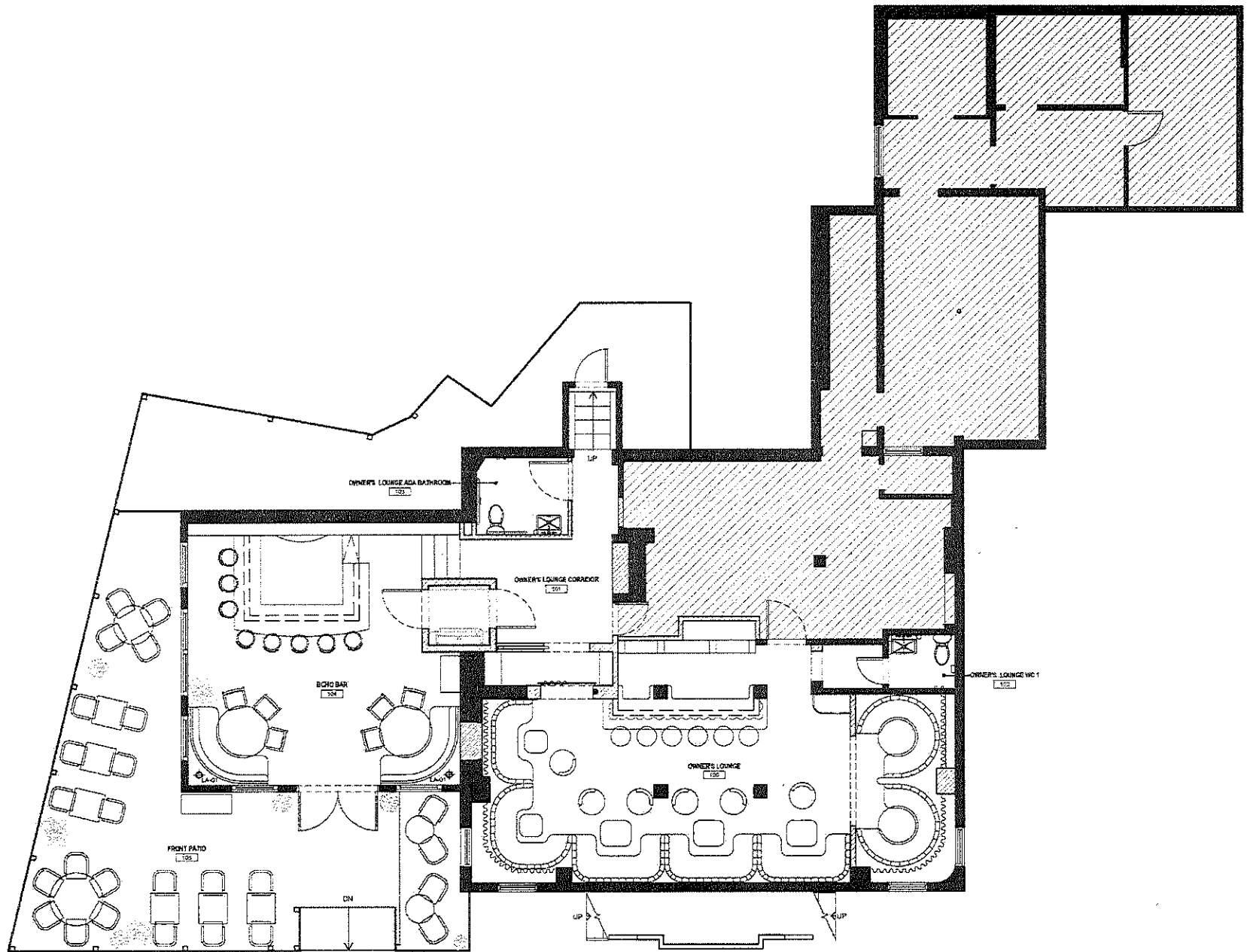
Dessert

BOHO Cookies Warm Dark Chocolate Chunk Cookies, Sea Salt

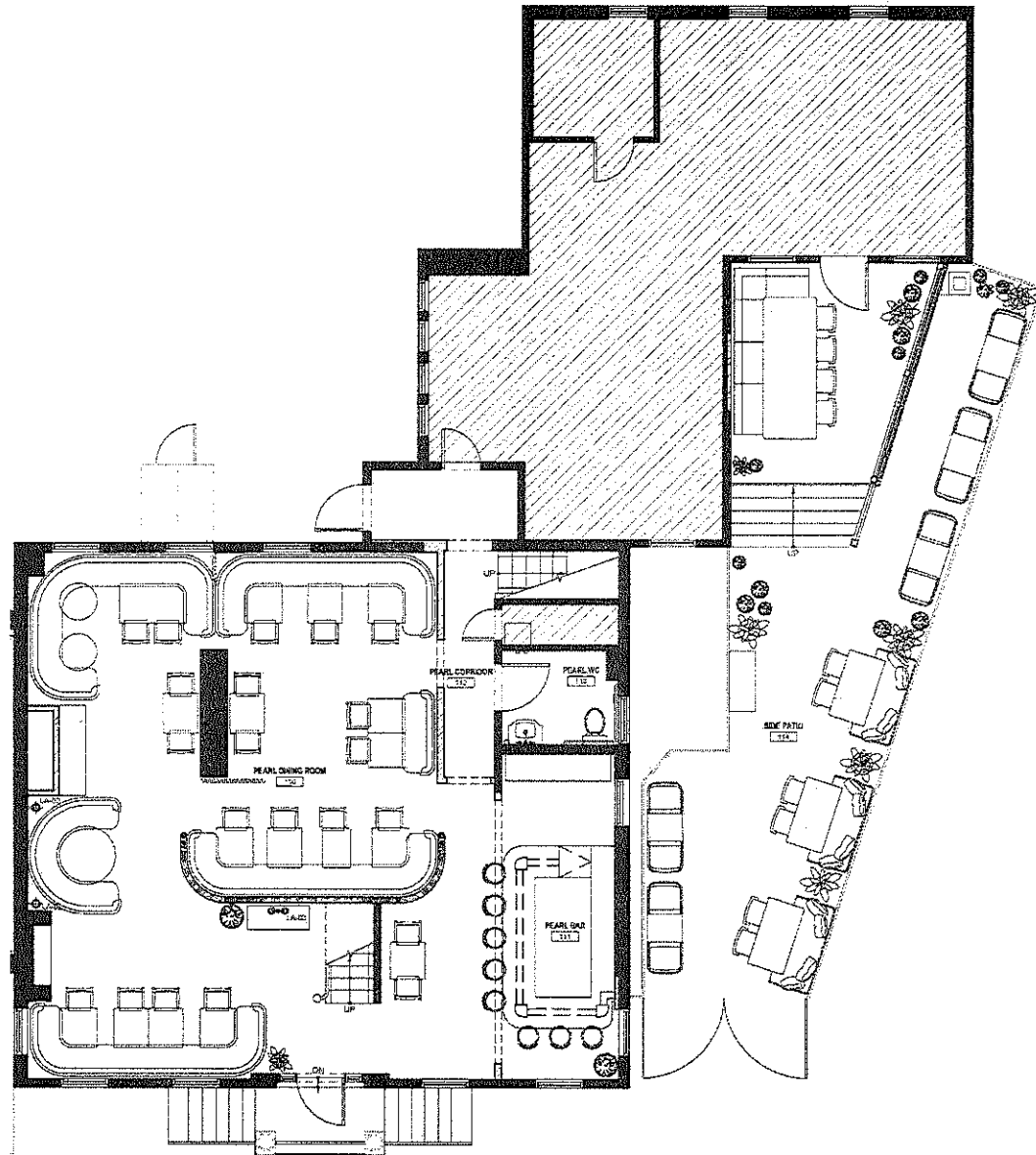
Bananas Foster

Roasted Coconut Popsicle Passion Fruit, Hazelnut

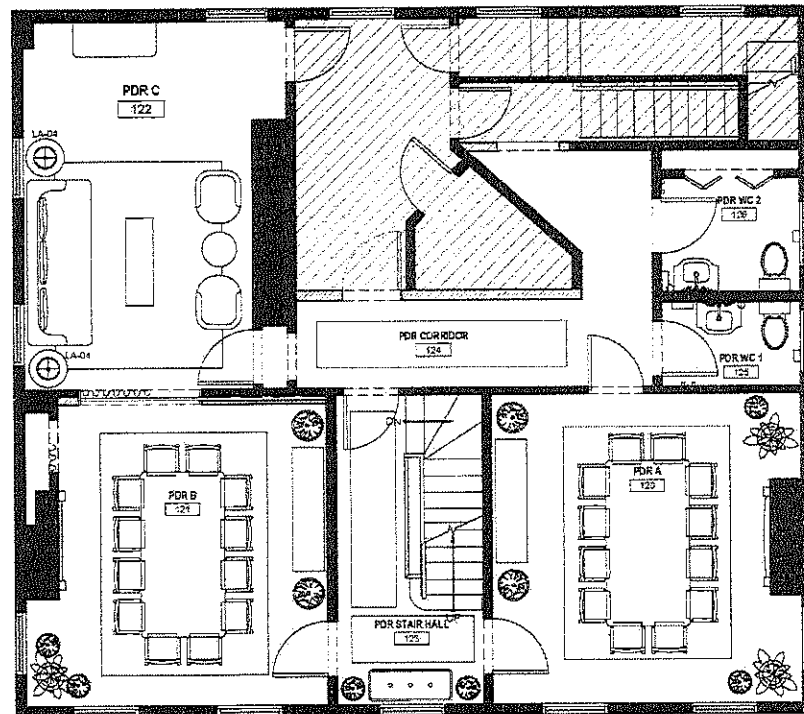
Cocoa Truffles v. Medjool Date, Raspberry Crunch



1 LOWER LEVEL FURNITURE PLAN
 SCALE: 1/8"=1'



1 FIRST LEVEL FURNITURE PLAN
SCALE: 1/8"=1'-0"





SECOND LEVEL FURNITURE PLAN
 SCALE: 1/4" = 1'-0"

TOWN OF NANTUCKET

COMMON VICTUALLERS

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER 12 Federal Street, LLC
MAILING ADDRESS 867 Boylston Street, Suite 400, Boston, MA 02116
PROPERTY LOCATION 12 Federal Street, Nantucket, MA 02554
ASSESSORS MAP/PARCEL PID 9581
SUBMITTED BY: LH Manager Northeast, LLC

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land whose property directly touches the proposed property and churches and schools within 500 feet of the property, all as they appear on the most recent applicable tax list.

January 18, 2023
DATE

Mary Haley,
Senior Clerk,
Assessor's Office

Digitally signed by Mary
Haley, Senior Clerk,
Assessor's Office
Date: 2023.01.18
11:39:49 -05'00'

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

NIR RETAIL II LLC
C/O NEW ENGLAND DEVELOP-ACCTING
DEPT
75 PARK PLAZA #3
BOSTON, MA 02116

ST MARYS ROMAN CATHOLIC CHURCH
6 ORANGE ST
NANTUCKET, MA 02554

NANTUCKET UNITED METHODIST CHU
PO BOX 264
NANTUCKET, MA 02554

FARRELL FRANCIS X ETAL
4 WESTMOOR LANE
NANTUCKET, MA 02554



**Town & County of
NANTUCKET, MA**

LICENSING AND PERMITS
PSF, 4 Fairgrounds Road, M-F 8am-4pm
508-325-4100 · licensing@police.nantucket-ma.gov

**TOWN OF NANTUCKET SELECT BOARD/LICENSING AUTHORITY
NOTICE OF LIQUOR LICENSING PUBLIC HEARING**

Dear Abutter:

In accordance with MGL Chapter 138, Section 15A you are hereby notified that a Liquor License Public Hearing will be held as noticed below. For more information or to provide written comments, please email licensing@police.nantucket-ma.gov.

NOTICE OF PUBLIC HEARING

Description of Proposed Premises:

Additional Application Information:

IN PERSON PARTICIPATION: PSF Community Room, 4 Fairgrounds Road

REMOTE PARTICIPATION:

You Tube Link For Viewing Only: <https://youtu.be/g4QzY4grksk>

Zoom Webinar Registration Link to Virtually Attend Meeting:

https://us06web.zoom.us/webinar/register/WN_IdpZTZo4RkyaEy3fhTszww

7022 1670 0003 0448 0790

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
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For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$ 4.15
Extra Services & Fees (check box, add fee as appropriate)	\$ 3.35
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$.60
Total Postage and Fees	\$ 8.10

Sent To

Farrell Francis X et al
P.O. Box 264
Nantucket, MA 02554

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 1670 0003 0448 0790

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
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Certified Mail Fee	\$ 4.15
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☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$.60
Total Postage and Fees	\$ 8.10

Sent To

Farrell Francis X et al
4 Westmoor Lane
Nantucket, MA 02554

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 1670 0003 0448 0806

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

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OFFICIAL USE

Certified Mail Fee	\$ 4.15
Extra Services & Fees (check box, add fee as appropriate)	\$ 3.35
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$.60
Total Postage and Fees	\$ 8.10

Sent To

Nir Retail II LLC
c/o New England Develop-Accting Dept.
75 Park Plaza, #3 / Boston, MA 02116

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7022 1670 0003 0448 0806

U.S. Postal Service
CERTIFIED MAIL® RECEIPT
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☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$.60
Total Postage and Fees	\$ 8.10

Sent To

St. Marys Roman Catholic Church
6 Orange Street
Nantucket, MA 02554

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

AFFIDAVIT OF NOTICE TO ABUTTERS AND OTHERS

To: Town of Nantucket

I, (print your name) Ryan M. Gazda
applicant/applicant's representative for a (print type of license requested) ***PLEASE SEE BELOW
license, to be operated at (print address of proposed location) 12 Federal Street, Nantucket, MA 02554
hereby certify that the following is a true list of the owners of the abutting property(ies) per the
Assessor's most recent valuation list:

1. Nir Retail II LLC c/o New England Develop-Accting Dept. 75 Park Plaza #3, Boston, MA 02116
2. Farrell Francis X etal @ 4 AWestmoor Lane, Nantucket, MA 02554

And that the following schools, churches or hospitals are located within a five hundred (500) feet radius from said proposed location (if none, please specify as such): No Schools or Hospitals

1. St. Marys Roman Catholic Church @ 8 Orange Street, Nantucket, MA 02554
2. Nantucket United Methodist Church @ P.O. Box 264, Nantucket, MA 02554

I also certify that notice of the application/petition was given to each of the above-listed by mailing via Certified Mail, Return Receipt Requested, within three days after publication of the advertisement of the application/petition, a copy of the attached advertisement of the application/petition. Proof of service is evidenced by the attached certified mail receipts and return certified receipts bearing signatures of persons receiving said notices, in addition to those which were returned as undeliverable mail.

Signed and subscribed to under the pains and penalties of perjury this 1st day of February
(month), 2023 (year).

Sign Name: [Signature]

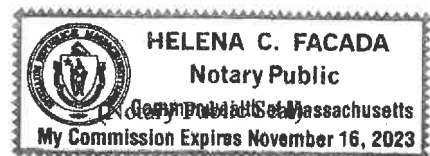
Print Name: Ryan M. Gazda

Relation to Applicant: Attorney

Signature of Notary Public: [Signature]

Name of Notary Public: Helena C. Facada

Commission Expires: November 16, 2023



**** New Common Victualler with Seasonal All Alcoholic Beverages Restaurant license and Non-Live Entertainment License**

PUBLIC NOTICE

Please be advised that the Select Board will hold a public hearing on Wednesday, February 15, 2023 at 5:30 PM to consider an application for a New Common Victualler with Seasonal All Alcoholic Beverages Restaurant License and Non-Live Entertainment License for LH Manager Northeast, LLC dba The Pearl and Boarding House, located at 12 Federal St. Nantucket, MA 02554 Abigail Ayre, Manager. The hearing will be held in-person at the first floor Community Room of the Public Safety Facility, 4 Fairgrounds Road as well as via Zoom Webinar. Please see meeting posting for remote participation and viewing links. For further information, please email licensing@police.nantucket-ma.gov.

B13

SELECT BOARD

LICENSE #: 00166-RS-0762

LICENSE FEE: \$3,900.00

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: Boarding House, Inc.

DBA: BOARDING HOUSE
& THE PEARL

PREMISES: 12 Federal Street
Nantucket, MA 02554

MANAGER: Angela Raynor

ON PREMISES DESCRIBED AS:

Four story wooden structure; two front entrances; 1 patio/deck entrance; two rear exits; 2 separate kitchens; 3 levels of dining; 4 levels of storage/offices; delivery and seasonal patios with seating in rear of building.

PREVIOUS LICENSE FOR 12
FEDERAL STREET - EXPIRED 2021

ELECTRONIC COPY

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 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.

LICENSE FEE: **\$100.00**

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN

ENTERTAINMENT LICENSE

▶ **SEVEN DAYS** ◀

BUSINESS: Boarding House, Inc.

DBA: BOARDING HOUSE
& THE PEARL

PREMISES: 12 Federal Street
Nantucket, MA 02554

MANAGER: Angela Raynor

LICENSED PREMISES DESCRIBED AS:

Both Restaurants and Bar Area.

PREVIOUS LICENSE FOR 12
FEDERAL STREET - EXPIRED 2021

Approved Entertainment:

- RADIO; CD PLAYER; IPOD
- TELEVISION

Conditions of License:

- **HOURS:** Mon. – Fri.: 12:00 pm-1:00 am
- **Sat.: 10:30 am–1:00 am; Sun.: 10:30 am–1:00 am**
- All Entertainment must end by 1:00 am.
- **LOCATION:** Both restaurants and bar area.
- Amplified music **Indoors Only**.
- No outdoor speakers at Boarding House.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of Section 183A, Chapter 140 of the Massachusetts General Laws, and any rules or regulations made thereunder by the licensing authorities.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this 16th day of December 2020.



Dawn Hill Holdgate
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 2021

**Unless earlier suspended, cancelled, or revoked*

ALL EMERGENCY ORDERS ISSUED BY THE COMMONWEALTH OF MASSACHUSETTS AND
TOWN OF NANTUCKET APPLY.

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

LICENSE #: TBD

LICENSE FEE:

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: LH Manager Northeast, LLC
DBA: The Pearl and Boarding House
PREMISES: 12 Federal Street
Nantucket, MA 02554
MANAGER: Abigail Ayre

ON PREMISES DESCRIBED AS:

Four story wooden structure; two front entrances; 1 patio/deck entrance; two rear exits; 2 separate kitchens; levels of dining; 4 levels of storage/offices; delivery and seasonal patios with seating in rear of building.

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 day of , 20xx.

DRAFT

Chair, Select Board

THIS LICENSE IS VALID APRIL 1, 20xx – JANUARY 15, xx

**Unless earlier suspended, cancelled, or revoked*

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

LICENSE FEE: **\$100.00**

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN

ENTERTAINMENT LICENSE

▶ **SEVEN DAYS** ◀

BUSINESS: LH Manager Northeast, LLC

DBA: THE PEARL & BOARDING HOUSE

PREMISES: 12 Federal Street
Nantucket, MA 02554

MANAGER: Abigail Ayre

LICENSED PREMISES DESCRIBED AS:
Both Restaurants and Bar Area.

Approved Entertainment:

- **STREAMING; PRE-RECORDED MUSIC**
- **TELEVISION**

Conditions of License:

- **HOURS: Mon. – Fri.: 12:00 pm-1:00 am**
- **Sat.: 10:30 am–1:00 am; Sun.: 10:30 am–1:00 am**
- All Entertainment must end by 1:00 am.
- **LOCATION:** Both restaurants and bar area.
- Amplified music **Indoors Only**.
- No outdoor speakers at Boarding House.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of Section 183A, Chapter 140 of the Massachusetts General Laws, and any rules or regulations made thereunder by the licensing authorities.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this xx day of .

DRAFT

Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 20XX

**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 its meeting held Wednesday, February 15, 2023, the Select Board approved the application for a New Common Victualler with Seasonal All-Alcholic Beverages Restaurant License and Non-Live Entertainment License for LH Manager Northeast, LLC dba The Pearl and Boarding House, located at 12 Federal Street, Nantucket, MA 02554, Abigail Ayre, Manager. 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 Rectry, 6 Orange Street, Nantucket, MA 02554; and Nantucket United Methodist Church, 2 Center Street, Nantucket, MA 02554. St. Mary's Roman Catholic Church, St. Mary's Rectory and Nantucket United Methodist Church are located within 500 feet of the licensed premises of The Pearl and Boarding House.

Jason Bridges, Chair

Dawn Hill Holdgate, Vice Chair

Matt Fee

Malcolm MacNab

Brooke Mohr



Agenda Item Summary

Agenda Item #	X. 1.
Date	2/15/2023

Staff

Preservation Planner; Town Manager; Town Counsel; Director and/or Deputy Director of Planning

Subject

HDC: Proposed Independent Review; Advisory Committees

Executive Summary

In August, 2022, the HDC advisory committees* ceased as a result of a legal determination that they were not properly established. On September 7, 2022, as requested by the HDC, the Select Board re-established the Sign Advisory Council and the HDC was instructed to determine how it wanted to proceed with the rest of the committees. On November 16, 2022, the HDC re-requested the rest of the advisory committees to be re-instated, concern was expressed as to their value, and it was generally agreed to hold off until "more information" could be gathered and a scope for an independent review developed. The scope was developed, sent to HDC and PLUS staff for review. The scope with comments, is attached and we are in the process of determining an outside firm to undertake the review and what that cost would be.

*Sign Advisory, Historic Structures Advisory, Madaket Advisory, Sconset Advisory, Tuckernuck Advisory

Staff Recommendation

This agenda item is intended to be an update

Background/Discussion

On February 3, 2023, the following met to review the items contained in the enclosed agenda: Town Manager, Planning Director, Preservation Planner, NP&EDC Chair, Select Board Vice Chair, HDC Chair. There was also a report from an HDC subcommittee – attached. This is just general associated information.

Impact: Environmental ☒ **Fiscal** ☒ **Community** ☒ **Other** ☐

The goal is to maintain the HDC's mission under the Act, which is "to promote the general welfare of the inhabitants of the Town of Nantucket through the preservation and protection of historic buildings, places and districts of historic interest through the development of an appropriate setting for these buildings, places and districts and through the benefits resulting to the economy of Nantucket in developing and maintaining its vacation-travel industry through the promotion of these historic associations." (HDC Special Act Section 2)



Board/Commission Recommendation

N/A

Public Outreach

N/A

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

Connection to Select Board Strategic Plan Focus Area: Quality of Life

Attachments

Minutes from Select Board meetings: Sep 7, 2022; Nov 16, 2022

Agenda from Feb 3, 2023 Staff/Chairs meeting

DRAFT Proposed Scope for Independent Review of HDC Ops

2/3/23 Email from S Welch re 2/2/23 HDC Special Meeting

8/17/2022 & 9/1/22 Town Counsel legal opinion re HDC adv committees

1/10/23 Alternative legal opinion re HDC adv committees

11/02/22 HDC memo to SB re requesting reinstating adv committees

1/3/2023 HDC minutes

2/9/2023 email from Town Counsel re: alternative legal opinion

11/28/2022 email from Preservation Planner re: HDC review

DRAFT Proposed Scope for Independent Review of HDC Ops with edits from PLUS

2020 National Alliance of Preservation Commissions CAMP report

11/17/2022 HDC adoption of best practices

**2/13/2023 letters from Nantucket Historical Commission; Mickey Rowland (former chair of HSAB);
Nantucket Preservation Trust and Sconset Trust**



V. PUBLIC COMMENT

Denise Kronau, speaking as a private citizen, voiced concerns over a recently launched recall effort of the Select Board Chair and commended those in service to the Town, especially the Select Board and Chair Bridges. She said she feels the recall effort is polarizing, disheartening and a disservice to the community.

Anne Dewez noted the Select Board has an item on its September 8, 2022 executive section agenda regarding a Planning Board legal matter involving pools and spas. She read aloud an email she recently sent to the Board about this.

Charity Benz voiced her concern about a recent court ruling that upheld a Conservation Commission decision regarding the removal of the Sconset geotube project and the possibility of the Siasconset Beach Preservation Fund (SBPF) appealing that decision.

Butch Ramos spoke out against the use of antifreeze to winterize plumbing, noting that it is an environmental hazard.

Meghan Perry passed out copies of the Housing Appeals Committee (HAC) draft decision for the proposed Surfside Crossing 40B housing project to the Board members. She reviewed sections of the former Fire Chief's testimony to the HAC and asked if new information can be presented to the HAC based on the Veranda House fire in July, 2022.

VI. NEW BUSINESS

There was no new business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Ms. Mohr moved approval of items VII 1-2; seconded by Ms. Holdgate. So voted 4 - 0.

1. Approval of Minutes of August 17, 2022 at 5:30 PM.

2. Approval of Payroll Warrants for August 21, 2022; September 4, 2022.

3. Approval of Treasury Warrants for August 24, 2022; August 31, 2022; September 7, 2022. Ms. Mohr recused herself from this matter. Ms. Holdgate moved approval; seconded by Mr. Fee; so voted 3 - 0.

4. Approval of Pending Contracts for September 7, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Holdgate moved approval; seconded by Mr. Fee; so voted 4 - 0.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Natural Resources and Saltmarsh Senior Center: Request for Acceptance of Gifts. Ms. Holdgate moved approval of the gifts with thanks to the donors; seconded by Ms. Mohr. So voted 4 - 0. Ms. Mooney read the donors' names as indicated in the Board's agenda materials.

IX. SELECT BOARD'S REPORTS/COMMENT

1. Discussion/Potential Action Regarding Historic District Commission Advisory Committees. Chair Bridges noted that the Board has all agenda item materials in the agenda packet with the exception of a letter that

was received today from HDC Chair Ray Pohl. Chair Bridges said the Board will be discussing possible actions, including reinstating one or more of the HDC advisory committees or tabling the matter. Mr. Fee said he wants to understand why the boards were eliminated and how. He said he feels the process was not sufficient and that the Board should not have the burden placed on it to establish committees for the HDC. Mr. Fee added he feels the legal opinion from Town Counsel was used as an excuse to eliminate the HDC advisory boards and that there was not a process involved. Chair Bridges said that he spoke with Ray Pohl today as to a short-term solution whereby the Board could reinstate one or more of the committees until a longer-term solution can be recommended by the HDC and/or Planning. Ms. Holdgate said she wants to talk about solutions, not how we got here. She said that when the Historic Structures Advisory Board (HSAB) was established there was no Nantucket Historical Commission (NHC) and she feels that if the NHC has the bandwidth they should take over the role of the HSAB. Ms. Holdgate went on to say that she feels while the HDC advisory committees were valuable, the way they were established was not legal, and if the Select Board does reestablish any of them, there should be a recommendation from the HDC. Ms. Mohr said she doesn't know the history of the neighborhood committees (Sconset Advisory Board - SAB, Tuckernuck Advisory Board - TAB, Madaket Advisory Board - MAB) and she needs more time to understand their origins, but she does feel the Sign Advisory Council (SAC) is helpful. Ms. Mohr added that once the Town has an understanding that something is not legal it cannot continue. She said she feels the SAC is the most important advisory committee for the HDC and a temporary fix is to reestablish that committee then a long-term solution could be to amend the HDC Special Act to allow the HDC to legally establish the advisory committees. Mr. Fee stated that his original suggestion to the Town Manager was for her to reinstate the committees then spend time on a long-term solution. He added that the discussion of the advisory committees began a year ago so there has been time to work on this. He said the Town was being reactive instead of proactive. Ms. Mohr asked if the Select Board could vote tonight to reestablish any or all of the advisory committees and bypass its committee appointment policy. Attorney John Giorgio from Town Counsel's office said he sees no reason why the Board can't vote tonight to reestablish the SAC and reconstitute it as it was to allow the committee to work uninterrupted. Ms. Mooney reviewed the Board's committee appointment policy and the Board's allowance to bypass it. She noted that the terms and seats proposed in the packet differ somewhat from what previously existed. Ms. Mohr asked for clarification on the Board's ability to appoint members to HDC advisory committees and asked if the SAC is different from the others. Mr. Giorgio said they are all the same in that the Charter grants the authority to establish and make appointments, to the Select Board. Ms. Mohr asked if the Board doesn't reconstitute the committees, what will be the effect to pending applications. Planning Director Andrew Vorce clarified that he consulted with the chair of the HDC over a year ago and discussions included Town Counsel and the Town Manager. Mr. Vorce explained that he didn't "cancel" the committees, he had them stop meeting as staff can't provide support to committees that are not legally constituted. Mr. Vorce cautioned the Board against establishing any new neighborhood committees as it could be a burden on staff time. He added that he is in agreement with Ms. Holdgate and his staff about allocating the review of historic structures to the NHC. Mr. Fee said he wants the HDC to be involved and for the HDC to make a recommendation to the Select Board about reestablishing the committees. Preservation Planner Holly Backus stated the crux of Mr. Pohl's letter is that the HDC cannot do without the SAC. Chair Bridges reviewed possible options for the Board including waiting to get more feedback from the HDC or to reestablish the SAC now. Ms. Holdgate moved to reestablish the SAC tonight with the existing members with all terms ending June 2023 and then getting a recommendation from the HDC on the SAC in terms of mission, membership, etc. which the Board can ratify at a later meeting; seconded by Mr. Fee. Hillary Hedges Rayport asked to speak while the vote was in process. Chair Bridges said she would have to wait to speak until the vote was taken. On the motion, so voted 3 – 1. Mr. Fee was opposed as he wanted to hear from Ms. Rayport. Ms. Rayport stated she is "stunned" by the Board's decision, stating that she does not believe the Select Board has the right to

appoint HDC members. She said she felt this was a “manufactured crisis” and there are management issues that are not being addressed. Ms. Holdgate noted that the Select Board appoints the HDC Alternate members so there is already precedent for Select Board appointments of HDC-related membership. Ms. Mohr stated she sees this as an emergency response to a request from the HDC Chair, not a long-term solution. She added she would like to form a group to review the system that has been in place. Ms. Hedges stated she wants the Select Board to acknowledge that this is a manufactured crisis and management issue. Mr. Fee voiced concerns about how an assessment can be done in time to put forth a town meeting article for a home rule petition to change the HDC Special Act. Bruce Mandel suggested that neighborhoods create groups to review applications and have one person present comments to the HDC. He also suggested that if the MAB is reconstituted that two alternate seats are allowed, and that all members live in Madaket. Mr. Vorce said regarding the so-called “manufactured crisis” that the August 17, 2022 memo from Town Counsel advised discontinuation of advisory committee meetings or deliberations.

2. Committee Reports. None.

X. HDC APPEAL

1. Public Hearing to Consider the Appeal of Charles R. Schwarzapfel of Historic District Commission Disapproval of Certificate of Appropriateness No. HDC2020-10-2033 for a Pool, Patio, Screening and Fence Located at 9 Maine Avenue, Map 60.3.1, Parcel 425 (Continued from April 6, 2022, June 8, 2022; Request to be Continued to December 7, 2022). Ms. Holdgate moved to continue the public hearing to December 7, 2022; seconded by Mr. Fee. So voted 4 – 0.

XI. ADJOURNMENT

At 7:04 PM, Ms. Mohr moved adjournment; seconded by Ms. Holdgate. So voted 4 - 0.

Approved the 21st day of September 2022.

VI. NEW BUSINESS

There was no new business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Mr. Fee moved approval of items VII 1 – 3; seconded by Ms. Holdgate; all in favor, so voted.

1. Approval of Minutes of November 9, 2022 at 5:30 PM.

2. Approval of Payroll Warrants for November 13, 2022.

3. Approval of Treasury Warrants for November 16, 2022.

4. Approval of Pending Contracts for November 16, 2022 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

Ms. Holdgate moved approval of the pending contracts as presented; seconded by Ms. Mohr; all in favor, so voted.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Historic District Commission: Request for Reinstatement of Madaket Advisory Board, Tuckernuck Advisory Board, Siasconset Advisory Board, Historic Structures Advisory Board. HDC member Diane Coombs spoke in favor of the reinstatement of the advisory boards, stating their input is valuable and there is no cost to the Town. Mr. Fee noted a letter received from a Madaket resident requesting that the Board not reinstate the Madaket Advisory Board. Ms. Coombs said the reinstatement of that board could be postponed. Ms. Mohr noted that there is a fair amount of staff time dedicated to managing these advisory boards and noted there are no minutes from any of the boards posted on-line. She said she would like to hear from the Planning Director on this matter. Planning Director Andrew Vorce said there is a cost to the Town for the staff time necessary to manage these boards, which is significant in order to be done correctly. He noted there is no authority by the HDC to establish these boards, said that the boards have privately reconstituted themselves and have been providing input to the HDC as they had done before they were disbanded last summer. Ms. Mohr asked about transparency with the advice coming to the HDC from informal groups. Preservation Planner Holly Backus explained that all of the comments are made available to the public. She said that from the staff's perspective, the way the process is progressing now is easier, more efficient and the public is encouraged to provide comments. Chair Bridges asked about differences between the prior boards' input and the way it is happening now. Ms. Backus said there is no difference. Ms. Mohr asked if applications, previously, were required to go through these boards. Ms. Backus said no and explained how the process used to work and is working now. She reiterated the efficiency of the process as it currently stands. She added that the input is greatly appreciated. Mr. Fee said the HDC is requesting these boards and he thinks the current situation is adding a burden to the HDC. Mr. Fee asked how the Sign Advisory Committee (SAC) is being utilized. William Saad, HDC administration staff member explained how the SAC is used currently and how it was being used before. He emphasized the efficiency and transparency of the process. Mr. Fee asked for additional input from the HDC. Dr. MacNab agreed with Mr. Fee as to the HDC's request. Hillary Rayport spoke in support of the HDC's request and disagreed that associated staff time is significant. Linda Williams said she herself has served on an HDC advisory board; and, on the HDC. She stated that she represents people who do not support the HDC request and who she says are afraid of retribution by the HDC if they were to speak out against the request. She spoke on self-expansion of jurisdiction of the advisory boards to cover areas not intended to be covered. She spoke

against the HDC request without more specific documented and approved rules and parameters. Rick Atherton spoke in favor of the HDC request. Mr. Saad said he spends a significant amount of time administering the SAC. Esmeralda Martinez, HDC administrative staff member spoke on the amount of time she spends on HDC issues, as well as the time she previously spent administering the advisory boards, stating that it is “a lot of work for the staff”. Ms. Holdgate questioned the HDC application backlog, if the advisory boards were in effect. Some discussion followed as to the application backlog, processing time and process. Ms. Holdgate commented that with the current backlog, reinstating the advisory boards could make the situation worse. Ms. Backus suggested that the HDC enabling legislation perhaps could be amended to better streamline the process, to allow some amount of additional staff review and approval of certain types of applications. Ms. Holdgate agreed and said that routine applications could easily be approved by staff. Mr. Fee reviewed some historical discussion as to amending the HDC enabling legislation. He said he believes there are “management solutions”. Abby Camp, HDC member, spoke in support of the HDC request. Ms. Mohr said she is not ready to take action tonight and would like additional information as to the specifics of what the advisory boards are supposed to do, expressing concern about an unnecessary slow-down of the process. Dr. MacNab suggested reinstatement for one year. He said the “real issue” isn’t the advisory boards, it is the “appropriate review” of items going before the HDC. Ms. Holdgate suggested there could be a more thought-out process prior to reinstatement. Chair Bridges noted that the information desired by the HDC is getting to it through the current process. Ms. Holdgate moved to continue the item until more information can be gathered; seconded by Ms. Mohr. Chair Bridges asked about the type of information needed. Ms. Holdgate suggested detail as to staff time, and parameters that previously existed for the advisory boards with advisory board input. Mr. Fee asked who is going to gather the information. Some discussion followed. On the motion: Ms. Holdgate – Yes; Ms. Mohr – Yes; Mr. Fee – No; Dr. MacNab – No; Chair Bridges – Yes. So voted 3-2. Ms. Gibson suggested an independent review of the HDC processes, meeting structure, staff requirements, application types and that if the Board wants to put forward an article regarding the enabling legislation that could be developed. Ms. Holdgate spoke in favor of an independent review, which could include recommendations for enabling legislation amendments. Ms. Backus concurred. It was generally agreed that Ms. Gibson will come back to the Board with a scope for an independent review. Mr. Fee said he would want the HDC and other groups to have input.

IX. SELECT BOARD'S REPORTS/COMMENT

1. Form of Government/Municipal Charter Change Discussion (Input from Guest Speakers). Ms. Gibson explained that the Massachusetts Selectmen’s Association recently held a webinar with a former and current town managers who discussed their experiences with municipal charter changes. She said that Select Board member Brooke Mohr also attended the webinar and thereafter agreed that in light of discussions occurring in the community and with different community organizations, it might be a good idea to provide a summary of the information provided at the MSA meeting, to the Board, with allowance for questions and answers. She introduced Town Managers Julie Jacobsen from Auburn, MA and Andrew Sheehan from Middleton, MA; and former Town Manager Jeff Nutting who has served in a variety of capacities in several municipalities, with service of over 40 years. Each manager spoke on their careers in municipal government in a variety of roles and in different forms of government. Ms. Mohr asked about the process of transitioning from open town meeting to a town council form of government. Mr. Nutting reviewed the legal requirements and said it is a “huge change” to go from hundreds of years of doing something to a new way and suggested the statutory Charter Commission process, for something so significant. Mr. Fee asked about the types of items that come before a council and how they are prepared. Mr. Nutting said that many things are no different than for the Select Board, except that items for town meeting go to the council in a less time-consuming way. Mr. Fee asked about the Finance Committee’s role



Planning and Land Use Services

Building ▪ Historic District Commission ▪ Planning Board ▪ Zoning Board of Appeals

AGENDA

HDC, SB & NPEDC Chair Joint Meeting February 3, 2023

FACTS:

PLUS AGREEMENT:

- Between TON & NPEDC (since August 22, 2012) – providing professional services for the Planning Board, Zoning Board, Affordable Housing Trust, Building Department, and Historic District Commission (that make up PLUS.)
- PLUS oversees and administers public meetings staffed by NPEDC.
- ALL personnel, except Planning Director are included in the respective bargaining units with the Town of Nantucket employees.

STAFFING: PLUS is responsible for staff, not any board.

CONCERNS:

- Citizen Warrant Article: HDC Administrator
 - NPEDC - January 23, 2023, voted not to support.
 - FinCom - January 26, 2023, voted not to support.
 - HDC review pending.
- Independent Review
- Alternative Legal Opinion
- Advisory Boards
 - HOME RULE PETITION – Chapter 124
 - Status of advisory comments
- Finances
- Next Steps
- Reportability

DRAFT Scope of Services for HDC Ops Review

As of 11/2022 LG

Review the conduct of Commission meetings and examine/confirm compliance with:

- Open Meeting Law
- Robert's Rules of Order
- Town of Nantucket Committee Handbook, including Code of Conduct
- Conflict of Interest Law/State Ethics Commission Guidelines

And taking into consideration:

- Could meetings be more efficient?
- Is discussion relevant to agenda items?
- Are staff recommendations provided and considered?
- Are applications processed efficiently?
- Number and type of applications over the last 5 (???) years to determine any trends, significant changes

Review HDC enabling legislation for potential amendment so as to:

- Retain HDC authority for ensuring adherence to historic preservation guidelines, rules and regulations while allowing for routine applications (such as fences, door color changes, window replacements and other non-substantive items) to be potentially be processed by staff
- Are "HDC Advisory Committees" "added value"?

Review staffing and operations for the Commission:

- Are staff resources sufficient?
- Do staff members have the necessary qualifications to provide recommendations?
- Are there training/educational opportunities that could be utilized?
- Are HDC regulations current; are any updates recommended (such as coastal resilience, sustainability needs and new requirements, guidelines or best practices)
- Are the HDC fees commensurate with staff time? Should they be modified?
- Are there training programs available to Commission members?
- Are minutes and agenda items processed in a timely manner?
- Is the agenda organized to optimize the Commission's time for more significant applications?
- Is the review of applications sufficient?

Interview:

- Current Commission members
- Former Commission members
- Current staff
- Random selection of: applicants who make application on a regular basis; and, one-time applicants
- Town Manager and/or other Town Administration staff
- ANYONE ELSE?

From: [Libby Gibson](#)
To: [Erika Mooney](#); [John Giorgio](#); [Holly Backus](#)
Subject: FW: Update: HDC Special Mtg/Unanimous Consensus (HDC re. Advisory Committees, etc.)
Date: Thursday, February 9, 2023 10:51:24 AM
Attachments: [AGENDA HDC-SB-NPEDC 020323.pdf](#)
[Letter to HDC re_ Advisory Committees from Anderson Krieger.pdf](#)
[DRAFT Scope of Services for HDC Ops Review 112022 LG.docx](#)
[Town Counsel op re HDC adv committees 090122.pdf](#)

Erika: 2/15 agenda packet items attached & below; I will attempt an AIS

HOLLY & JOHN: we are going to have an agenda item on the 2/15 SB meeting to discuss the Independent Review and the Advisory Committees. I was planning to put in the packet the attached & the email below.

HOLLY: do you have a Jan 3 email from the HDC requesting the reinstatement of the adv committees?

C. Elizabeth Gibson, ICMA-CM
Town Manager
Town of Nantucket
(508) 228-7255

This electronic message and any attached files contain information from the Town of Nantucket that may be privileged and/or confidential. The information is intended for the recipient named above, and use by any other person is not authorized. If you are not the intended recipient, any disclosure, distribution, copying, or use of this information is strictly prohibited. If you have received this message in error, please notify the sender by e-mail immediately. Also, please be advised that the Secretary of State's office has determined that most e-mails sent to and from municipal officials are considered to be public records and consequently may be subject to public disclosure.

From: Stephen Welch <steph@welch-associates.com>
Sent: Friday, February 3, 2023 5:30 AM
To: Ray <ray@botticelliandpohl.com>
Cc: Andrew Vorce <AVorce@nantucket-ma.gov>; Dawn Hill Holdgate <dhillholdgate@nantucket-ma.gov>; Jason M. Bridges <jmbridges@nantucket-ma.gov>; Libby Gibson <LGibson@nantucket-ma.gov>; Mary Longacre <ml@marylongacre.com>
Subject: Update: HDC Special Mtg/Unanimous Consensus (HDC re. Advisory Committees, etc.)

Ray,

Quick update on yesterday's HDC's Special Meeting, reporting unanimous consensus of HDC members present (6 of 8) as follows:

1. Advisory Groups - Reconstitution: Subject to Andrew's consent, professional staff (Holly, Esmeralda, and Billy) meet with HSAG Chair, and separately SAC Chair, to work through differing assessments (represented at past SB meetings) to resolve operational details for each group, their result taking the form of a brief document. Document to include the: "Who, Why, What, How, Where, and When" nature of the groups, and related matters; reasonably reflecting each party's

concerns. Foregoing document to be forwarded to HDC for policy review, and potential modifications, and a vote, after which HDC moves the matter to SB (with a request they reconstitute the two groups subject to the measures within the document) under their charter powers (near term) and as otherwise required or determined beneficial (long term). As per previous HDC vote, HDC's request to SB to include a provision that the HDC selects successful candidates for SB ratification, or to this effect.

Comments:

- Just these two groups, to start; pilot approach.
 - HDC previously discussed the idea of defining the "Who, Why, What, How, Where & When" nature of the groups. More specifically: *Who* (constitutes the group, including any particular requirements for membership); *Why* they meet (including to clarify their advisory role and mission statement, each to be consistent with HDC mission); *What* (subject matters they address, with added utility of establishing boundaries and guardrails if you will); *How* (they address their business including BWNIM as their sole reference, operating under Robert's rules, their individual and group acts being subject to TON Committee Member Handbook, etc.); *Where & When* (hybrid or not; actual typical location, including for PLUS and TON resource planning, applicant knowledge, etc.), and related matters.
2. Diane's Article: In day-to-day operations, what this distills to i) at time of submission, incomplete applications are no longer accepted, and ii) watchful eyes, capable of discerning higher-level context (historic appropriateness, character and setting) assess proposed work to help prevent approval errors.

Comments:

- The means to these ends are largely in place and working, but staff are thin due to higher volume of applications, which allows for items to fall between cracks. While necessity to address these matters was unanimous, membership split on necessity to in any way overhaul the HDC.
- Full implementation of a recently adopted HDC best practice (that staff not accept incomplete applications, and that checklists are regularly used for this purpose but also to inform applicants of requirements) directly addresses the first intended outcome; that effort is in process. This is welcomed, according to staff comments and our own experience, upper-level staff otherwise spend chunks of time processing and reprocessing (and communicating about) incomplete applications. And at meetings, these are a time-suck for all parties (Commission, staff, other applicants).
- A proper request to PLUS for appropriate, supplemental staff (for a slightly deeper bench, to get and remain caught up, and to level-up from COVID-induced application processing practices, etc.) addresses the second intended outcome—i.e., in essence, needed crack-filling—if employed with rigorous use of existing and supplemented checklists and with appropriate staff authorized by HDC to turn-back inappropriate applications. Note: We, the HDC, requesting PLUS address these concerns—incomplete applications and needed crack-filling—is appropriate vs. directly requesting PLUS provide supplemental staff; while the outcome may be the same, that's PLUS's choice to weight and determine; this was mentioned to our members during the meeting.

3. Related Discussion: Wherever possible, as a continuation of our best practices initiative, we (HDC) must formulate clear thresholds of appropriate (and therefore, inappropriate) applicant proposals. This effort being in manageable chunks which translate into existing checklists to inform applicants and their agents of expectations, and so that staff may efficiently and effectively verify applications pass muster (for completeness, and appropriateness). To reasonable extent, guidance needs to extend to: extensive grade changes, various matters arising in relation to pools, and matters arising in relation to 41-81L applications—each of which we’ve experienced a large influx of, many of which are also contentious.

Properly implemented, including Commissioners’ self-awareness (of time management and a smidge of self-discipline) during meetings, there’s a fair shot at even keel without investing who knows how much time into any type of retooling or overhaul—seems worth a try.

HDC Organizational Focus Committee, Chair
Stephen Welch

TO: Andrew Vorce, Director of Planning and Land Use Services (***By Electronic Mail Only***)

FROM: John W. Giorgio, Esq., KP Law, P.C. Town Counsel

RE: Town of Nantucket - Sign Advisory Council

DATE: August 17, 2022

You have asked me to analyze the legal status of the HDC Advisory Committees, including the Sign Advisory Council (SAC).

You have informed me that according to the Nantucket Annual Reports, advisory committees have been created at various times in the past. The practice has been that the HDC appoints the members of each of these advisory committees, including the Sign Advisory Council (SAC – 1980), the Design Advisory Committee (DAC – 1972) (now inactive), Siasconset Advisory Committee (SCAC – 1986/87), Madaket Advisory Board (MAB - 2004), Tuckernuck Island Advisory Council (TIAC – 1994) (meetings are infrequent), and the Historic Structures Advisory Board (HSAB - 2004) . The advisory committees typically conduct a pre-review of applications pending before the HDC. You are concerned that over the years the scope of this pre-review has expanded considerably, and often, the advisory committee recommendations go beyond being merely advisory in nature which results in an intrusion on the discretion of the elected HDC and causes confusion for applicants. As an example, you have provided me with a copy of the HDC’s Sign Book, wherein the HDC created the Sign Advisory Council, which is described as “advisory only.”

I have reviewed the Charter and bylaws of the Town, the HDC Special Act, and Chapter 40C of the General Laws and I can find no legal authority for the creation of any advisory committees by the HDC. An elected body cannot delegate authority to non-elected standing committees without specific legislative authority. In fact, Section 3.5 (c) of the Town Charter reserves to the Select Board the authority to appoint advisory committees. It is my opinion, therefore, that the HDC never possessed the legal authority to create the advisory committees or to delegate any of its authority to such a committee. While the HDC may establish one or more subcommittees of its members and to delegate to such a subcommittee certain function including a pre-review of applications, in my opinion the HDC does not have the legal authority to create an advisory committee consisting of individuals who are not elected members of the HDC. In my opinion, the HDC also has the legal authority, as an administrative matter, to request Town staff assigned to support the work of the HDC, and to conduct a pre-review of applications in order to streamline the application and hearing process.

If HDC wants to continue having an SAC, my recommendation would be that the HDC vote to request that the Select Board formally vote to reconstitute the SAC pursuant to its Charter authority, and in doing so, the Select Board should vote on a charge to the SAC that spells out the scope and limits of authority of the SAC. The charge should make it clear, however, that the SAC is only advisory. If the SAC is to be reconstituted, then Chapter 124 of the Code of the Town of Nantucket should be amended to allow for an advisory committee to be appointed by the Select Board under its Charter provisions.

Unlike the SAC, which functions in the context of the Sign Bylaw (Chapter 124 of the Town Code), the subject matter of the other advisory committees do not have specific recognition in town bylaws and their function is indistinguishable from the HDC's review as an elected Commission. Retaining all or any of these, therefore, will require amending the enabling legislation. Until such time as the advisory committees are legally reconstituted, which may or may not occur, they should discontinue any meetings or deliberations.

Please let me know if you have any questions.

From: [John Giorgio](#)
To: [Andrew Vorce](#)
Cc: [Libby Gibson](#)
Subject: Sign Advisory Council
Date: Thursday, September 1, 2022 3:52:24 PM

Andrew;

You have asked me to review chapter 340 of the Town Code, which are regulations of the Historic District Commission to determine whether there is anything in those regulations that would change my opinion regarding the need for the Sign Advisory Council to be established as an advisory committee appointed by the Select Board.

I do not see anything in chapter 340 that changes my opinion. I agree that Chapter 340 is intended to constitute regulations of the HDC, but to the extent that c. 340 purports to establish one or more advisory boards, it is still my opinion that pursuant to the Town Charter, which I have previously cited, only the Select Board is authorized to appoint advisory boards. Neither a bylaw of the Town nor a regulation of a town board may vary the requirements of the Town Charter, which would, in my opinion, prevail over any inconsistent bylaws or regulations. Moreover, when it comes to the distribution of the powers and duties of Town boards, a home rule charter that distributes such powers in a manner than is different than the General Laws is deemed to be consistent with those laws under G.L. c. 43B, §20, which provides in pertinent part as follows:

The provisions of any charter or charter amendment adopted pursuant to the provisions of this chapter shall be deemed consistent with the provisions of any law relating to the structure of city and town government, the creation of local offices, the term of office or mode of selection of local offices, and the distribution of powers, duties, and responsibilities among local offices

It continues to be my opinion, therefore, that pursuant to Section 3.5(c) of the Town Charter, the authority to appoint advisory committees rests with the Select Board. Specifically, the Charter vests in the Select Board the authority:

To establish as may be advisable or needed one or more advisory committees to conduct any inquiry or investigation or to make planning, policy, or other recommendations.

I would also point out that there is nothing in the Town's HDC special legislation that purports to authorize the HDC to appoint any committees, advisory or otherwise. While arguably the HDC may have authority to appoint subcommittee of its members to perform certain duties, the Sign Advisory Council, by its nature, is not a subcommittee of the HDC. Rather, it is a Town Committee consisting of citizens appointed by the HDC. That is a very different committee structure than a subcommittee of members of the HDC itself.

I do not think that there is any doubt that the Sign Advisory Council was intended to be an advisory committee that was tasked with making recommendations on planning and other matters. Accordingly, as I have indicated from the outset of this subject, there is nothing that would preclude the Select Board from establishing a sign advisory council to provide planning recommendation to the HDC. This could include recommendations on specific sign applications filed with the HDC pursuant to Chapter 340, or section 124 of the Town bylaws. In order, however, to insure that any sign advisory council remains advisory I would recommend that chapters 124 and 340 be amended to make it clear that while sign applications may be referred to the Sign Advisory Council, the purpose of the referral is to provide any opportunity for the council to make recommendations to the HDC only, and I would further recommend that it be made clear that the ultimate authority to approve a sign application rests with the HDC. In order to give effect to the "advisory" nature of the Sign Advisory Council, the local legislation should include a deadline for the receipt of recommendations from the council after which the HDC must act with or without a recommendation. The same safeguards should be in place for any other advisory boards that the select Board establishes to advise the HDC.

John

John W. Giorgio, Esq.

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PAUL M. KOMINERS
pkominers@andersonkreiger.com
T: 617.621.6538

January 10, 2023

By email to emartinez@nantucketma.gov

Nantucket Historic District Commission
2 Fairgrounds Road
Nantucket, MA 02554

Re: Historic District Commission Advisory Committees

Dear Commissioners:

I represent the Nantucket Community Foundation's Keep Nantucket Real Fund. In light of the Town's disbanding of the Nantucket Historic District Commission ("HDC")'s standing advisory committees, the Fund has asked me whether the HDC has the legal authority to create standing advisory committees. Based on my research, it does. This letter explains why, and also explains other actions the HDC or Town Meeting can take without amending the HDC's enabling legislation.

In preparing this letter, I have reviewed the HDC's enabling act, Chapter 395 of the Acts of 1970, as amended ("Act"); the Town Charter; applicable case law, Town Counsel's August 17, 2022 memorandum concerning the advisory committees; and other materials.

History of the HDC Advisory Committees

As you know, the Nantucket Historic District Commission ("HDC") exists to "promote the general welfare of the inhabitants of the Town of Nantucket through the preservation and protection of historic buildings, places and districts of historic interest" Act § 2. The HDC was established by the Act, which also designated all 30,000 acres of Nantucket as a historic district. The Historic District includes multiple architecturally-distinct villages and areas.

The HDC's authority within its large jurisdiction is extensive. It covers all construction or alteration of buildings' or structures' exterior architectural features. Act § 5. And consistent with this extensive authority over a large area, the HDC receives an enormous number of applications—well over 2,000 in an average year, based on a review of published HDC monthly data running from 2016 to July 2021. Those applications cover construction and alterations ranging from entirely new dwellings, to signs, to sheds, solar panels, chimneys, and fences.

Processing an application is a significant undertaking. The HDC is charged with evaluating, among other things, the general design, arrangement, texture, material and color of the building or structure in question, the location on the lot and the relation of such factors to similar features of buildings and structures in the immediate surroundings and the position of such building or structure in relation to the street or public way and to other buildings and structures.

Id. § 9(b). In addition, when reviewing applications for new construction, the HDC “shall consider the appropriateness of the size and shape of the building or structures both in relation to the land area upon which the building or structure is situated and buildings and structures in the vicinity” *Id.*

In order to carry out its statutory mandate, the HDC “may make such rules and regulations consistent with th[e] Act as may appear desirable and necessary.” *Id.* § (8). It is specifically charged with promulgating “rules and regulations adopting or establishing guidelines for exterior architectural features and establishing procedures for the processing of applications and conduct of hearings.” *Id.*

Starting in the early 1970s, the HDC created a series of advisory committees to conduct pre-reviews of applications and offer the HDC advice and input on specific subjects:

- the Design Advisory Committee, established in 1972, later inactive;
- the Sign Advisory Council, established in 1980;
- the Siasconset Advisory Committee, established in 1986 or 1987;
- the Tuckernuck Island Advisory Council, established in 1994;
- the Madaket Advisory Board, established in 2004; and
- the Historic Structures Advisory Board, established in 2004.¹

My research has not revealed how these advisory committees were established, except that there appears to have been a regulation authorizing the Sign Advisory Council at least as early as 1990. Town Regulations § 340-6(B); *id.* c. 340, App’x D.

In August of 2022, on advice of Town Counsel, the HDC Advisory Committees were unilaterally disbanded by an email from Planning Director Andrew Vorce to HDC Chair Raymond Pohl. The Select Board subsequently reinstated the Sign Advisory Council by establishing it as an advisory committee under Section 3.5(c) of the Town Charter.

¹ These dates are drawn from Town Counsel’s memorandum.

Analysis

I. The HDC May Establish Advisory Committees by Rule or Regulation

In determining whether the HDC has the power to establish advisory committees by rule or regulation, there are two questions: (1) the scope of the HDC's authority to promulgate rules and regulations in general and (2) whether establishing an advisory committee is a permissible exercise of that authority. I believe that the HDC has broad authority to promulgate rules and regulations and that establishing advisory committees is within the scope of that authority.

First: In *Globe Newspaper Company v. Beacon Hill Architectural Commission*, 421 Mass. 570 (1996), the Supreme Judicial Court held that the BHAC, which functions as an historic district commission, has broad authority to promulgate rules and regulations. Specifically, it held that because "the General Court directly established the [BHAC] by special enabling act" and the BHAC is largely independent of the City of Boston, the BHAC's regulations are entitled to the considerable deference given to an "agency created by the state." *Id.* at 583-84. The BHAC's rules and regulations, therefore, need only have "a rational relation to the statutory purpose ... [and] some express or implied basis in the governing statute." *Id.* Had the BHAC been an ordinary municipal public body, it would have had only the power to issue regulations if that was the "necessary implication" of its governing statute. *Id.* at 583.

The HDC is also an "agency created by the state." Like the BHAC, the HDC was created directly by a special act of the Legislature and is largely independent of the local government.² Accordingly, the HDC's rules and regulations need only have a rational relation to the purpose of the Act, and an express or implied basis therein.

Second: Because establishing advisory committees bears a rational relation to the purpose of the Act, and has an express or implied basis therein, the HDC's authority to issue regulations includes the authority to establish advisory committees.

Rational relation: Where a statute charges a public body with conducting a vast number of proceedings, streamlining those proceedings bears a reasonable relation to the purposes of the statute, especially when the public body retains ultimate decision-making authority. *Town of Hull v. Mass. Comm'n Against Discrimination*, 72 Mass. App. Ct. 525, 529 (2008). In *Town of Hull*, the Appeals Court concluded that a regulation delegating MCAD hearings to non-Commissioner hearing officers was reasonably related to the enabling statute, because MCAD manages thousands of cases annually and the hearing officers' decisions were still "subject to later review by the commission." *Id.* Like the MCAD, the HDC processes an average of more

² The HDC is at least as independent of Nantucket as the BHAC was of Boston. HDC members, unlike BHAC members, are independently elected. Act §§ 3, 11. Both are placed within municipal departments for staffing and administrative purposes. And, because both the BHAC's and the HDC's decisions are ultimately subject to appeals to Superior Court, the Select Board's ability to review HDC decisions does not reflect significant Town control over the HDC.

than 2000 cases per year, and preliminary review by an advisory committee would not divest the HDC of its ultimate authority. Thus, requiring preliminary review by an advisory committee bears a rational relation to the Act.³

Express or implied basis in the statute: At least three cases have approved state agencies imposing substantial, rights-altering procedural steps by regulation, even where those procedures are not explicitly authorized by or even are in tension with the statute.

First, the SJC approved a Department of Public Welfare regulation establishing a Medicaid claims review board and requiring providers to appeal claims denials to that board, even though that structure was “not explicitly authorized by statute.” *Mass. Respiratory Hosp. v. DPW*, 414 Mass. 330, 331-32, 334 (1993). The SJC relied on general authorizing language in both state and federal law. *Id.* at 334.

Second, the SJC held that the Department of Environmental Protection could mandate by regulation that registered water districts channel disputes with DEP through administrative adjudication. *Water Dep’t of Fairhaven v. DEP*, 455 Mass. 740, 750 (2010). The SJC based its decision on DEP’s statutory power to adopt “such regulations as it deems necessary to carry out the purposes of the act.” *Id.* (quoting G.L. c. 21G, § 3(6)). The SJC characterized this power as a “broad latitude to adopt regulations, comparable to” that in *Massachusetts Respiratory Hospital* or in *Globe Newspaper Co.* *Id.* at 750-51. And it came to this conclusion even though the governing statute expressly authorized adjudicatory proceedings only for *other* categories of users. *Id.* at 751.

Third, in *Town*, the Appeals Court approved an MCAD regulation delegating initial hearings to non-commissioner hearing officers, even though the enabling legislation only expressly authorized the MCAD to delegate hearings to commissioners. 72 Mass. App. Ct. at 528 (quoting G.L. c. 151B, § 3(6)). The Court concluded that the regulation was consistent with the enabling statute in key part because the statute empowered the MCAD to adopt “rules and regulations to carry out the provisions of [c. 151B],” because the enabling statute did not “*expressly* prohibit [the MCAD] from delegating public hearings to hearing officers,” and because the “practice ... has been accepted without question over many years.” *Id.* at 529-30 (emphasis added).

In light of these three cases, the HDC has an implied basis in the Act to establish standing advisory committees. In all three cases, an agency with a general grant of authority to promulgate regulations it deemed “suitable” or “necessary” was permitted to promulgate regulations interposing a significant adjudicatory step not expressly authorized by the statute. Here, the HDC has comparable authority: it may adopt regulations it deems “desirable or necessary.” And requiring a preliminary review is a less significant intervention in the process

³ For similar reasons, Town Counsel is correct that the HDC can properly “request Town staff assigned to support the work of the HDC, and to conduct a pre-review of applications in order to streamline the application and hearing process.”

than interposing a mandatory claim review board, mandatory administrative adjudication, or a separate hearing officer.

Also, like the challenged delegation in *Town of Hull*, the practice of referring applications to the advisory committees is longstanding. 72 Mass. App. Ct. at 529. Of course, HDC decisions are not litigated as regularly as MCAD decisions. But at least one case involving the HDC's agreement with the Design Advisory Committee's adverse recommendation did not question the DAC's right to exist. *Gumley v. Bd. of Selectmen of Nantucket*, 371 Mass. 718, 721 (1977). My research has not identified any other case arising from an HDC decision in which a party made an issue of an advisory committee's involvement.

Two contrary arguments in Town Counsel's August 17 memorandum are worth addressing.

First, he states that "[a]n elected body cannot delegate authority to non-elected standing committees without specific legislative authority." This point is not germane. As the analysis above shows, the HDC's power to adopt rules and regulations as "desirable and necessary" constitutes specific legislative authority to create advisory boards. Indeed, in *Massachusetts Respiratory Hospital*, the SJC described the Legislature's delegation of power to DPW to adopt regulations as "authoriz[ing] the department's creation of [the claims review] board." 414 Mass. at 335. Also, seeking advice from an advisory committee is not a delegation of authority.

Second, he argues that "Section 3.5(c) of the Town Charter reserves to the Select Board the authority to appoint advisory committees." This argument appears to rest on the standard principle of statutory interpretation that "[w]hen the Legislature includes a phrase in one subsection of a statute but not in another, this invites the 'negative implication' that the phrase was purposefully excluded." *Commonwealth v. Montarvo*, 486 Mass. 535, 538 (2020). However, this principle always requires "cautious application," *id.*, especially where the relevant "statutes ... vary significantly" in their language and structure, *Commonwealth v. Garvey*, 477 Mass. 59, 65 (2017). Here, the Act and the Town Charter enabling legislation are two different pieces of legislation, structured differently, written differently, serving different purposes, and separated by over 25 years. The Town Charter, therefore, does not implicitly divest the HDC of the power to establish advisory committees. There is no practical conflict either: regardless of whether the HDC's advisory committees exist, the Select Board can create advisory committees as it sees fit.

II. Town Meeting May Grant the HDC the Ancillary Power to Appoint Advisory Committees

As explained above, the Act empowers the HDC to establish standing advisory committees. However, if the HDC wishes to confirm that authority, the Act provides a mechanism. The Act empowers Town Meeting to "delegate[]" or "assign[]" "ancillary ... powers, authority and duties." Act § 9(g). The power to establish advisory committees is ancillary to the HDC's core powers. Thus, the HDC can ask Town Meeting to assign the power to establish advisory committees to the HDC.

Also as explained above, this would not conflict with the Select Board's power under the Charter to establish advisory committees. Town Charter § 3.5(c). The Charter itself provides that, notwithstanding its adoption, "[t]he legislative powers of the Town shall remain vested in the Town Meeting." There is a narrow exception of certain powers "as to real estate acquisitions." Town Charter § 2.1. This exception shows that powers otherwise vested in Town Meeting – such as the power to assign ancillary powers to the HDC, Act § 9(g) – remain with Town Meeting. *Montarvo*, 486 Mass. at 538.

Conclusion

Based on the language of the Act and case law, the HDC may enact regulations establishing standing advisory committees to advise it as it carries out its charge to preserve and protect the historic character of Nantucket. Town Meeting may also assign the authority to establish such advisory committees to the HDC, without amending the Act.

Thank you.

Sincerely,

/s/ Paul M. Kominers

Paul M. Kominers

ecc: Arthur P. Kreiger, Esq.
John W. Giorgio, Esq.



HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road
Nantucket, Massachusetts 02554

Telephone: 508.325.7587

Fax: 508.228.7298

MEMO

To: The Select Board

From: The members of the Nantucket Historic District Commission

cc: Erika Mooney, Operations Manager; Holly Backus, Preservation Planner; Esmeralda C. Martinez, HDC Compliance Coordinator; Billy Saad, Land Use Specialist; Andrew Vorce, Director of Planning

Date: November 2, 2022

Re: Request for advisory board reinstatement

Please see our letter attached for our request of the reinstatement of the disbanded HDC advisory boards. This request is a temporary solution to get these boards operating in a legal manner as quickly as possible. The HDC wishes to manage these boards internally as they act strictly in an advisory role to the HDC's elected members. As we continue to work toward our long-term solution, we will provide supplemental requests and respectfully ask the select board to accommodate further support to develop future regulations to govern these advisory boards.



HISTORIC DISTRICT COMMISSION

2 Fairgrounds Road
Nantucket, Massachusetts 02554

Telephone: 508.325.7587

COMMISSIONERS

Ray Pohl
Chair

Stephen Welch
Vice-Chair

Abigail Camp

Val Oliver

Diane Coombs

ASSOCIATE COMMISSIONERS

Carrie Thornewill

Jesse Dutra

Constance Patten

STAFF

Holly Backus
Preservation Planner
hbackus@nantucket-ma.gov

Esmeralda Martinez
HDC Compliance Coordinator
emartinez@nantucket-ma.gov

Billy Saad
Land Use Specialist
wsaad@nantucket-ma.gov

To Chair Jason Bridges and the members of the Select Board,

We, the members of the Historic District Commission, request the full reestablishment of all HDC advisory boards: Siasconset Advisory Board (SAB) Madaket Advisory Board (MAB), Tuckernuck Advisory Board (TAB), and the Historic Structures Advisory Board (HSAB).

These boards play a vital role in reviewing the lengthy applications and agendas on which the HDC must make rulings. The members of these groups specialize in the subject matter of their respective boards and, in many cases, provide knowledge and insight on historical structures and precedents that could potentially be missed, given the volume of applications reviewed weekly.

We want it to be clear that these boards act strictly in an advisory manner, and the HDC elected members make a formal vote on each application submitted to the town. We understand that the legality of the establishment of the boards and the appointment of members has been called into question.

Therefore, we are asking the Select Board to reappoint the sitting members of each board at the time of disbandment as a short-term solution.

With regards to the long-term solution, we humbly request for the Select Board to ratify the HDC's selections of advisory board nominees.

Respectfully,

Ray Pohl (chair) and all members of the Nantucket Historic District Commission



HISTORIC DISTRICT COMMISSION REGULAR MEETING

2 Fairgrounds Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Commissioners: Raymond Pohl (Chair), Stephen Welch (Vice-chair), Diane Coombs, Abigail Camp, Vallorie Oliver
Associate Commissioners: Jessie Dutra, Carrie Thornewill, Connie Patten

~~ MINUTES ~~

Tuesday January 3, 2023

Community Room, 4 Fairgrounds Road & Remote Participation via ZOOM.

Called to order at 4:07 pm. and announcements by Mr. Pohl

Staff in attendance: Holly Backus, Historic Planner; Esmeralda Martinez, Land Use Specialist; Terry Norton, Town Minutes Taker

Attending Members: Pohl, Welch, Coombs, Camp, Oliver, Dutra, Thornewill

Remote participant: Coombs

Absent Members: Patten

Late Arrivals: None

Early Departures: Welch, 8:07 pm

Adoption of Agenda:

Motion **Motion to Approve as drafted. (Camp)**

Roll-call vote Carried 5-0//Oliver, Coombs, Welch, Camp, and Pohl-aye

I. PUBLIC COMMENT

1. None

II. COMMISSION COMMENTS

1.

III. DISCUSSION & VOTE

1. Ms. Coombs' letter to Select Board about reinstatement of advisory boards.

Voting Pohl, Welch, Coombs, Camp, Oliver

Alternates Dutra, Thornewill

Discussion **Coombs** – Presented the letter signed by all to Select Board to reestablish the advisory boards. The Select Board hasn't provided an answer. Along with this is for next week she'd like to have on the agenda is discussions for staffing and commission interaction and her citizen's warrant.

Mickey Rowland – Read a statement regarding the letter and urges the HDC push for reinstatement of the advisory boards.

Angus MacLeod – He's speaking as chair of Nantucket Historical Commission and 'Sconset advisory. We need an update on how they can best assist to get these boards legally up and running.

Pohl – We sent the request; SB deliberated but didn't act upon it. They want to reconvene and discuss it further.

Camp – Suggested a follow-up letter asking about the status of the Select Board's decision.

Motion **No action necessary**

Roll-call vote N/A

IV. CONSENTS

Property owner name	Street Address	Scope of work	Map/Parcel	Agent
1. 137 Hummock Pd, LLC 12-7531	137 Hummock Pnd Road	New Shed	65/72	Brook Meerbergen
2. Dean Lampe 01-7630	142 Surfside Road	Retaining wall	80/98.1	Dean Lampe
3. Dean Lampe 01-7632	142 Surfside Road	Revise MH dormers	80/98.1	Dean Lampe
4. Dean Lampe 01-7635	142 Surfside Road	Revise garage dormers	80/98.1	Dean Lampe
5. J.J. Jonas 12-7617	9 Columbus Avenue	Change windows	59.3/112	NAG
6. Michael Noonan 11-7452	53 Union Street	Roof replacement	55.14/88	Alvaro Castro
7. Susan Mitchell 12-7614	10 Skyline Drive	Rev. MH color	79/7.1	Susan Mitchell
8. Susan Mitchell 12-7613	10 Skyline Drive	Rev. GH color	79/7.1	Susan Mitchell
9. Robert Rios 12-7618	23 Tashama Lane	Replace windows & doors	55/464	Thornewill Design
10. One Bloom, LLC 12-7619	1 Bloom Street	New shed	42.3.3/140	Emeritus
11. Flotron & Newman 12-7550	13 Arkansas Avenue	Add door to garage	59.4/158	NAG
12. John Reddett 12-7620	8 Galen Avenue	Roof replaced – red cedar	29/113	Carey Company
13. Pennel Ames 12-7594	5 Nobska Way	Renew COA 11906	66/26	NAG
14. 4 Amigos, LLC 12-7578	8 F Street	Rev. 07-4257: shed	60.2.1/7.1	Structures Ultd
15. Willauer & Harmon 01-7628	Maple Lane Lot 2	New shed	67/303	LINK

From: [John Giorgio](#)
To: [Libby Gibson](#)
Cc: [Erika Mooney](#); [Andrew Vorce](#)
Subject: FW: Update: HDC Special Mtg/Unanimous Consensus (HDC re. Advisory Committees, etc.)
Date: Thursday, February 9, 2023 12:20:56 PM
Attachments: [AGENDA HDC-SB-NPEDC 020323.pdf](#)
[Letter to HDC re Advisory Committees from Anderson Krieger.pdf](#)
[DRAFT Scope of Services for HDC Ops Review 112022 LG.docx](#)
[Town Counsel op re HDC adv committees 090122.pdf](#)
[KP-#826580-v1-NANT Memo to PLUS Re Sign Advisory Council.DOCX](#)

Dear Libby;

I have attached my original opinion to PLUS regarding HDC Advisory Committees. It is the last attachment. I think that should go in the packet as well.

Furthermore, I want to provide my thoughts on the legal opinion provided by Anderson and Krieger and explain why that opinion does not change my original opinion.

As I have indicated since the issue whether the HDC has the authority to appoint advisory committees first came up, the Nantucket Town Charter places with the Select Board the exclusive authority to appoint advisory committees. Section 3.5(c) of the Charter provides as follows:

[The Select Board shall have the power] to establish as may be advisable or needed one or more advisory committees to conduct any inquiry or investigation or to make planning, policy or other recommendations; ...

Furthermore, Section 4-4(b) of the Charter provides that the Historic District Commission is classified as an administrative department of the Town. In my opinion, although the HDC was created by a special act, under the Charter it is a board or commission of the Town and, therefore, subject to the provisions of the Charter.

Private counsel suggests the authority of the HDC to appoint advisory committee stems from its authority under its Act (§8) to enact regulations, which may include the establishment of advisory committees. I respectfully disagree. In my opinion, any explicit or implied authority found in the HDC special act would not take precedence over the Town Charter. Pursuant to G.L. c. 43B, §10:

The provisions of any charter or charter amendment adopted pursuant to the provisions of this chapter shall be deemed consistent with the provisions of any law relating to the structure of city and town government, the creation of local offices, the term of office or mode of selection of local offices, and the distribution of powers, duties and responsibilities among local offices.

I do not believe there is any doubt that the Select Board's Charter authority to appoint advisory committees constitutes "the distribution of powers, duties, and responsibilities among local offices." As such, the Charter takes precedence over any General Law or special act that provides for a different distribution of powers, and certainly would take precedence over any implied authority found in such laws.

I would also point out that the Town bylaws require a public hearing be held before any Town board or committee adopts regulations. See Section 2.1 of the Town Code. Although Section 340 of the Town Code relative to the HDC's Sign Advisory Committee states that it is a regulation, I have been informed that no public hearing was ever held prior to the adoption of that section.

Moreover, to the extent that Section 9(g) of the HDC special act authorizes Town Meeting to delegate authority to the HDC, this section cannot be interpreted to allow a delegation of power that is inconsistent with the Town Charter. The Town Charter is the preeminent legislation that governs the distribution of powers and duties of Town officials, and boards and commissions, and takes precedence over any inconsistent laws, bylaws, regulations, or town meeting votes.

My understanding is that the Select Board already voted on September 22, 2022, to re-establish the Sign Advisory Committee, and that there are ongoing efforts to address the remaining advisory committees. Therefore, rather than engaging in a back-and-forth discussion of differing legal opinions, my recommendation is that the Select Board work with the HDC to identify what other advisory committees are needed at this time and come to a consensus on a process for appointment of members of other advisory committees to serve the needs of the HDC.

Please let me know if you need anything further.

John

John W. Giorgio, Esq.

KP | LAW

101 Arch Street, 12th Floor

Boston, MA 02110

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From: [Libby Gibson](#)
To: [Holly Backus](#); [Andrew Vorce](#)
Cc: [John Giorgio](#); [Erika Mooney](#)
Subject: FW: HDC Review
Date: Thursday, February 9, 2023 11:56:09 AM
Attachments: [image001.png](#)
[Post-CAMP Nantucket Report.pdf](#)
[DRAFT Scope of Services for HDC Ops Review 112022 HB AV edits.docx](#)
[HDC-OFC Recs \(HDC Adopted 11-17-22\) colorized.pdf](#)

This could go in that packet too - ?

C. Elizabeth Gibson, ICMA-CM
Town Manager
Town of Nantucket
(508) 228-7255

This electronic message and any attached files contain information from the Town of Nantucket that may be privileged and/or confidential. The information is intended for the recipient named above, and use by any other person is not authorized. If you are not the intended recipient, any disclosure, distribution, copying, or use of this information is strictly prohibited. If you have received this message in error, please notify the sender by e-mail immediately. Also, please be advised that the Secretary of State's office has determined that most e-mails sent to and from municipal officials are considered to be public records and consequently may be subject to public disclosure.

From: Holly Backus <hbackus@nantucket-ma.gov>
Sent: Monday, November 28, 2022 5:23 PM
To: Libby Gibson <LGibson@nantucket-ma.gov>; Andrew Vorce <AVorce@nantucket-ma.gov>; Leslie Snell <LSnell@nantucket-ma.gov>
Subject: RE: HDC Review

Hi Libby,

Sorry for the delay.
Here are our edits.

I have attached our 2020 NAPC (National Alliance of Preservation Commissions) CAMP Report. NAPC provides technical support for local commissions and I was very appreciative of Andrew allowing us to host them (virtually) in 2020. The training included: Preservation Planning & Community Resilience, Ethics, Outreach & Design Review Exercise. The report outlines the historic district (including the both commissions) strengths and weaknesses along with recommendations. We've already been working or achieved some of their recommendations, but in particular, they recommended "exploring way to delegate discretion to staff to approve or deny minor architectural changes to reduce workload for regular HDC meeting." Also, "consider amending the Special Act....only where necessary....not to be entered into lightly." I apologize if I never sent this along before.

NAPC maybe a great resource in this review effort?

I have also attached the HDC's recent adoption of best practices.

Please let me know if you have any questions.
Thanks,

Holly E. Backus
Preservation Planner**
Local CLG Coordinator
Local Hazard Mitigation Plan Coordinator
Town of Nantucket
hbackus@nantucket-ma.gov

**Staff liaison to the Nantucket Historic District Commission (HDC)
& Nantucket Historical Commission (NHC)**



DRAFT Scope of Services for HDC Ops Review
As of 11/2022 LG

Review the conduct of Commission meetings and examine/confirm compliance with:

- Open Meeting Law
- Robert's Rules of Order
- Town of Nantucket Committee Handbook, including Code of Conduct
- Conflict of Interest Law/State Ethics Commission Guidelines

And taking into consideration:

- Could meetings be more efficient?
- Is discussion relevant to agenda items?
- Are staff recommendations provided and considered?
- Are applications processed efficiently?
- Number and type of applications from 2019 to present (in Energov) over the last 5 (???) years to determine any trends, significant changes

Review HDC enabling legislation for potential amendment so as to:

- Retain HDC authority for ensuring adherence to historic preservation guidelines, rules and regulations while allowing for routine applications (such as fences, door color changes, window replacements and other non-substantive items) to be potentially be processed by staff
- Are "HDC Advisory Committees" "added value"?

Commented [HB1]: SEE NAPC CAMP 2020 Report

Review staffing and operations for the Commission:

- Are staff resources sufficient?
- Do staff members have the necessary qualifications to provide recommendations?
- Are there training/educational opportunities that could be utilized?
- Are HDC regulations current; are any updates recommended (such as coastal resilience, sustainability needs and new requirements, guidelines or best practices)
- Are the HDC fees commensurate with staff time? Should they be modified?
- Are there training programs available to Commission members?
- Are minutes and agenda items processed in a timely manner?
- Is the agenda organized to optimize the Commission's time for more significant applications?
- Is the review of applications sufficient?
- Are "HDC Advisory Committees" "added value"?

Commented [HB2]: I forward ALL training opportunities from MHC to both commissions and staff.

Commented [HB3]: This is what "Resilient Nantucket" is. They adopted it June 2021, as an addendum to "Building with Nantucket in Mind."

Commented [HB4]: They just discussed best practices this month. I'll include.

Interview:

- Current Commission members
- ~~Former Commission members~~
- Current staff
- Random selection of: applicants who make application on a regular basis; and, one-time applicants
- Town Manager and/or other Town Administration staff

- Planning Admin Staff (who handle applications and have dialogue with the public)
- ANYONE ELSE?

DRAFT



Nantucket, Massachusetts

November 6 & November 13, 2020

CAMP trainers: William Cook, Lisa Craig, Friederike Mittner,

Program Manager: Marie Snyder

Contact Information: will@culturalheritagepartners.com, lcraiggroup@gmail.com, fhmittner@yahoo.com, marie@napcommissions.org

*The information contained in this document is for informational purposes only and not for the purpose of providing legal advice. Use of this information does not give rise to an attorney-client relationship and does not represent a comprehensive analysis of any particular legal issue. Contact an attorney in your jurisdiction to obtain advice with respect to any particular issue or problem

CAMP Nantucket was presented virtually via Zoom on two consecutive Friday mornings, November 6 and November 13, 2020. With representation from numerous preservation and conservation based organizations and commissions including the Nantucket Historic District Commission, the Nantucket Preservation Commission, the Coastal Resilience Advisory Commission, the Conservation Commission, Nantucket Preservation Trust, ACKclimate and the Town of Nantucket agency staff, there was a significant amount of local preservation knowledge and a diversity in disciplines evident with the attendees.

With its well-established framework for preservation in place, (*i.e.*, the Special Act legislation pre-dating the National Historic Preservation Act and *Building with Nantucket in Mind*, the island-wide design guidelines) there is a strong ethic for preserving the historic character, architectural heritage and natural landscape of this National Historic Landmark island. That said, the increasing pressure of development in an overheated real estate market coupled with the long-term reality of climate change impacts (coastal erosion and sea level rise) has created significant challenges for balancing the preservation of historic places with the increase in new housing and the prioritization of land conservation.

Thus, this CAMP focused on those issues of greatest concern to the combined preservation and conservation commission members represented at this training. The training was led by experienced CAMP trainers with backgrounds in preservation law, local and state government, planning, and property development. Will Cook addressed Legal Basics and the Ethics and Role of Preservation Commissions; Friederike Mttner spoke to the Secretary of the Interior's Standards and Guidelines for Design Review and conducted a Design Review Exercise, and Lisa Craig shared best practices in Preservation Planning, Resiliency and Community Outreach.

Additionally, Christopher Skelly, Director of Local Government Programs with the Massachusetts Historical Commission provided background on the critical context for the establishment of historic preservation law in Massachusetts, how Nantucket fits into that context and why status as a Certified Local Government is of value to the community's long-term preservation and resilience planning.

Lastly, a Strengths, Weaknesses, Opportunities and Threats assessment was completed allowing the participants to identify the existing Town of Nantucket preservation program strengths and challenges as well as the greater opportunities and threats posed to preservation on the island, in general. It is from this SWOT assessment as well as the issues discussed and concerns addressed by participants during the two half-days of training that this report relies on for follow-on recommendations to Nantucket's preservation commissions and organizations. A recap of the SWOT information is provided below, followed by recommendations for the Town of Nantucket and its preservation advocates to jointly pursue.

STRENGTHS

- Nantucket has a wealth of historic resources.
- There are many strong preservation organizations on the island.
- Commissions understanding of NHLs character-defining features.
- Strong and well-established legislation (Special Act) and design guidance (Building with Nantucket in Mind).
- Knowledgeable and professional preservation staff qualified under the Secretary of the Interior's professional qualifications.
- Dedicated commissioners who are personable, experienced and committed to preserving Nantucket's historic places.
- Electeds tend to work toward consensus.
- Commitment of interested parties.

WEAKNESSES

- Transparency of application flow and staff / commission responsibilities.
- Booming and expensive real estate market.
- Non-island architects and realtors.
- A high volume of applications is overwhelming staff and HDC.
- A lack of coordination & communication between HDC / NHC & neighborhood advisory boards.
- A lack of regular training and representation of commissioners at workshops and trainings.
- Too much volunteer time is being required of commissioners.
- A lack of understanding by the community of the value of historic preservation.
- Potential for arbitrary outcomes on appeal and increased litigation risk to the Town of Nantucket by allowing appeals to the Select Board without any required standards for appellate review or deference to the expertise of the HDC on issues of fact and the local historic preservation ordinance.

OPPORTUNITIES

- Update design guidelines.
- Outreach at unconventional places.
- Securing resources from the Town to establish an education and enforcement program.
- Making the economic case for historic preservation (ie sustainability, jobs, tax revenues, and tourism).
- Lots of preservation-related partners to work with on island.
- Developing a preservation plan and community engagement process.
- Preservation should be reorganized as an integral part of Town management and planning.
- There are engaged and supportive partners such as PIN, NPT and ACKlimate.
- There are Federal, state and local funding sources available.
- Development of a preservation plan.
- Needed update of historic district surveys (to include significant public interiors).
- A better understanding for and appreciation of our recent past resources.
- Explore desirability for designating historic interiors if subject to public view as contemplated by the local preservation ordinance.

THREATS

- The exploding real estate market.
- Climate change and weather-related impacts causing erosion and sea level rise.
- Undersurveyed resources of the post 1960's.
- Poorly planned, over-development.
- Uninformed, indifferent property owners, builders, designers and realtors.
- Inadequate number of preservation staff.
- HDC review process is less accessible to non-design professionals.
- Disenfranchised community members.

- Preservation is seen as an impediment vs. a driving force and HDC is viewed as adversarial.
- Funds flow to the land bank, yet there is no mechanism set up to fund preservation.

Recommendations

1. **Become a Certified Local Government.** CLG status provides technical assistance and access to additional funding that will assist with developing a stronger and more comprehensive preservation program for Nantucket.
2. **Launch a preservation plan process.** This is about more than having the island's first preservation plan. This is about building a network of engaged community members interested in shaping the future of preservation on Nantucket. This is an opportunity to include those identified as disenfranchised, uninformed, and indifferent to preservation.
3. **Resurvey.** Like many communities, Nantucket needs to update its survey of historic resources. This can be completed at a neighborhood level using residents as volunteers and resources from the state or local organizations conducted in partnership with NPT.
4. **Improve HDC's efficiency to reduce delay and increase public support.** Explore ways to delegate discretion to staff to approve or deny minor architectural changes to reduce workload for regular HDC meetings. Explore new funding to hire additional staff to assist with review or contractual consultants.
5. **Develop a Preservation Education and Enforcement program.** This is the carrot and stick approach to preservation, providing information on the benefits of preservation while at the same time demonstrating the importance of holding all property owners accountable to the Town's preservation laws and regulations. This must be done jointly between the HDC/NHC/Advisory Commissions and local preservation partners such as NPT.
6. **Complete a Preservation Economics Benefit Assessment.** This is a critical tool in the efforts of the Town and its preservation partners to make the case for why preservation builds long-term value for the community's assets.
7. **Consider amending the Special Act legislation.** This should be considered only where necessary structural changes to the law must be put in place to allow for a more effective, efficient and enforceable preservation program in Nantucket. This should not be entered into lightly as this could open up the law for changes that might not be beneficial to preservation in the long-term.
8. **Offer training opportunities and funding support to Commissions.** Ensure commissioners and staff are informed about preservation training opportunities online and in-person at the state and national levels. This can include workshops, conferences, webinars and other formats through historic preservation organizations, the American Planning Association, the

American Institute of Architects and other organizations providing training specifically for those working with historic resources.

9. **Take advantage of your NAPC membership.** Whether it includes regularly accessing the NAPC list serv, reviewing past and current copies of The Alliance Review, attending the 2021 NAPC FORUM in Cincinnati or continuing with an annual CAMP training, this is a targeted source for information and best practices that is invaluable to historic preservation commissioners, their staff, and their advocates.

Please let us know if you have any questions regarding our comments. The “M” in CAMP is for mentoring so NAPC’s role continues even after the training is over.

HDC-OFC – Best Practice Recommendations (as adopted 11/17/22)

1) Establish protocols for “Digital Review of Applications” (using tablets & projector at Meetings):

- a) *Initiative:* Go full-digital for more effective use of time. Use tablets and projector to: reduce significant staff and Commissioner paper-shuffling; provides independent, quick access to drawings and information during meetings, provide zoom-capability, also creates a quieter process (with respect to paper rustling and member-to-member discussion re. clarifications).
- b) **11/17/22 HDC APPROVED BY UNANIMOUS VOTE THE FOLLOWING REQUIREMENTS:** Secure tablets (already ordered). And, all application materials submitted i) digitally via email, ii) timely, iii) with pages presented right-side up, iv) with drawings and imagery compiled legibly into PDF-format; application materials submitted v) per our established deadline schedule, vi) submissions loaded to the HDC agenda view-packet, per normal, and new step vi) digital files verified as accessible (e.g., 146 Main, 2 Stone Alley). Projector to be used as back-up at meeting (for Commissioners) and for so long as Zoom-meetings continue, for applicants and abutter monitoring.
- c) *Action Item(s):* Deliberate, offer modifications if any; vote these requirements ().

2) Establish protocols for “Conduct of Application Hearings”:

- a) *Initiative:* For effective proceedings and responsive duty to applicants and the community, the HDC requires reasonable control over its application hearings.
- b) **11/17/22 HDC APPROVED BY UNANIMOUS VOTE THE FOLLOWING REQUIREMENTS:** Adopt the following “Conduct of Application Hearings” protocol, to be linked to our web page and followed at each meeting:

Conduct of Application Hearings: The HDC role is to review and deliberate on the appropriateness of structures and architectural elements (consist with its mission under its Act, its guidelines including Building with Nantucket in Mind, and its established policies). With respect to consistently functional meetings: i) the HDC functions under Robert’s Rules and all meeting participants are expected to act accordingly, and ii) applicants and their agents are expected to provide application materials timely (to allow Commissioner preview, and for abutter and public viewing). In addition, the following protocols shall be observed:

- 1) The Chairperson opens the application hearing and announces the sitting board.
- 2) Subject to a time allotment (2 minutes for applicant and their agent, 1 minute per for 1st three abutters randomly selected; thereafter, 30 seconds per):
 - a) Applicant or agent provides a description of matters in front of the Commission.
 - b) The Commissioners, through the Chair, may ask questions to solidify their understanding of matters at hand.
 - c) Commission receives staff comments.
 - d) Abutters and public may then speak for or against the matters at hand.
 - e) The applicant or agent is allowed a rebuttal.
- 3) The Commissioners deliberate on the merits only. Note: Except for questions arising of the Commission’s deliberations, no further applicant, agent nor public comments are received by the Commission.
- 4) Through the Chair, Commission makes its determination; where applicable, its decision is recorded on the application (including as fitting, through use of an Exhibit).
- 5) In each of the foregoing, comments of Commissioners, applicants, agents, abutters, and the public, are reserved to the *merits of the design with respect to appropriateness*. And, unless as a Point of Information through the Chair, no comments (Commissioner, applicant, agent, abutters, or public) are to involve policy or procedure—under Robert’s Rules, such matters are properly addressed as separate, noticed agenda items. **Throughout each hearing, both off-topic redundant comments are strongly discouraged.**

- c) *Action Item(s)*: i) Deliberate, offer modifications if any; ii) vote the protocol, iii) print and post the protocol, iv) bring copies of the protocol to meetings for reference until it becomes integrated as standard practice. A copy of this protocol shall, as a separate page, be attached to each printed and web-posted HDC agenda.

3) Establish protocols to “Responsibly Advance Consent Items”:

- a) *Initiative*: Applications which are “Consentable” currently languish in the queue due to a lack of timely review, these applications also take up unnecessary time at meetings; process steps include as we know: setting up then opening the hearing, listening to introductions, then determining that in fact the application is consentable; each such application takes on average 10 minutes on the clock, which in person-hours, including both Commissioners and staff, equates to a minimum one-and-a-half hours. Instead, Commissioner review of queue to determine consentables effectively eliminates this circumstance providing too, more effective, and timely review of other applications while ensuring appropriate oversight. There are however benefits to staff involvement. This initiative includes a “staff apprenticeship component” ... an interactive, Commissioner-directed mini-review session (a teaching while determining approach). Note: An onboarding process is required of any staff to quickly become accustomed to, and proficient in, determining factors which constitute a consentable application. In large, “consentable” is more an art than a science; certainly, some are straightforward, but some are not and wrong decisions due to lack of understanding the art can create significant issues. The “art of it” involves not only HDC guidelines and policies, but also specifics, including but not limited to: application-vs.-application circumstances, institutional knowledge, matters of location and proximities, etc. Take for instance a retaining wall—there are widely different, specific circumstances that make one instance consentable and the other a pox (which leaves the community wondering “What the hell were they thinking?”). The same applies to “a shed.” Certainly, there are many consentable retaining walls and sheds; an apprenticeship program i) addresses how staff identifies relevant specifics, ii) providing necessary tools for their independently processing consentables (with confidence and correctly).

- b) **11/17/22 HDC APPROVED BY UNANIMOUS VOTE THE FOLLOWING REQUIREMENTS:** Commissioners’ review incoming applications for an hour or so, on a rotating basis, in a Zoom environment or in person, with staff. As the Commissioner progresses through review of an application, they share with staff a brief explanation of relevant specifics; an approach akin to a design charette is perhaps most helpful if time allows, but bullet-point approach works too. Under current application load, each Commissioners contribution of an additional hour or so on a rotating basis is once every two months—i.e., 7 members, so once every two months give-or-take. *Any item placed on Consent shall bear the name of the person having elected such consent.*

- c) *Action Item(s)*: Deliberate, offer modifications if any; vote these requirements, and in relation, respectfully request necessary administrative assistance of PLUS, ii) as may be required, scope implementation and related matters (resources, timeline to implement, etc.).

4) Establish rule to eliminate “Material Non-responsiveness by an Applicant/Agent”:

- a) *Initiative*: A tremendous amount of time and good-will are expended reviewing application revisions. For every minute a requested revision is required to be reviewed, another minute is taken from other applicants. A reasonable amount of revision review is to expected. Where on a repeated basis, requested and material revisions are not made, the result (wittingly or not) is an abuse of process that is unfair to other applicants, and abutters; it is also disrespectful to the Commission. The cure is to curb such activity.

- b) **11/17/22 HDC APPROVED BY UNANIMOUS VOTE THE FOLLOWING REQUIREMENTS:** Commission adopt the following rule, named here for convenience as the “Three-and-out Rule”: After an initial hearing, applicants, through their agents or themselves, who submit revisions without materially responsive changes in keeping with Commissioners consensus request, will, upon discretion and vote of the Commission, have their application denied. Any such application will be “Denied due to lack of responsiveness to the Commissions’ requests.”
- c) *Action Item(s):* Deliberate, offer informed modifications if any, vote rule; post rule (in Legal Notice form) at the PLUS Building, Town Building, and with the Inquirer & Mirror; and, compose and post to HDC web page a compilation of rules.

5) Revisit protocols for “Incomplete Applications”:

- a) *Initiative:* Commission hearing incomplete applications is wasteful and time consuming, often resulting in additional wasteful time when the same application is extended into a follow-up meeting; this waste of time includes staff time, and time of other applicants and the public. Instead, staff shall redirect applicants, requiring submission of materially complete applications for an application to be accepted and processed for a hearing; such redirection creates and perpetuates more effective use of staff and Commissioner time and a fair and even playing field for other applicants, and reasonable review by abutters.
- b) **11/17/22 HDC APPROVED BY UNANIMOUS VOTE THE FOLLOWING REQUIREMENTS:** Applications are reviewed by staff for material completeness prior to acceptance by HDC; this, using existing checklists; materially incomplete applications are not accepted; staff shall redirect applicants, requiring submission of materially complete applications for an application to be accepted and processed for a hearing.
- c) *Action Item(s):* Deliberate, offer modifications if any; vote these requirements, and in relation, respectfully request necessary administrative assistance of PLUS, ii) as may be required, scope implementation and related matters (resources, timeline to implement, etc.) w/PLUS.

6) Revisit rule addressing “Waiting Period after Denial”:

- a) *Initiative.* Eliminate wasteful, painful, unproductive review time spent rehearing previously denied applications; and, to create prophylactic, non-punitive effect on similar behavior, initiate a rule requiring a waiting period after denial.
- b) **11/17/22 HDC APPROVED BY UNANIMOUS VOTE THE FOLLOWING REQUIREMENTS:** Commission adopt a rule to establish a two (2) year waiting period to re-hear an application that is substantially the same or like the application previously denied, which waiting period shall automatically become effective upon a unanimous vote for denial of an application.
- c) *Action Item(s):* Deliberate, offer informed modifications if any, vote rule; post rule (in Legal Notice form) at the PLUS Building, Town Building, and with the Inquirer & Mirror; and, compose and post to HDC web page a compilation of rules.

7) Revisit protocol for timely submission of “Supplemental Application Materials”:

- a) *Initiative.* Eliminate meeting delays, tendency for incoherent reviews, and processing burden on staff, which arise when material, supplemental information is provided “at the table.”
- b) **11/17/22 HDC APPROVED BY UNANIMOUS VOTE THE FOLLOWING REQUIREMENTS:** Supplemental application material shall be submitted to staff, in hard copy and digitally, not later than one week before the applications next anticipated hearing date; late submissions will not be accepted. In the event of late submission, hearing will proceed without the supplemental materials, or applicant/its agent may elect to delay hearing of their application

one week. Except due to extenuating circumstances, delays are one-time per application. Accommodation by exception shall be provided for additional images, limited-volume background information, and other quick-clean information that is not a design change.

- c) *Action Item(s)*: Deliberate, offer modifications if any; vote these requirements, and in relation, respectfully request necessary administrative assistance of PLUS, ii) as may be required, scope implementation and related matters (resources, timeline to implement, etc.) w/PLUS.

8) Establish rule for “Repeated Postponement of Hearings by Applicant/Agent”:

- a) *Initiative*. Applicants, directly or through their agents, repeatedly postponing hearings can amount to an abuse of process. When deployed, or deployed by multiple applicants’ agents, the course of other hearings is disrupted causing ripple-effect issues throughout the system (including with respect to needs of other applicants). A rule to prevent repeated postponements is both reasonable and beneficial. ...The Commission deems the following a reasonable approach to postponements, including to provide notice to abutters (both opponents and proponents) and the public, including to allow generally sufficient advance notice for travel arrangements.
- b) **11/17/22 HDC APPROVED BY UNANIMOUS VOTE THE FOLLOWING REQUIREMENTS:** Commission adopts a rule to establish that: More than one hearing postponement by an applicant or their agent shall result in the application being moved to a later point in the queue, two calendar meetings from the date of the second postponement. In the event of a third or subsequent postponement, the application shall be moved to the then current bottom of the queue—i.e., last in line in the list of applications remaining to be heard, which list is appended to each agenda under the heading “Upcoming Matters”. *Note*: Applicants or their agents that i) submit, two or more weeks before an application’s likely hearing date, a request for postponement to the HDC ii) with that request acknowledged by the HDC, are iii) in that instance excluded from this rule. In instances of an acknowledged request for postponement, notice of such postponement shall be posted i) as a notation to the application ii) within the “Upcoming Matters” list, indicating “HOLD until ___/___/___”; the HOLD notation shall remain in place until the meeting at which the application was held initially scheduled to be held until.
- c) *Action Item(s)*: Deliberate, offer informed modifications if any, vote rule; post rule (in Legal Notice form) at the PLUS Building, Town Building, and with the Inquirer & Mirror; and, compose and post to HDC web page a compilation of rules.

9) Establish protocol for “Reflecting Material Grade-changes in Applications”:

- a) *Initiative*: When an application proposes a grade change of >2’, accurate Grading Site Plan, Cross Section, and Retaining Wall Information are required as follow:
- b) **11/17/22 HDC APPROVED BY UNANIMOUS VOTE THE FOLLOWING REQUIREMENTS:**
 - i) Cross Section Elevation(s) to show existing in black line with notations in black, proposed in maroon, and of course the structure(s); cross section(s) shall be of areas i) of greatest proposed change and ii) of typical interest to HDC review; where grade change is within 5’ of an abutting property, cross sections grade lines shall accurately project over the lot line(s) of the applicant’s property (into the abutting lots) a minimum 10’.
 - ii) Grading Site Plan shall be 1’ contour lines; all structures shall be shown; show existing in black line, proposed in maroon line and notation color; contour lines shall be of the entire property; where grade change is within 5’ of an abutting property, contour lines shall accurately project over the lot line(s) of the applicant’s property (into the abutting lot(s) a minimum 10’.

iii) Accurate Retaining Wall Notations: Grade changes of >2' shall show existing and proposed retaining walls accurately, including their location and "Top of Wall (TOW)" and "Bottom of Wall (BOW)"; any existing retaining walls and notations shall be shown in black, proposed in burnt sienna.

- c) *Action Item(s)*: Deliberate, offer modifications if any; vote these requirements, and in relation, respectfully request necessary administrative assistance of PLUS, ii) as may be required, scope implementation and related matters (resources, timeline to implement, etc.) w/PLUS.

10) Establish rule for "Flood Resistant portion of Approvals – Wet-proofing Type":

- a) *Initiative*: Ensure structures are not constructed higher than the Design Flood Elevation required under 780 CMR.
- b) **11/17/22 HDC APPROVED BY UNANIMOUS VOTE THE FOLLOWING REQUIREMENTS:** As a condition of review, applications that include Wet-Proofing Type Flood Protection shall include a i) Flood Elevation Certificate, a ii) licensed surveyor stamped certification to indicate "for [insert Property Address and Scope of Work] the maximum floor structure height is [insert Feet and Inches], which height is no higher than the minimum 780 CMR required Design Flood Elevation for the property based on [insert Flood Zone]; and iii) submission of the applicable Firmette. Such applications shall, as a matter of submitting a complete application, include all information required to be in conformance with the HDC's "Resilient Nantucket Guidelines".
- c) *Action Items(s)*: Deliberate, offer informed modifications if any, vote rule; post rule (in Legal Notice form) at the PLUS Building, Town Building, and with the Inquirer & Mirror; and, compose and post to HDC web page a compilation of rules.

11/17/22 HDC APPROVED BY UNANIMOUS VOTE THE FOLLOWING: With respect to each of the foregoing, the Commission may waive strict conformance subject i) to a public vote in favor, ii) which vote is consistent with the spirit and intent of the respective initiative.



NANTUCKET HISTORICAL COMMISSION

Town of Nantucket
2 Fairgrounds Road
Nantucket, Massachusetts 02554

COMMISSIONERS

*Angus MacLeod (Chair) Georgia U. Raysman (Vice Chair) David Silver (Secretary)
Clement Durkes, Abby De Molina, Thomas M. Montgomery, Milton Rowland*

February 13, 2023

To: The Nantucket Select Board
Via email to: emooney@nantucket-ma.gov

Dear Members of the Nantucket Select Board:

Thank you for your continued consideration of Historic District Commission operations. I hope at your meeting this week you will take action and reappoint the remaining HDC Advisory Boards, with membership nominated by the HDC.

The HDC relies on its Advisory Boards to provide information about applications in Nantucket's various distinctive historic neighborhoods. The Advisory Boards are advisory only. The HDC has affirmed their need for these Boards.

While some boards are meeting in private as "groups" and offering citizen advice, it is incorrect to conclude that this is equivalent for the HDC or the public. The only way to give the public and the HDC the best service is to have the Advisory Boards be official public bodies, with members selected by the HDC, acting as advisors to the HDC.

The Town of Nantucket is a Certified Local Government for Historic Preservation, and the NHC, HDC, and Select Board are partners in ensuring Nantucket remains an example of best practice for protecting historic structures and their context. Select Board meeting minutes indicate discussion that the NHC might take on responsibility held by Advisory Boards. The NHC has discussed this and would like to formally communicate that we are not the correct body to advise the HDC on architectural review. The NHC is unanimous in our support of the HDC's request to have its Advisory Boards back as official public bodies.

Regardless of any overall review of the Historic District Commission operations, further refusal to honor the HDC's request to reappoint its Advisory Boards as public bodies is harmful to the Historic District.

Sincerely,

Angus MacLeod
Chair
Nantucket Historical Commission

Georgia Raysman
Vice Chair
Nantucket Historical Commission

February 13, 2023

To the Select Board

From Mickey Rowland, former chair of HSAB

Why does the HDC need the Historic Structures Advisory Board?

- Preserving the historic character of our downtown is a priority for all of us. Unlike the HDC, HSAB only reviews projects within the downtown area. This means that we are able to spend much more time researching and discussing in depth each application than the HDC has time for during their weekly meetings.
- Due to the varied first hand experiences of our group in local architectural design and the preservation field, we can provide important information to supplement what the HDC staff provides.
- Our recommendations are read at the beginning of each application providing the HDC with a list of concerns that we feel should be addressed. They then use that information as they see appropriate.
- The HDC has stated multiple times that our recommendations are helpful and have asked us to continue providing them.

Why make it officially part of the HDC structure?

- Bringing HSAB back under the town's authority allows us to publish our agenda and invite the applicant and neighbors to join the discussion. This isn't happening now because it is a private Zoom meeting without any way to invite each applicant.
- Having a dialogue with the applicant and neighbors helps us better understand the project, and it helps the applicant to understand our approach and how we use *BWNIM* to inform our recommendations.
- Our recommendations can then be posted on the HDC's website giving the applicant a head's-up on what the HDC will be hearing and thinking. In some cases the applicant may wish to revise their applications accordingly before the meeting saving considerable time for the HDC.

How much time will HDC staff need to spend on this?

- HSAB will create its own agenda as we are doing now, but the HDC staff will need to post it on their website. This shouldn't take more than a few minutes.
- After we have submitted our recommendations, staff will post them also – another few minutes.
- Done.

The HDC has asked HSAB to establish official policies for how we conduct our meetings, and we are submitting those to the HDC this week. We hope that after the HDC accepts these policies we can rejoin the public domain which will benefit all of us.

From: [Mary Bergman](#)
To: [Erika Mooney](#); [Jason M. Bridges](#)
Cc: [Libby Gibson](#); [Elizabeth Grubbs](#)
Subject: Letter to BOS 2/15
Date: Monday, February 13, 2023 11:43:43 AM
Attachments: [image001.png](#)

Hi Erika,

I hope you had a good weekend. I'm writing with a letter to the Select Board from the 'Sconset Trust and Nantucket Preservation Trust that I hope you might be able to include in this week's packet.

Thank you,
Mary

Dear Chair Bridges,

We are writing once again to express our concern about the need to re-instate the Nantucket Historic District Commission (HDC)'s Advisory Committees. The Historic Structures Advisory Board, 'Sconset Advisory Board, Madaket Advisory Board, and Tuckernuck Advisory Board all play important roles in supporting the work of the HDC.

The advisory committees provide specialized, localized expertise that helps the HDC in their review of applications and frequently provide supplementary historical information to the HDC. Only the HDC is empowered to approve or deny an application, and these committees act strictly in an advisory manner.

We are also writing in support of HDC Chair Ray Pohl's recent letter to the Select Board (included in the agenda packet for the 2/15/23 meeting) which proposes the Select Board ratify the HDC's nominations to the various advisory boards. The HDC commissioners understand best the knowledge and skills required for the advisory boards to work successfully and compliment the work of the HDC.

Thank you for your attention to this matter.
Sincerely,

Mary Bergman, Executive Director
Betsy Grubbs, Executive Director
Nantucket Preservation Trust
'Sconset Trust

Mary Bergman
Executive Director

NANTUCKET PRESERVATION TRUST

11 Centre Street
PO Box 158
Nantucket, MA 02554
508.228.1387
mbergman@nantucketpreservation.org
Become a [MEMBER](#) and support our work!



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November 7, 2023 Special Town Meeting Timeline

DRAFT as of 02/09/23

Endorsed by Select Board:

Date	Activity
Wed, Feb 1	SB schedules STM for Nov 7, 2023
Wed, Feb 15	SB endorses STM timeline
Mon, Jun 19 - Tues, Jun 20/4pm	Warrant open for any non-Town articles
Wed, Jun 21	Any cit warrant articles forwarded to Town Counsel, PI Board, FinCom
Wed, Jun 28	SB reviews potential warrant articles
Wed, Jul 5	SB reviews warrant articles
Thurs, Jul 6	FC public hearing on any cit warrant articles (NOTE: THIS WILL BE TO BE ADVERTISED)
Wed, Jul 12	SB reviews warrant articles
Wed, Jul 19	SB reviews warrant articles
Wed, Jul 12	STR Work Group Proposed Article(s) Due to SB (NOTE: This assumes article(s) have already been reviewed by Town Cnsl)
Wed, Jul 26	STR Work Group to Review Proposed Article(s) with SB
Weeks of 7/24, 7/31, 8/7	Extra time if needed for STR WG
Wed, Aug 16	Adoption of warrant by Select Board
Thurs, Aug 17	Warrant forwarded to FinCom
Fri, Aug 18	Warrant sent to newspaper
Thurs, Aug 24	Warrant published in newspaper
Fri, Aug 25	FC public hrg notice sent to newspaper
Thurs, Sept 14	FC public hrg notice published in newspaper
by Mon, Sept 18	Planning Board motions must be final
Thurs, Sept 21	FinCom public hearing on warrant articles; possible adoption of motions
Mon, Sept 25	FinCom meeting on warrant articles/motions with possible adoption of motions
Tues, Sept 26	FinCom adoption of motions to warrant articles (if needed & not already complete)
Wed, Oct 4	SB review motions/comments; adopts any comments
Fri, Oct 6	Warrant with motions sent to printer*
Fri, Oct 20	Warrant with motions mailed out to voters**
Thurs, Nov 2/1pm	pre-STM FinCom meeting
Thurs, Nov/2pm	pre-STM conference with Moderator
Tues, Nov 7/5pm	STM starts

NOTES:

Special Voter Registration Deadline:

Planning Board public hearing (if zoning articles): TBD

Citizen articles require the signatures of 100 registered voters in order to be valid for inclusion on the warrant

November 7, 2023 Special Town Meeting Timeline

DRAFT as of 02/09/23

Endorsed by Select Board:

Citizen articles to be sent to Town Counsel as rec'd
No special sessions with Town Counsel are included here (only for ATM)
Per c. 44-8 of Town Code: STM appropriations require quorum of 5% reg voters; transfers require 3%
Town Counsel review of articles & motions built in to timeline
*Printer/mailing requires 2 weeks lead time
**by Charter, the warrant with motions must be mailed out to voters 14 days prior to Town Mtg

Will need to work in other agency review if need be (ie, CapCom)

No SB meetings 6/21, 7/26, 8/9, 8/23, 8/30

Week of 8/28 = End of Summer week

Public Outreach (dates/activities TBD):