

Town and County of Nantucket Select Board • County Commissioners

Jason Bridges, Chair
Matt Fee
Dawn E. Hill Holdgate
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C. Elizabeth Gibson
Town & County Manager

AGENDA FOR THE MEETING OF THE SELECT BOARD MAY 17, 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/WMR-M6sK7VY>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:

https://us06web.zoom.us/webinar/register/WN_oqDsoGNFSeWJLpjK8kMI6g

I. CALL TO ORDER

II. SELECT BOARD ACCEPTANCE OF AGENDA

III. ANNOUNCEMENTS

1. The Select Board Meeting is Being Audio/Video Recorded.
2. Annual Town Election Scheduled for Tuesday, May 23, 2023 from 7:00 AM to 8:00 PM at Nantucket High School, 10 Surfside Road.
3. Police Department: Annual Appreciation Awards.
4. Transportation Program Manager and Public Outreach Manager: Announcement of Nantucket Planning & Economic Development Commission Long-Range Transportation Plan Survey; and, Public Engagement Initiative.
5. Public Health Director: Update on Short-term Rental Registration Program Implementation.
6. 2023 Committee/Board/Commission Vacancies.
7. Select Board Announcements/Comments.

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

V. PUBLIC COMMENT*

VI. NEW BUSINESS*

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

1. Approval of Minutes of May 9, 2023 at 4:00 PM; May 10, 2023 at 5:30 PM.
2. Approval of Payroll Warrants for May 14, 2023.
3. Approval of Treasury Warrants for May 17, 2023.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Finance Department: Request for Approval of Clean Water Trust Notes for Sewer Force Main Project.
2. Nantucket Conservation Foundation: Request for Waiver of Town Noise Bylaw from 10:00 PM to 11:00 PM for Bash in the Bog to be held Saturday, July 8, 2023 at Cranberry Bogs, 220 Milestone Road.
3. Nantucket Boys and Girls Club: Annual Request for Waiver of Town Noise Bylaw from 10:00 PM to 11:00 PM for Tim Russert Summer Groove to be held Saturday, August 19, 2023 Under Tents on Field at Nantucket Boys and Girls Club, 61 Sparks Avenue.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30692598 to Install Approximately 30' of 2-3" Conduit Across Hulbert Avenue and Two Handholes (HH17-1 and HH 17-2) for Service to 50 Hulbert Avenue.
2. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30724323 to Install Approximately 20' of 2-3" Conduit Across Surfside Bike Path and One Handhole (HH28-50-2) for Service to 65B Surfside Road.
3. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30709038 to Install Approximately 30' of 2-3" Conduit Across Fairgrounds Road and One Handhole (HH22-2) for Service to 71R Fairgrounds Road.
4. Public Hearing to Consider Application for Multiple Amendments for Seasonal All-Alcoholic Beverages Restaurant License for Beachside Associates, LLC d/b/a Summer House Bistro, for Premises Located at 16 Ocean Avenue to Add Outdoor Seating on Beach Area Adjacent to Existing Deck Dining Area and Change of Licensed Manager from Juan Manuel Ponce to Sergio Jimenez Orozco, Proposed License Manager; and, Change of Licensed Manager from Juan Manuel Ponce to Sergio Jimenez Orozco for Summer House Restaurant.
5. Public Hearing to Consider Application for Change of Category for Seasonal Wine and Malt Beverages Restaurant License for JKRG, LLC d/b/a Company of the Cauldron, Joseph Keller, Manager, to Seasonal All-Alcoholics Beverages Restaurant License, for Premises Located at 5 India Street.

6. Public Hearing to Consider Application for Transfer of Annual All-Alcoholic Beverages General On Premises License from Nantucket Culinary Center, LLC d/b/a Nantucket Culinary Center, Gregory Margolis, Manager to Un Altro, LLC d/b/a Nantucket Culinary Center, Andrea Solimeo, Manager, for Premises Located at 22 Federal Street.
7. Public Hearing to Consider Application for Transfer of Live Entertainment License from Nantucket Culinary Center, LLC d/b/a Nantucket Culinary Center, Gregory Margolis, Manager to Un Altro, LLC d/b/a Nantucket Culinary Center, Andrea Solimeo, Manager, for Premises Located at 22 Federal Street.
8. Public Hearing to Consider Application for New Seasonal Wine and Malt Beverages Package Store License for Foggy Bottom Kitchen, LLC d/b/a Foggy Nantucket, Shaun Riley, Manager, for Premises Located at 147 Orange Street.
9. Public Hearing to Consider Application for Amendment to Entertainment License for Servedwell Brotherhood, LLC d/b/a The Brotherhood of Thieves, James Strombino, Manager, for Premises Located at 23 Broad Street, to Add Background Music on Outdoor Patio and Live Music on Ground Level per Approval of Special Permit Amendment.

X. TOWN MANAGER'S REPORT

XI. SELECT BOARD'S REPORTS/COMMENT

1. 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. 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 the United States Constitution and the Massachusetts Declaration of Rights.

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 an orderly and peaceable manner, without disruption to other speakers.

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 protected under the United States Constitution and the Massachusetts Declaration of Rights because it constitutes true threats, incitement to imminent lawless conduct, or engages in conduct that disrupts other speakers.

Each speaker may not exceed three (3) minutes during any Public Comment portion of the meeting.

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 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.

Unanticipated Business: 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: April 26, 2023

From: [Pittman, William](#)
To: [Libby Gibson](#)
Cc: [Erika Mooney](#)
Subject: Annual Department Appreciation Awards
Date: Wednesday, May 10, 2023 4:37:53 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Libby,

I would like to present awards to several members of the Department for outstanding police work over the past year at the Wednesday meeting of the Select Board on May 17th if possible. It was our tradition before COVID to do this during police week. I have five awards to give out to police officers and dispatchers. The awards are as follows:

1. Exceptional Duty: Case # 21-7786 Officer Derek Witherell (Sexual Assault Investigation)
2. Case Investigation: Case # 22-1848/22-1904 Detective Amanda Schwenk (Drug Trafficking Investigation)
3. Case Investigation: Case # 22-8318 Sergeant Jacquelyn Hollis (B&E to Motor Vehicle)
4. Case Investigation: Case # 22-10845/22-10877 Officers Olson, Terino, Tirone and Duce (B&E to Motor Vehicles)
5. Exceptional Duty: Veranda House Fire Dispatchers Noble, Gomes, Eger-Andersen, Norris and Smith (Veranda House Fire)

My plan would be to present each recipient with a commendation after a short recital of the circumstances involved in each incident. Should not take more than 15 minutes.

William J. Pittman, MPA
Chief of Police

Nantucket Police Department
4 Fairgrounds Road
Nantucket, MA 02554
Tel: (508) 228-1212
Fax: (508) 228-7246



This electronic message and any files attached hereto contain confidential and privileged information from the Nantucket Police Department. This information is intended to be for the use of individuals or entities to whom it is addressed only. If you are not the intended recipient, be

LONG-RANGE TRANSPORTATION PLAN

Take our survey and help us create
a **VISION** for **TRANSPORTATION**.



Nantucket Planning & Economic Development Commission

www.nantucket-ma.gov/LRTP

We value your feedback.

SCAN THE QR CODE!



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VISION FOR TRANSPORTATION.



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LONG-RANGE TRANSPORTATION PLAN - www.nantucket-ma.gov/LRTP
Nantucket Planning & Economic Development Commission

**Realiza nuestra encuesta y ayúdanos a crear
UNA VISIÓN PARA EL TRANSPORTE.**



www.nantucket-ma.gov/LRTPes



**Valoramos tu opinión.
¡ESCANEA EL CÓDIGO QR!**



PLAN DE TRANSPORTE A LARGO PLAZO - www.nantucket-ma.gov/LRTPes
Nantucket Planning & Economic Development Commission

NOTICE OF ANNUAL COMMITTEE OPENINGS

The Select Board is accepting applications for annual committee appointments. Interested individuals may obtain a "Committee Interest Form" from the Town of Nantucket's [website](#). Completed applications can be mailed to Town Administration, 16 Broad Street, Nantucket, MA 02554 or emailed to emooney@nantucket-ma.gov. Information on the responsibilities of the various committees may also be obtained from the Town's website. **All appointments will be made by the Select Board at its June 28, 2023 meeting.**

Applications for **all** committee vacancies must be submitted by **12:00 PM on Friday, May 19, 2023.**

Agricultural Commission #	2 Seats	Terms End 2026
Airport Commission *	2 Seats	Terms End 2026
Board of Health	2 Seats	Terms End 2026
Capital Program Committee	2 Seats	Terms End 2026
Cemetery Commission	2 Seats	Terms End 2026
Coastal Resiliency Advisory Committee	1 Seat	Term Ends 2026
Conservation Commission	2 Seats	Terms End 2026
Contract Review Committee, Human Services	1 Seat	Term Ends 2026
Council for Human Services	3 Seats	Terms End 2026
Council on Aging ^	1 Seat	Term Ends 2025
Council on Aging ^	3 Seats	Terms End 2026
Cultural Council	2 Seats	Terms End 2025
Cultural Council	2 Seats	Terms End 2026
Finance Committee	3 Seats	Terms End 2026
Harbor and Shellfish Advisory Board †	1 Seat	Term Ends 2025
Historic District Commission Associate	1 Seat	Term Ends 2026
Nantucket Affordable Housing Trust, at-large	1 Seat	Term Ends 2025
Nantucket Historical Commission	2 Seats	Terms End 2026
Planning Board Alternate	1 Seat	Term Ends 2026
Real Estate Assessment Committee	2 Seats	Terms End 2026
Roads and Right of Way Committee	3 Seats	Terms End 2026
Scholarship Committee	2 Seats	Terms End 2026
Steamship Authority Port Council	1 Seat	Term ends 2025
Tree Advisory Committee	1 Seat	Term Ends 2025
Tree Advisory Committee	2 Seats	Terms End 2026
Zoning Board of Appeals	1 Seat	Term Ends 2028
Zoning Board of Appeals Alternate	1 Seat	Term Ends 2024
Zoning Board of Appeals Alternate	1 Seat	Term Ends 2026

Pursuant to Article 65 passed by 2022 Annual Town Meeting, "To the extent available and willing to serve, the [Agricultural] Commission shall consist of a minimum of three members whose prime source of income is derived from farming or agricultural-based enterprises in Nantucket and another two who are interested in farming. If the foregoing are neither available nor willing to serve, then any member may be appointed from the community who has an interest in agriculture."

* Pursuant to MGL Chapter 90, Section 51E, “Of the members appointed [to the Airport Commission] at least one shall be a person having experience in aeronautics.”

^ Pursuant to the Massachusetts Cultural Council’s Local Cultural Council Program Guidelines, “The term of membership for a council member is three years; members can serve a maximum of two consecutive terms, or a total of six years, unless the appointing authority removes a member before the expiration of a term. Members must remain off the council for a one-year interval before serving additional terms.”

† Pursuant to Chapter 270 of the Acts of 1979, vacancies on the Harbor and Shellfish Advisory Board shall be appointed by the Select Board for the remainder of the unexpired term.

May 24, 2023 – The names of applicants who have submitted applications will be read aloud and applications will be included in the Board’s packet.

June 7, 2023 – Meeting for the applicants who applied to the following committees to introduce themselves and review their applications:

- Agricultural Commission
- Airport Commission
- Board of Health
- Capital Program Committee
- Cemetery Commission
- Coastal Resiliency Advisory Committee
- Conservation Commission
- Contract Review Committee, Human Services
- Council for Human Services
- Council on Aging
- Cultural Council
- Finance Committee

June 14, 2023 – Meeting for the applicants who applied to the following committees to introduce themselves and review their applications:

- Harbor and Shellfish Advisory Board
- Historic District Commission Associate
- Nantucket Affordable Housing Trust
- Nantucket Historical Commission
- Planning Board Alternate
- Real Estate Assessment Committee
- Roads and Right-of-Way Committee
- Scholarship Committee
- Steamship Authority Port Council
- Tree Advisory Committee
- Zoning Board of Appeals
- Zoning Board of Appeals Alternate

June 28, 2023 – Committee appointments.



Agenda Item Summary

Agenda Item #	VIII. 1.
Date	5/17/23

Staff

Brian E. Turbitt, Finance Director

Subject

Approve Clean Water Trust Notes for 3rd Sewer Force Main

Executive Summary

The 3rd Sewer Force Main project was approved for financing through the State Revolving Loan program administered by the Clean Water Trust.

Staff Recommendation

Recommend approval of Clean Water Trust notes for the 3rd Sewer Force Main project.

Background/Discussion

The 3rd Sewer Force Main project was approved for financing through the State Revolving Loan program administered by the Clean Water Trust. The amount approved for the loan was \$31,349,962. The total of the notes being issued are as follows CW-20-42 \$25,152,107 and CW-20-42-A \$2,367,871

Impact: Environmental ☐ Fiscal ☒ Community ☐ Other ☐

Debt Service principal and interest payments will begin upon the closing of the Clean Water Trust Loan Pool. The closing is anticipated to occur in December of 2023 with the first payment due in FY24

Board/Commission Recommendation

N/A

Public Outreach

None

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

None

Attachments

Vote of the Select Board.



VOTE OF THE SELECT BOARD

I, the Clerk of the Select Board of the Town of Nantucket, Massachusetts, certify that at a meeting of the board held May __, 2023, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was passed, all of which appears upon the official record of the board in my custody:

- VOTED:
- (1) that the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$32,000,000 (the “Bonds”) pursuant to Chapters 29C and 44 of the General Laws and a vote of the Town passed June 25, 2020 (Article 16), for planning and/or construction of sewers and other water pollution control abatement infrastructure (the “Project”);
 - (2) that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the “Notes”) from time to time in an aggregate principal amount not to exceed \$31,349,962;
 - (3) that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Clean Water Trust (the “Trust”) at a price determined pursuant to the Financing Agreement;
 - (4) that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Financing Agreement (or Agreements) with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Select Board and the Treasurer and evidenced by their execution of the Bonds or Notes;
 - (5) that any certificates or documents relating to each Bond and Note (collectively, the “Documents”), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a “.pdf” file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures;
 - (6) that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and

- (7) that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary or convenient to carry out the provisions of this vote, including execution and delivery of the Financing Agreement(s) and the Project Regulatory Agreement(s) relating to the Project.

I further certify that the vote was adopted at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date, time and agenda of the meeting (which agenda included the adoption of the above vote) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decisions in connection with the sale of the Bonds or Notes were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G.L c.30A, §§18-25, as amended. I further certify that the vote has not been amended, supplemented or revoked and remains in effect on this date.

Dated: May __, 2023

Clerk of the Select Board

Town of Nantucket, MA
Wednesday, April 13, 2016

Chapter 101. Noise

[HISTORY: Adopted by the Annual Town Meeting of the Town of Nantucket 4-6-1982 by Art. 31, approved 6-23-1982.^[1] Amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. 55.

Peace and good order — See Ch. 105.

[1] *Editor's Note: This bylaw was adopted in addition to a noise bylaw adopted 3-18-1969 ATM by Art. 97, which bylaw is on file in the Clerk's office.*

§ 101-1. Prohibited activities; violations and penalties.

[Amended 11-13-1990 STM by Art. 31, approved 3-19-1991]

- A. It shall be unlawful for any person or persons, between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year), occupying or having charge of any building, boat, vehicle, premises or any part thereof; the owner, the owner's agent or other legally responsible person or persons of any building, boat, vehicle, premises or any part thereof in the Town of Nantucket other than as specifically licensed by the Board of Selectmen, to create, assist in creating, cause or suffer or allow any excessive, unnecessary, loud or unusual noise which either annoys, disturbs, injures or endangers the reasonable quiet, comfort, repose or the health or safety of others by the operation of any radio, phonograph or other mechanical sound device or instrument or in the playing of any band, orchestra, musician or group of musicians or in the use of any device to amplify the aforesaid or the making of loud outcries, exclamations, other loud or boisterous noises or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise where the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle or premises in which or from which it is produced. The fact that the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle or premises in which or from which it originates shall constitute prima facie evidence of a violation of this section. Any person violating this section shall be punished by a fine of not more than \$200 for each offense. Each such act which constitutes a violation of this section, which either continues or is repeated more than 30 minutes after the issuance of a warning to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense.

[Amended 5-5-1992 ATM by Art. 72, approved 8-3-1992; 4-4-2006 ATM by Art. 61, approved 8-2-2006; 4-11-2007 ATM by Art. 54, approved 1-28-2008]

- B. It shall be unlawful for any person or persons, between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year), being present in or about any building, dwelling, premises, shelter, boat or conveyance or any part thereof in the Town of Nantucket, other than as specifically licensed by the Board of Selectmen, to create, assist in creating, cause or suffer or allow any excessive, unnecessary, loud or unusual noise which either annoys, disturbs, injures or endangers the reasonable quiet, comfort, repose or the health or safety of others by the operation of any radio, phonograph or other mechanical sound device or instrument or in the playing of any band, orchestra, musician or group of musicians or in the use of any device to

amplify the aforesaid or the making of loud outcries, exclamations, other loud or boisterous noises or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise where the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle or premises in which or from which it is produced. The fact that the noise is plainly audible at a distance of 100 feet from the building, structure, vehicle or premises in which or from which it originates shall constitute prima facie evidence of a violation of this section. [Amended 5-5-1992 ATM by Art. 72, approved 8-3-1992; 4-4-2006 ATM by Art. 61, approved 8-2-2006; 4-11-2007 ATM by Art. 54, approved 1-28-2008]

- C. Any person shall be deemed in violation of § 101-1, who shall make or aid in, cause or suffer or countenance or assist in the making of the aforesaid and described improper noises, disturbance, breach of the peace or a diversion tending to a breach of the peace, and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat or conveyance or any part thereof during a violation of § 101-1 shall constitute prima facie evidence that they are a countenancer to such violation. Any person violating this section shall be punished by a fine of not more than \$200 for each offense. Each such act which constitutes a violation of this section, which either continues or is repeated more than 30 minutes after the issuance of a warning to cease said activities, shall be considered a separate offense and shall be prosecuted as a separate offense.

§ 101-1.1. Procedure upon violation.

[Added 11-13-1990 STM by Art. 31, approved 3-19-1991]

- A. It shall be deemed a breach of the peace and it shall be the duty of any police officer of the Town to order any person or persons so acting as to violate the provisions of § 101-1 of this chapter to cease any prohibited activities which are specified in § 101-1 and, if the person or persons so ordered do not forthwith obey, to remove such person or persons or to arrest and/or cause such person or persons to be brought before the Trial Court of the Commonwealth District Court, Nantucket Division, upon a complaint made for a violation of the provisions of § 101-1.
- B. If the violation occurs on the premises of rental property, the owner and/or his agent of said property must be notified in writing by certified mail that a violation of § 101-1 has occurred on said rental property and that a complaint for violation of said section may be taken against him if said property owner and/or his agent fails to mitigate the activities of the person or persons who have rented said property.
- C. It shall be a defense to any violation of § 101-1 of this chapter that the noise is generated from a private dwelling with the express consent of the owner and that the noise is not clearly audible at any real property boundary of said dwelling.

[Added 4-10-2000 ATM by Art. 63, approved 8-2-2000]

§ 101-2. Noises prohibited; exemptions.

- A. Use districts. It shall also be unlawful to project a sound or noise, excluding noise emanating from cars, trucks or other vehicles, from one property into another within the boundary of a use district, which noise exceeds the limiting noise spectra set forth in Table I below.^[1] Sound or noise projecting from one use district into another use district with a different noise level limit shall not exceed the limits of the district into which the noise is projected.

[Amended 4-30-2003 ATM by Art. 56, approved 8-27-2003^[2]]

[1] Editor's Note: See § 101-4.

[2] Editor's Note: This article provided that it shall become effective 9-2-2003.

- B. Loading and unloading. It shall be unlawful to load, unload, open, close or otherwise handle boxes, crates, containers, building materials, trash cans, dumpsters or similar objects between the hours of 10:00 p.m. and 6:00 a.m. so as to project sound across a real property line, except as exempted under Subsection E below.
- C. Power tools. It shall be unlawful to cause a noise disturbance across a real property line by operating any mechanically powered saw, sander, grinder, drill, lawnmower or garden tool or similar device used outdoors, with the exception of snowblowers, before 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) Monday through Saturday and before 10:00 a.m. Sunday. Snowblowers, lawnmowers and chain saws shall be exempted from the L-10 and maximum permissible A-weighted sound-level limits enumerated in Table I below.^[3] However, such tools shall be operated within all applicable time restrictions and shall be operated in a reasonable manner.
[Amended 4-4-2006 ATM by Art. 61, approved 8-2-2006; 4-11-2007 ATM by Art. 54, approved 1-28-2008]
[3] Editor's Note: See § 101-4.
- D. Radios, television sets, musical instruments and similar devices. It shall be unlawful to operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound between the hours of 10:00 p.m. and 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year) in such a manner as to create a noise disturbance across a real property boundary.
[Amended 4-4-2006 ATM by Art. 61, approved 8-2-2006; 4-11-2007 ATM by Art. 54, approved 1-28-2008]
- E. Exemptions. The following uses and activities shall be exempt from noise-level regulations:
- (1) Noises of safety signals, warning devices and emergency pressure-relief valves.
 - (2) Noises resulting from any authorized vehicle when responding to an emergency call or acting in time of emergency.
 - (3) Noises resulting from emergency and maintenance work as performed by the Town, by the state or by public utility companies.
 - (4) Noises resulting from activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the Town, but only to the extent such activities and the resulting noises are within the scope of such license or permit.
[Amended 4-30-2003 ATM by Art. 56, approved 8-27-2003^[4]
[4] Editor's Note: This article provided that it shall become effective 9-2-2003.
 - (5) The unamplified human voice.
 - (6) Parades and public gatherings for which the Selectmen have issued a permit.
 - (7) Bells, chimes or carillons while being used for religious purposes or in conjunction with religious services, and those bells, chimes or carillons that are presently installed and in use for any purpose.

§ 101-3. Measurement of noise.

- A. The measurement of sound or noise shall be made with a sound-level meter meeting the standards prescribed by ANSI S1.4 - 1971 Type 1 or Type 2 and IEC 1979. The instrument shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of

any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. During measurement, the microphone shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

- B. The slow meter response of the sound-level meter shall be used in order to best determine that the amplitude has not exceeded the limiting noise levels set forth in Table I^[1] below.

[1] *Editor's Note: See § 101-4.*

- C. The measurement shall be made at the location that the noise is perceived by the complainant or upon a public way, at a level of five feet above the ground.

§ 101-4. Noise tables.

- A. Table I: Limiting Noise Level for Use Districts. (Use District A represents the LUG-1, LUG-2, LUG-3, ROH and SOH Residential and MMD, AHD, OIH, and ALC Special Districts. Use District B represents the R-1, R-2 and R-10 and SR-1 and SR-2 Residential Districts. Use District C represents the LC, RC and RC-2 Commercial Zones, all as defined and delimited in the Nantucket Zoning Ordinance, as amended.^[1])

[Amended 4-30-2003 ATM by Art. 56, approved 8-27-2003^[2]]

Maximum Permissible A-Weighted Sound Level		
Use District	Day	Night
District A:		
L-10 level	55	45
Maximum	68	58
District B:		
L-10 level	60	45
Maximum	70	58
District C:		
L-10 level	60	60
Maximum	70	70

NOTES:

- "L-10" refers to a national guideline for measuring noise levels over time and is recommended by the Environmental Protection Agency.
 - Sound levels are in decibels re: 20 micropascals, measured on the A-weighting network of a sound-level meter meeting the standards referenced in § 101-3A.
- (1) For the purpose of this table, "day" shall be defined as 7:00 a.m. to 10:00 p.m. (7:30 a.m. between June 15th and September 15th in each year), and "night" shall be defined as 10:00 p.m. to 7:00 a.m. (7:30 a.m. between June 15th and September 15th in each year).
[Amended 4-4-2006 ATM by Art. 61, approved 8-2-2006; 4-11-2007 ATM by Art. 54, approved 1-28-2008]

- (2) If the noise is not smooth and continuous, one or more of the corrections in Table II below shall be added to or subtracted from each of the decibel levels given in Table I of this section.

[1] *Editor's Note: See Ch. 139, Zoning.*

[2] *Editor's Note: This article provided that it shall become effective 9-2-2003.*

- B. Table II: Type of Operation in Character of Noise.

Character of Noise**Correction**

Impulsive (hammering, etc.)

-5

Periodic (hum, screech, etc.)

-5

§ 101-5. Application for special permit.[Amended 4-30-2003 ATM by Art. 56, approved 8-27-2003^[1]]

Application for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made before the Board of Selectmen. Any permit granted by the Selectmen shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement. Each such permit shall specify, to the extent applicable, the following:

- A. Whether the specified noise permitted is in excess of the levels barred by §§ **101-2A, 101-3** and **101-4**, as well as § **101-1A, B** or **C**, and the extent of the permitted excess;
- B. The specified dates and times of day the excess is permitted;
- C. The particular location, specifying outdoors, indoors or indoors open to the outdoors, and where on the premises the specified noise is permitted to originate; and
- D. The permitted type of noise: amplified music, amplified speaking or singing voice, live band, acoustic musical instrument, or other.

[1] *Editor's Note: This article provided that it shall become effective 9-2-2003.*

§ 101-6. Violations and penalties.[Amended 4-30-2003 ATM by Art. 56, approved 8-27-2003^[1]]

- A. Upon an apparent violation of this chapter, the offending party shall be given a verbal order by the enforcing police officer to cease or abate the noise immediately or within a specified period of time. If the order is not complied with, the person or persons responsible for the noise shall be charged with a violation of this chapter. Anyone who violated this chapter shall be subject to a fine of \$100. Written record of all measured violations shall be kept by the Police Department.
- B. Any police officer of the Town may utilize the noncriminal disposition specified in MGL c. 40, § 21D and Nantucket Code §§ **1-2** through **1-6**.

[1] *Editor's Note: This article provided that it shall become effective 9-2-2003.*



NANTUCKET CONSERVATION FOUNDATION, INC.

POST OFFICE BOX 13 • 118 CLIFF ROAD • NANTUCKET, MASSACHUSETTS 02554-0013 • TEL. 508-228-2884

www.nantucketconservation.org

April 6, 2023

Ms. Erica Mooney
Operations Administrator
Town of Nantucket
16 Broad Street
Nantucket, MA 02554

Noise Waiver for July 8th

Dear Ms. Mooney:

The Nantucket Conservation Foundation respectfully requests permission to extend the Town Noise Ordinance by one hour on July 8th, 2023, until 11pm. The NCF summer fundraiser, Bash in the Bog, will be taking place at our property located at 220 Milestone Road, and will consist of a live band along with a seated dinner and paddle raise. As our event winds down at 10pm, there may still be remnants of music heard until no later than 11pm.

Thank you for your consideration.

Sincerely,

Allison Levy
Marketing and Outreach Manager



NANTUCKET BOYS & GIRLS CLUB

Matthew MacEachern
Board Chair

Eugene Assaf
Vice Chair

Liz Ann Sonders
Vice Chair

Richard Mucci
Treasurer

John Brescher
Clerk

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Justin Schaeffer
Jane Stoddard
Kerry Tilton
Linda Wolf

Tish Emerson
Chair Emerita

Chuck Geschke[†]
Trustee Emeritus

Lucile W. Hays
Trustee Emeritus

John Loose
Trustee Emeritus

[†] deceased

March 5, 2023

Town of Nantucket Select Board Members
16 Broad Street
Nantucket, MA 02554

Dear Select Board Members,

This year, the Nantucket Boys & Girls Club will celebrate the 21st anniversary of the Tim Russert Summer Groove. In anticipation of this wonderful island tradition, we are asking the Select Board to consider and approve our request to extend the noise bylaw to 11:00pm on the evening of August 19th, 2023.

The Tim Russert Summer Groove will take place at the Club, located at 61 Sparks Ave. This year's event will be held under tents on the field of the Club. Our featured band is Encore, a popular wedding and event cover band.

Almost 70% of the children enrolled in Nantucket Public Schools are members of the Club, making us Nantucket's premier youth organization. The Tim Russert Summer Groove provides the Club with critical funding used throughout the year for operating, programming and staff development, and the 21st anniversary celebration will be a key night in our fundraising efforts.

Thank you for your consideration.

Sincerely,

Jamie Foster



Agenda Item Summary

Agenda Item #	IX. 1.
Date	05/17/23

Staff

Katie Cabral

Subject

National Grid Utility Petition – Hulbert Ave

Executive Summary

National Grid is requesting permission to install two handholes and approximately 30' of conduit to supply electrical services to 50 Hulbert 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 (30692598)
TYPE: Petition for Manhole and Duct Location
SITE ADDRESS: Hulbert Ave
HEARING DATE: May 17, 2023

COMMENTS

NPD: No Issues. – Deputy Gibson
FIRE: No Issues. -Chief Cranson
PLANNING: No Issues. -Holly Backus
DPW: No Issues. – Richard Moore
SEWER: Sewer Department must be contacted to mark out lines. Sewer is shallow here. Extra caution must therefore be exercised during the proposed work. – 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.**

PETITION FOR MANHOLE AND DUCT LOCATION

Date 4/13/2023

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 Hulbert Avenue

Description of Work Install underground facilities on Hulbert Avenue. Customer to install two handholes and approximately 30' +/- of 2-3" PVC schedule 40 conduit encased in concrete. National Grid to provide electrical service to house #50 Hulbert Avenue.

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. 30692598

NANTUCKET ELECTRIC COMPANY

BY: Robert Leonida

Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATION

Date 4/13/2023

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 13th day of April, 2023.

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

NANTUCKET ELECTRIC COMPANY

Plan No. 30692598

Street Name Hulbert Avenue

Description of Work Install underground facilities on Hulbert Avenue. Customer to install two handholes and approximately 30' +/- of 2-3" PVC schedule 40 conduit encased in concrete. National Grid to provide electrical service to house #50 Hulbert Avenue.

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 _____ 2023

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 _____ 2023 and recorded with the records of location orders of said town,

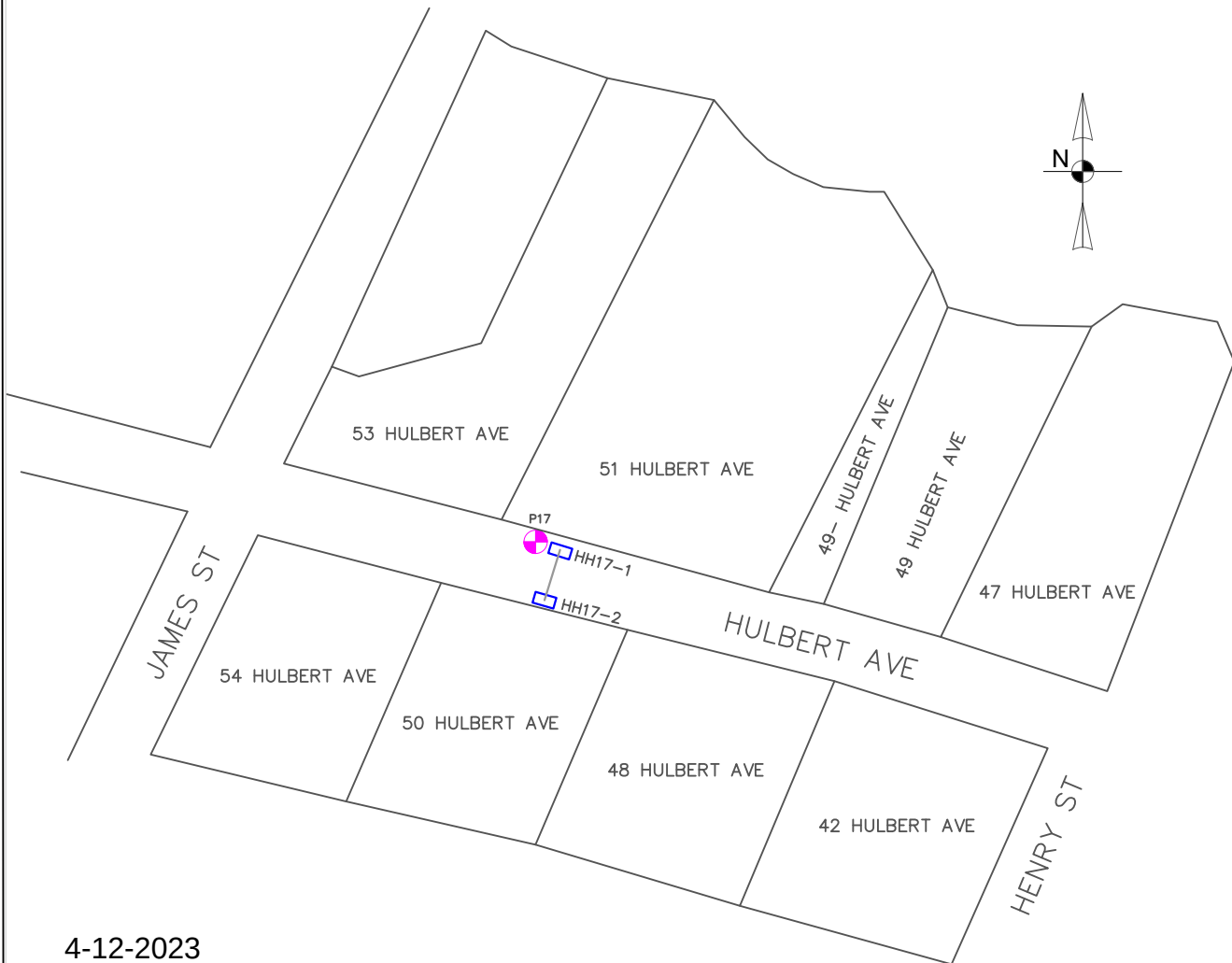
Book _____ Page _____

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

Attest: _____

Town Clerk

Customer to install (2) handhole and approx 30' +/- of 2-3" PVC sched 40 conduit encased in concrete. National grid to provide electrical service to House #50 Hulbert Ave



4-12-2023

LEGEND



EXISTING J/O POLE



PROPOSED HANDHOLE



PROPOSED 2-3" PVC CONDUIT
ENCASED IN CONCRETE

Install (2) Handholes
Install UG Secondary Conductor

50 Hulbert Ave
Nantucket

Nantucket, Mass 02554

Date 4/12/2023

Designer: VazquezJ

Work Request: 30692598

nationalgrid

PUBLIC HEARING

Please be advised that the Select Board will hold a public hearing on Wednesday, May 17, 2023, at 5:30 PM to consider a utility petition from Nantucket Electric Company, for Plan #30692598 to install approximately 30' of conduit and two handholes from existing pole17 on Hulbert Ave. 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 TownManager@nantucket-ma.gov.

E09

SELECT BOARD



Agenda Item Summary

Agenda Item #	IX. 2.
Date	05/17/23

Staff

Katie Cabral

Subject

National Grid Utility Petition – 65 Surfside Rd

Executive Summary

National Grid is requesting permission to install approximately 20' of conduit and one handhole to supply electrical services to 65B Surfside 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 (30709038)
TYPE: Petition for Manhole and Duct Location
SITE ADDRESS: 65B Surfside Rd
HEARING DATE: May 17, 2023

COMMENTS

NPD: No Issues. – Deputy Gibson
FIRE: No Issues. – Chief Cranson
PLANNING: No Issues. -Holly Backus
DPW: No Issues. – Richard Moore
SEWER: Utilities must be marked out, and work must be coordinated with the Sewer Department, EPG & RBO. – David Gray
WWCo: Call Wannacomet to mark out water utilities before work. -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 4/13/2023

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 Surfside Road

Description of Work Install underground facilities on Surfside Road. Customer to install one handhole and approximately 20' +/- of 2-3" PVC schedule 40 conduit encased in concrete. National Grid to provide electrical service to house #65B Surfside Road.

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. 30724323

NANTUCKET ELECTRIC COMPANY

BY: Robert Leonida

Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATION

Date 4/13/2023

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 13th day of April, 2023.

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

NANTUCKET ELECTRIC COMPANY

Plan No. 30724323

Street Name Surfside Road

Description of Work Install underground facilities on Surfside Road. Customer to install one handhole and approximately 20' +/- of 2-3" PVC schedule 40 conduit encased in concrete. National Grid to provide electrical service to house #65B Surfside Road.

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 _____ 2023

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 _____ 2023 and recorded with the records of location orders of said town,

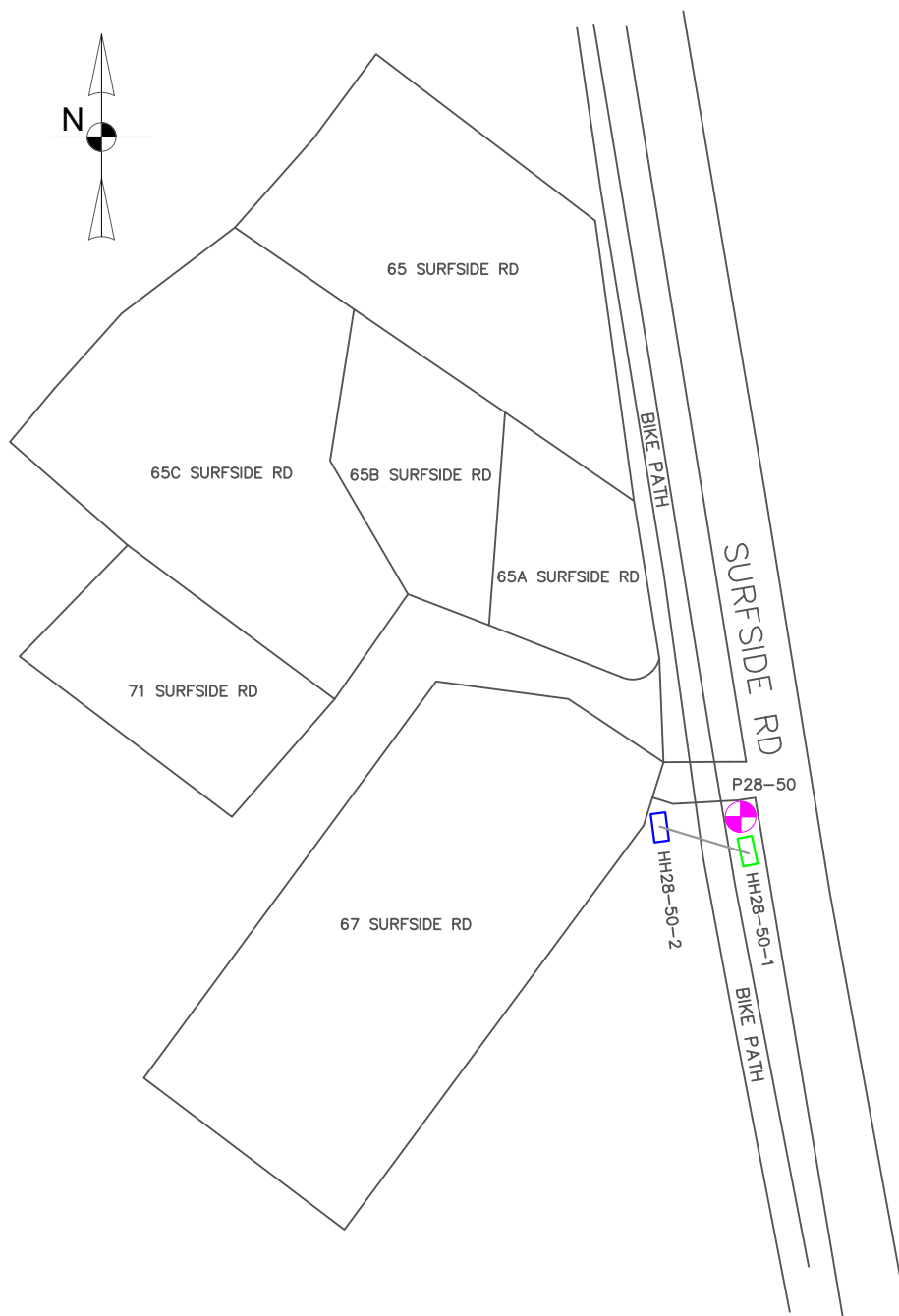
Book _____ Page _____

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

Attest: _____

Town Clerk

Customer to install (1) handhole and approx 20' +/- of 2-3" PVC sched 40 conduit encased in concrete. National grid to provide electrical service to House #65B Surfside Rd



4-12-2023

LEGEND

-  EXISTING J/O POLE
-  EXISTING HANDHOLE
-  PROPOSED HANDHOLE
-  PROPOSED 2-3" PVC CONDUIT ENCASED IN CONCRETE

Install Handhole
Install UG Secondary Conductor

65B Surfside Rd
Nantucket

Nantucket, Mass 02554

Date 4/12/2023

Designer: VazquezJ

Work Request 30724323

nationalgrid

NOTICE OF PUBLIC HEARING

Please be advised that the Select Board will hold a public hearing on Wednesday, May 17, 2023, at 5:30 PM to consider a utility petition from Nantucket Electric Company, for Plan #30724323 to install approximately 20' of conduit and one handhole running from existing pole 28-50 to service 65B Surfside Rd. 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 TownManager@nantucket-ma.gov.

E06

SELECT BOARD



Agenda Item Summary

Agenda Item #	IX.3.
Date	05/17/23

Staff

Katie Cabral

Subject

National Grid Utility Petition – Fairgrounds Rd (at Scotts Way)

Executive Summary

National Grid is requesting permission to install approximately 30' of conduit from existing hand hole (22-1) across Fairgrounds Rd to a proposed handhole at 71 Fairgrounds 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, with map; NGrid petition



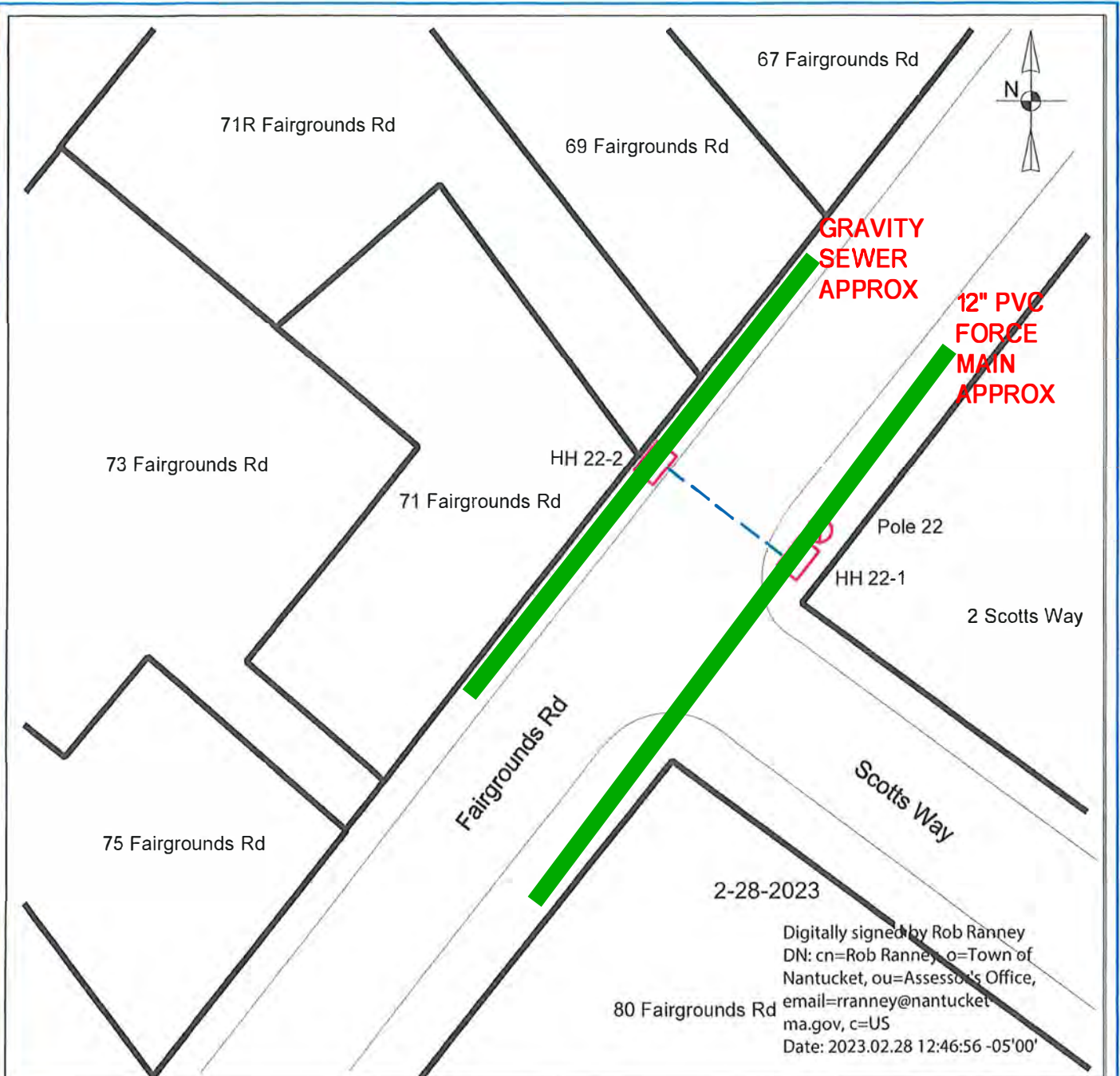
UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: National Grid (30709038)
TYPE: Petition for Manhole and Duct Location
SITE ADDRESS: Fairgrounds Rd
HEARING DATE: May 17, 2023

COMMENTS

NPD: No Issues. – Deputy Gibson
FIRE: No Issues. –Chief Cranson
PLANNING: No Issues. -Holly Backus
DPW: No Issues. – Richard Moore
SEWER: Utilities must be marked out. *See map, attached. – David Gray
WWCo: Call Wannacomet to mark out water utilities before work. -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.**



2-28-2023

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: 2023.02.28 12:46:56 -05'00'

UNDERGROUND PETITION



POLE (EXISTING)



PROPOSED CONDUIT 2-3"



HANDHOLE (PROPOSED)



HANDHOLE (EXISTING)

Job description

- NGRID is Petitioning for 30'+/- of 2-3" conduits
 and new handhole

DISTANCES ARE APPROXIMATE

nationalgrid

Date: 2/1/23

WORK REQUEST: 30709038

To The: Town of Nantucket

For Proposed: Conduit & Handhole Location: Fairgrounds Rd

Drawn By: Tim L

PETITION FOR MANHOLE AND DUCT LOCATION

Date 3/3/2023

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 Fairgrounds Road

Description of Work Beginning at a point approximately 15 feet Southeast of the centerline of the intersection of Fairgrounds Road and continuing approximately 30 feet in a Northwest direction. Install underground facilities on Fairgrounds Road. National Grid petitions to install 30 feet of conduits and one new handhole.

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. 30709038

NANTUCKET ELECTRIC COMPANY

BY: Robert Leonida

Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATION

Date 3/3/2023

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 3rd day of March, 2023.

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

NANTUCKET ELECTRIC COMPANY

Plan No. 30709038

Street Name Fairgrounds Road

Description of Work Beginning at a point approximately 15 feet Southeast of the centerline of the intersection of Fairgrounds Road and continuing approximately 30 feet in a Northwest direction. Install underground facilities on Fairgrounds Road. National Grid petitions to install 30 feet of conduits and one new handhole.

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 _____ 2023

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 _____

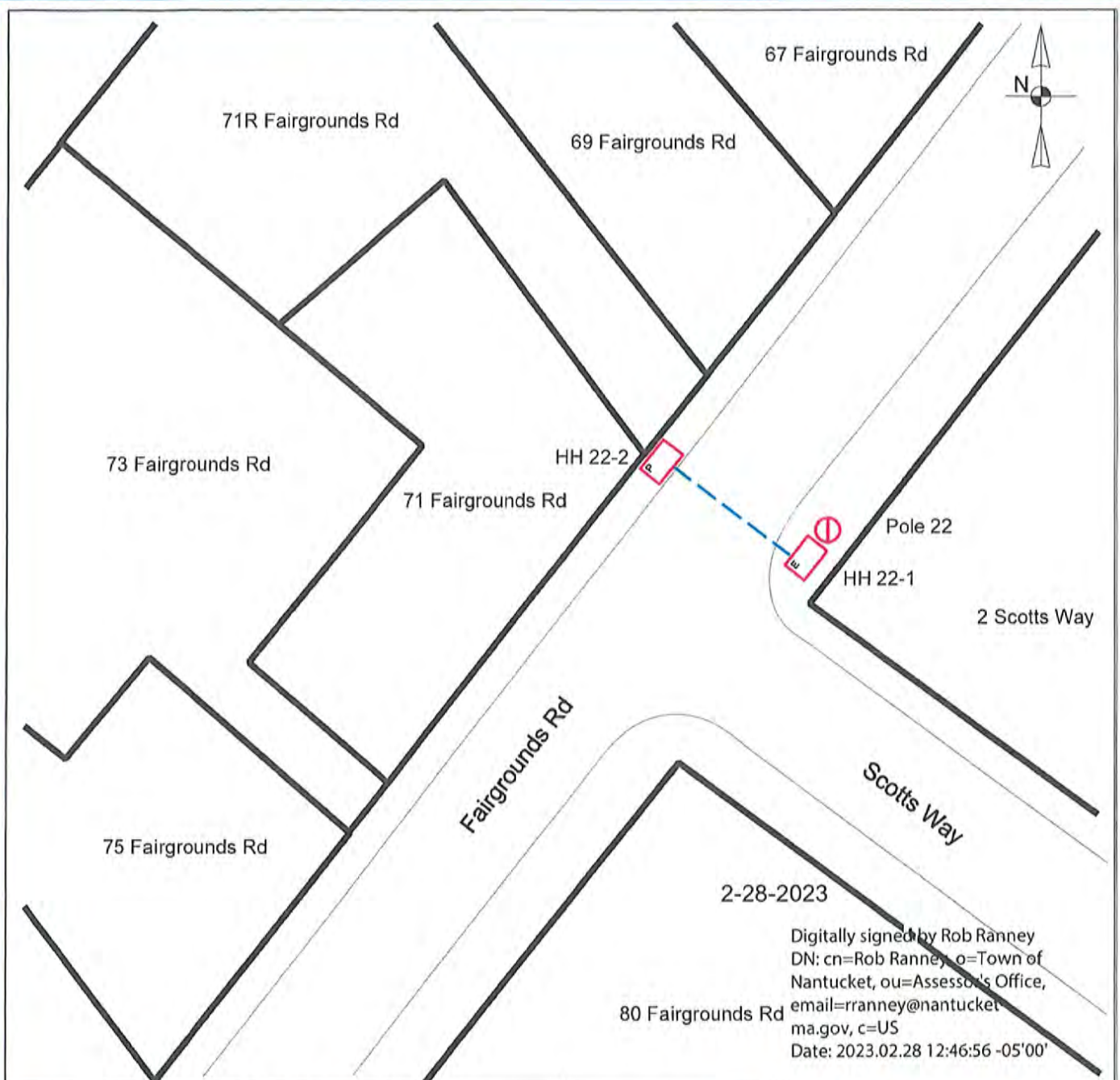
day of _____ 2023 and recorded with the records of location orders of said town,

Book _____ 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



2-28-2023
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: 2023.02.28 12:46:56 -05'00'

UNDERGROUND PETITION



POLE (EXISTING)



PROPOSED CONDUIT 2-3"



HANDHOLE (PROPOSED)



HANDHOLE (EXISTING)

Job description

- NGRID is Petitioning for 30'+/- of 2-3" conduits
and new handhole

nationalgrid

Date: 2/1/23

WORK REQUEST: 30709038

To The: Town of Nantucket

For Proposed: Conduit & Handhole Location: Fairgrounds Rd

Drawn By: Tim L

DISTANCES ARE APPROXIMATE

PUBLIC HEARING

Please be advised that the Select Board will hold a public hearing on Wednesday, May 17, 2023, at 5:30 PM to consider a utility petition from Nantucket Electric Company, for Plan #30709038 to install approximately 30' of conduit from an existing handhole in a northwest direction to a proposed handhole on Fairgrounds Rd at Scotts Way. 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 TownManager@nantucket-ma.gov.

E08

SELECT BOARD



Agenda Item Summary

Agenda Item #	IX. 4.
Date	05/17/23

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Multiple Amendments Application – ***Beachside Associates, LLC dba Summer House Bistro, 16 Ocean Avenue, License #00144-RS-0762***

Executive Summary

Beachside Associates, LLC is applying for Multiple Amendments for a ***Seasonal Restaurant All Alcoholic Beverages*** Liquor License for ***DBA Summer House Bistro*** at ***16 Ocean Avenue, Siasconset.***

The Application requests the following amendments:

Alteration of Premises: Addition of adjacent Beach seating that was approved during COVID Outdoor Dining allowances. The alteration consists of addition of 10 (6-top) tables for a total of 60 seats.

Change of Manager: Change from Juan Manuel Ponce (approved in 2022) to Sergio Jimenez Orozco.

Staff Recommendation

Applicant has received yearly warnings and has been issued fines and cease and desist orders through Health Department and other violations for the current Summer House and Bistro locations and former 29 Fair licensed premises. Most recent violation notices attached. To be expanded upon at the Public Hearing – the intention being to issue a final warning to the applicant and Licensee that any further compliance, permits or License violations will result in immediate disciplinary actions and a Compliance Hearing will be set with Select Board and/or Board responsible for permit (i.e. Board of Health). The applicant has taken steps to engage an attorney to manage the legal and administrative functions of the license, which has been helpful. However, it must be made clear that moving forward there are no more warnings left to give. Please see Background info for further staff comments.

Requirements for Multiple Amendments as listed above 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

Alteration of Premises:

The application requests addition of 60 seats located on the beach area adjacent to the current licensed patio as well as the approval of a new License Manager. The location was approved on a temporary basis during the COVID allowance for local approval of outdoor seating. Staff Comments and history as follows:

- The current allowance for seating is approx.. 200 seats. This addition may increase the number of required bathrooms to accommodate if the patio is to remain at full capacity.
- Per Health: Even if the number of bathrooms is adequate, the staff does not support the request and would require a variance through the BOH.
- In addition, Health would need to see a new plan of all the seating at the Bistro. Besides the regulation on bathrooms and numerous violations in the past, Health would need to consider the amount of storage space for food and everything like that. It's a small kitchen with limited space. The Health Dept. would really have to consider that as well.
- Per John Heddon, Chief Environmental Health Officer: *I feel they need to go demonstrate that they can operate food establishments without major violations every year. So far, that has not been demonstrated. We need to verify the number of bathrooms with the number of seats, and also as I mentioned, we'd really need to consider the size of the kitchen in regard to food storage space, prep space, dishwashing space, dry good storage, etc. They really need to address the state of that kitchen before any expansion of seating can be allowed. There are certain items we would require for upgrades.*
- Please refer to several citations and violations from the past few years at the property for background. Once concerning action from 2022 that relates to treatment of the natural resources in the area of the restaurant was pond of raw sewage located behind the Bistro. It demonstrates a lack of responsibility and respect for the location.
- Also attached is an inspection report from Fire Dept and demonstrates the frequent experience they have with this property not being ready for inspections on every level which requires frequent trips for inspectors to keep going out to follow up. This speaks to the lack of active and responsible management and we all ask the proposed License Manager publically acknowledge the responsibility before him and the confirm he understands the requirements for a safe operation.

In summary, all Town Staff to include the Land Bank which owns abutting property, is not in favor of granting this Licensee authority to serve alcohol or food to the public on the Beach area on a permanent



basis until such time they operate in compliance with all safety and health regulations on a regular and consistent basis. There is ample evidence over many years – even decades that this location has more than skirted the basic codes and regulations that govern the food, beverage and hospitality industry nevermind the fragile natural resources at this location.

Licensing also requests as stated above, the proposed Liquor License Manager attest to his understanding of the responsibilities of a Liquor License Manager and his commitment to operating in compliance with the conditions of these licenses.

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** ☐

Click or tap here to enter text.

Board/Commission Recommendation

N/A

Public Outreach

Click or tap here to enter text.

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

Click or tap here to enter text

Attachments

ABCC Multiple Amendments Application and Supporting Documents; ABCC Outdoor Dining Guidelines and Patio Guidelines; Licenses; Violation Notices, Photos and Staff Communication



Danielle E. deBenedictis
408 Chilean Avenue
Palm Beach, FL 33480
(617) 650-6383
Ddeb95@gmail.com

March 24, 2023

Chair Dawn Hill Holdgate
Select Board
Town of Nantucket
4 Fairgrounds Road
Nantucket, MA 02554

Re: Alteration of premises application for 16 Ocean Avenue

Dear Chair Holdgate:

I am the owner/LLC manager of Beachside Associates, LLC, and have applied for an alteration of premises at 16 Ocean Avenue with respect to the liquor license. No Live or Non-Live Entertainment license is requested for the additional space.

Briefly, the alteration of premises is a request that we be allowed to serve on my property on the bluestone patio as well as on the sand beyond the bluestone patio. The area will include seating of ten tables, over approximately 200 square feet surrounding and surrounded by outcroppings of beach vegetation in an open-air setting. The ten tables seat 6 people, for a total of 60 additional chairs. There is no additional cost connected with this alteration.

Our guests really enjoy being served on and enjoying this peaceful and secluded area. It is a very important part of our beachside get away concept, and we would very much appreciate being able to continue to provide this enhanced experience to our customers.

We have been serving on this section of my property pursuant to an alteration of premises and wish to continue to be allowed to do so. In addition, I am asking that the alteration request be made permanent.

I have completely filled out the attached application and have provided drawings and aerial layouts as well as proof of ownership of the property, a list of abutters and the initial fees to the Town and for publication in the Inquirer and Mirror.

Thank you very much for your kind consideration of this request.

Very truly yours,



Danielle E. deBenedictis

Enclosures



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

APPLICATION FOR MULTIPLE AMENDMENTS

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
BEACHSIDE ASSOICATES LLC	NANTUCKET	0144-RS-0762

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

WE ARE CHANGING THE MANAGER ON OUR LIQUOR LICENSE AND REQUESTING AN ALTERATION OF PREMISES TO ALLOW US TO SERVE ON OUR LAND TO EXTEND TO THE SAND BEYOND THE BLUESTONE PATIO

APPLICATION CONTACT

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

Name	Title	Email	Phone
DANIELLE E. DEBENEDICTIS	OWNER/LLC MANAGER	DDEB95@AOL.COM	

2. AMENDMENT-Change of License Classification

☐ Change of License Category All Alcohol, Wine and Malt, Wine Malt and Cordials	Last-Approved License Category	
	Requested New License Category	
☐ Change of License Class Seasonal or Annual	Last-Approved License Class	
	Requested New License Class	
☐ Change of License Type* i.e. Restaurant to Club *Certain License Types CANNOT change once issued*	Last-Approved License Type	
	Requested New License Type	

3. AMENDMENT-Change of Business Entity Information

☐ Change of Corporate Name	Last-Approved Corporate Name:	
	Requested New Corporate Name:	
☐ Change of DBA	Last-Approved DBA:	
	Requested New DBA:	
☐ Change of Corporate Structure LLC, Corporation, Sole Proprietor, etc	Last-Approved Corporate Structure	
	Requested New Corporate Structure	

4. AMENDMENT-Pledge Information

☐ Pledge of License	To whom is the pledge being made:	
☐ Pledge of Inventory		
☐ Pledge of Stock		

☒ **Change of License Manager**

Please indicate how many hours per week you intend to be on the licensed premises Last-Approved License Manager

Date	Municipality	Charge	Disposition

Start Date	End Date	Position	Employer	Supervisor Name
12/2022	PRESENT	SERVER	FELICE	DIONNE HURTADO
2018	12/2002	MGR AND SERVER	BELLAGIO	JOSE GONZALEZ
2013	2018	SERVER	BICE	GIANCARLO VILCHIES
SUM 2018	SUM 2019	SERVER	BEACHSIDE ASSOCIATES	PETER G. KARLSON

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

Date | 03/23/2023

7. AMENDMENT-Change of Premises Information

☒ **Alteration of Premises:** (must fill out attached financial information form)

7A. ALTERATION OF PREMISES

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

We want to continue to serve on the sand on land in front of our bluestone patio. No changes from the last-approved premises change.

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.

This is an open-air beach side bar, restaurant, and pool area. The serving area was extended to the sand on the applicant's property beyond the bluestone patio and we are seeking the continuation of the extension this year to serve on our land in front of the bluestone patio as well as on our bluestone patio. See attached documents and "Additional Information" below.

Total Sq. Footage	31,800*	Seating Capacity	288*	Occupancy Number	450*
Number of Entrances	N/A	Number of Exits	N/A	Number of Floors	0

☐ **Change of Location:** (must fill out attached financial information form)

7B. CHANGE OF LOCATION

Last-Approved Street Address

Proposed Street Address

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.

Total Sq. Footage		Seating Capacity		Occupancy Number	
Number of Entrances		Number of Exits		Number of Floors	

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

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. FINANCIAL DISCLOSURE

Required for the following transactions:

- Change of Officers, Stock or Ownership Interest (E.g. New Stockholder/Transfer or Issuance of Stock)
- Change of Premises Information
- Pledge of License, Inventory or Stock

Purchase Price(s):

There is no money exchanging hands, there is no cost associated with this requested amendment to premises.

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.
			☐ 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.

APPLICANT'S STATEMENT

I, DANIELLE E. DEBENEDICTIS the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of BEACHSIDE ASSOCIATES LLC
Name of the Entity/Corporation

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

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

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

Signature:



Date: MARCH 23, 2023

Title:

OWNER/LLC MANAGER

ADDITIONAL INFORMATION

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

THE TOTAL SQUARE FOOTAGE OF THE ENTIRE PROPERTY IS 31,800 SQUARE FEET. THE ADDITIONAL SEATING AREA IS ABOUT 10 EXTRA TABLES WITH 6 CHAIRS EACH, FOR A TOTAL OF APPROXIMATELY 60 EXTRA SEATS. THE TOTAL NUMBER OF SEATS WITH THE ADDITIONAL SEATING IS 288. THE EXTENDED AREA IS ABOUT AN EXTRA 200 SQUARE FEET OF SEATING SURROUNDING AN OUTCROPPING OF BUSHES. SEE ATTACHED AERIAL VIEW.

ENTITY VOTE

The Board of Directors or LLC Managers of BEACHSIDE ASSOCIATES 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 FEBRUARY 20, 2023
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

DANIELLE E. DEBENEDICTIS

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."

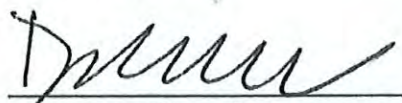
"VOTED: To appoint

SERGIO JIMENEZ OROZCO

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,



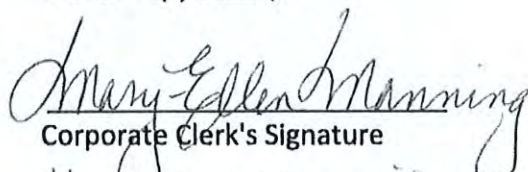
Corporate Officer /LLC Manager Signature

DANIELLE E. DEBENEDICTIS

(Print Name)

For Corporations ONLY

A true copy attest,



Corporate Clerk's Signature

MARY-ELLEN MANNING

(Print Name)

73.2.4 23

73.2.4 18.2

SEATING PLAN
MARCH 28, 2023

Total Seats = 285

32

73.2.4 21

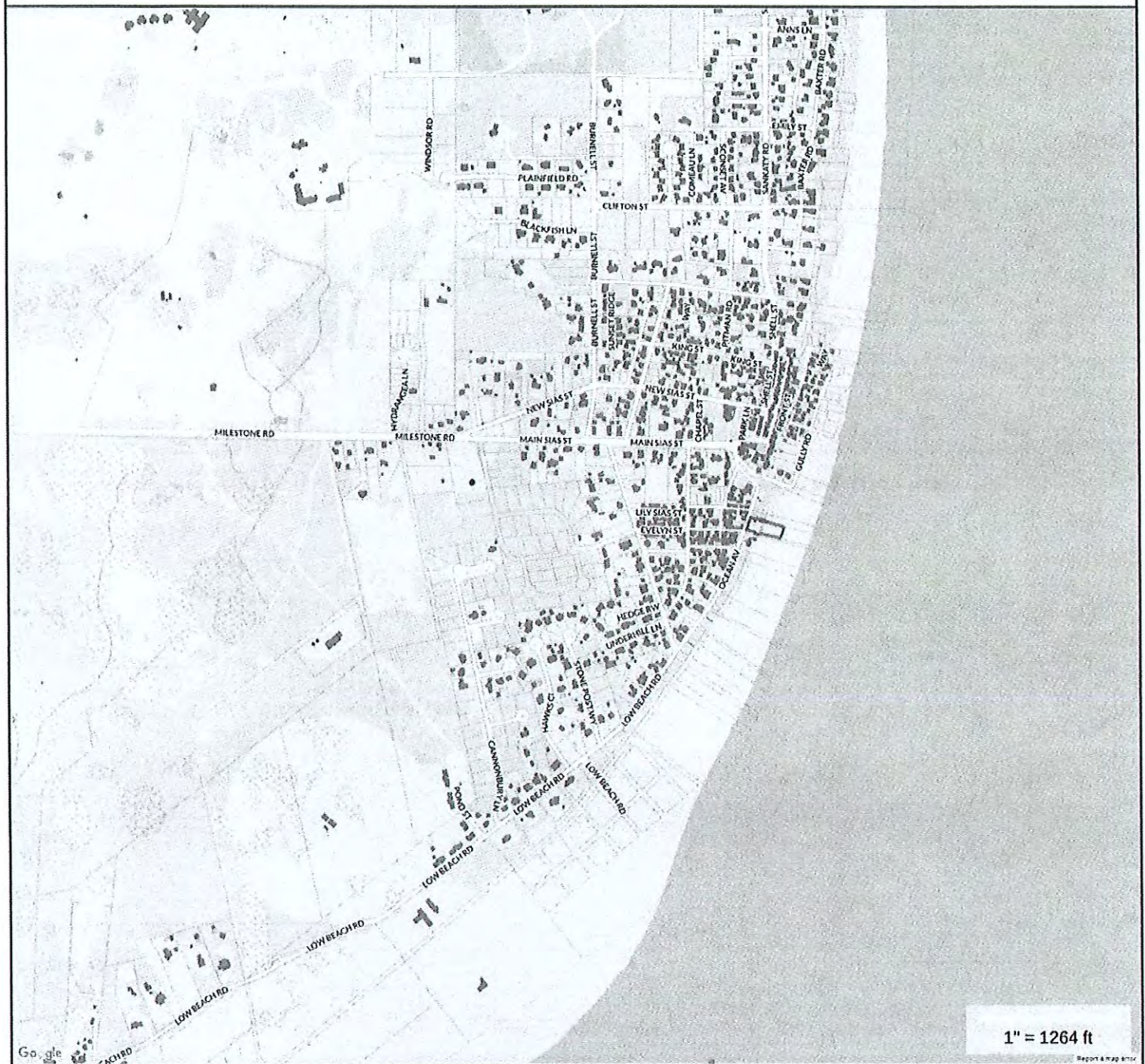
160

60

DEPOTES APPROXIMATE
LOCATION OF SIX SEAT TABLE

41.2

Locus Map



Property Information

Property ID 73.2.4 21
Location 16 OCEAN AV
Owner DEBENEDICTIS DANIELLE TR



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.

Parcels updated 11/13/2018
Properties updated 11/18/2018

J. George Gold and Irving Klein, Co-Trustees of the Sandy Ruben Family Trust
dated June 29, 1979
of 2040 Avenue of the Stars, Century City, California 90067

mk

-Clerk of Massachusetts

being unmarried, for consideration paid \$ One Million Two Hundred Seventy-five
Thousand (\$1,275,000.00) Dollars

grant to Danielle E. deBenedictis, Katherine W. Roby and Harold S. White as they are Trustees of
The Summer House of Nantucket Realty Trust, under a Declaration of Trust dated February 19, 1980
and recorded herewith

of 1253 Canton Avenue, Milton, Massachusetts 02186

with quiet enjoyment

the land, with all buildings and other improvements thereon situate in Siasconset, Town
and County of Nantucket, Commonwealth of Massachusetts, and bounded and described as
follows:

PARCEL I

NORTHERLY By Cottage Avenue, 58.00 feet;
EASTERLY by Lot 10 on said plan, 41.91 feet;
SOUTHERLY by Lot 11 on said plan, 52.00 feet; and
WESTERLY by Lot 8 on said plan, 34.55 feet.

Said premises are shown as Lot 9 on Plan of Land in Nantucket, Massachusetts, dated
April 28, 1980, drawn by Schofield Brothers, Inc., prepared for David E. Ewing, and
recorded at the Nantucket Registry of Deeds in Plan File 9A.

For title, see Deed of Todd Kirkpatrick Vaughan, et al recorded at The Nantucket Registry
of Deeds at Book 201, page 38.

PARCEL II

NORTHERLY BY Cottage Avenue, 33.00 feet;
EASTERLY by Ocean Avenue, 46.00 feet;
SOUTHERLY by Lot 11 on Plan hereinafter referred to, 31.60 feet; and
WESTERLY by Lot 9 on said Plan, 41.91 feet.

Said premises are shown as Lot 10 on a Plan of Land in Nantucket, Massachusetts, dated
April 28, 1980, drawn by Schofield Brothers, Inc., prepared for David E. Ewing, and
recorded at the Nantucket Registry of Deeds in Plan File 9A.

For title see Deed of Todd Kirkpatrick Vaughan recorded at the Nantucket Registry
of Deeds in Book 201, page 39.

PARCEL III

NORTHERLY by Lot 9 on Plan hereinafter referred to, 52.00 feet,
and by Lot 10 on said Plan, 31.60 feet;
EASTERLY by Ocean Avenue, 72.33 feet;
SOUTHERLY by Lot 12 on said Plan, 100.82 feet;
NORTHERLY by Lot 8 on said plan, 25.00 feet; and
WESTERLY by said Lot 8, 43.34 feet.

Being shown as Lot 11 on the aforesaid Plan.

For title, see Deed of The Summer House, Inc., recorded in Nantucket Registry of
Deeds, Book 208, page 27.

PARCEL IV

NORTHEASTERLY by Lot 11 on said Plan, 100.82 feet;
EASTERLY by Ocean Avenue, 40.00 feet;
SOUTHERLY by Magnolia Avenue, 81.10 feet; and
WESTERLY by Lot 13 on said plan, 77.33 feet.

Being shown as Lot 12 on the aforesaid plan.

For title see Deed of The Summer House, Inc. recorded in Nantucket Registry of Deeds,
Book 208, page 27.

Parcel V.

EASTERLY
SOUTHERLY
WESTERLY
NORTHERLY

by Lot 12 on said Plan, 77.33 feet;
by Magnolia Avenue, 87.90 feet;
by Laurel Avenue, 78.77 feet; and
by land now or formerly of Clement A. Penrose, 50.00 feet
and by Lot 8 on said plan, 38.00 feet.

Being shown as Lot 13 on the aforesaid Plan.

For title see Deed of The Summer House, Inc. recorded in Nantucket Registry of Deeds, Book 208, page 27.

PARCEL VI

Land lying below the bank (so-called); starting at a point on the East side of Ocean Avenue being S59°30'E from the NE corner of Lot 5 described in Parcel I; thence S59°30'E by land formerly of Chs. H. Robinson, 18 rods to the East line of land formerly of said Robinson; thence S29°W, 103 feet six inches; thence N58°30'W by land formerly of said Robinson 18 rods to the East line of Ocean Avenue 103 feet six inches to the point of beginning.

For title see Deed of David E. Ewing recorded in Nantucket Registry of Deeds. See also deed of Robert N. Wiley recorded in Nantucket Registry of Deeds, Book 175, page 54.

PARCEL VII

NORTHERLY

by Lot 14 on plan hereinafter mentioned, forty and 16/100 feet (40.16);

EASTERLY

by land now or formerly of Queen R. Hilts, one hundred thirty and 95/100 (130.95) feet;

SOUTHERLY

by Lot 12 on plan hereinafter mentioned, forty and 19/100 (40.19) feet; and

WESTERLY

by land now or formerly of said Hilts, one hundred thirty-one and 26/100 (131.26) feet.

All of said boundaries are determined by the Court to be located as shown upon plan numbered 9595-H, drawn by Josiah S. Barrett, Surveyor, dated January 28, 1980, and filed with Certificate of Title No. 9148 at the Registry District of Nantucket County. Said land is shown thereon as Lot 13.

For title see deed of David E. Ewing recorded at the Nantucket Registry District for the Land Court.

Witnesses ... D.W. hand and seal this 10th day of February 19 86
Sandy Ruben Family Trust, dated June 29, 1979
By J. George Gold, Co-Trustee
By Irving Klein Co-Trustee

CERTIFICATE OF AUTHORIZATION

We, Irving Klein and J. George Gold, Trustees of the Sandy Ruben Family Trust under a Declaration of Trust dated June 29, 1979 hereby certify and affirm that we are the sole trustees of the aforementioned trust and have been since its inception and are authorized to convey the trust property located in Blasconset, Massachusetts pursuant to Paragraph IV of said trust a copy of which trust is recorded in the Nantucket Registry of Deeds at Book 208, page 15 and have done so pursuant to a deed dated February 10, 1986, 1986 from the trust to Danielle E. deBenedictis, Katherine W. Roby and Harold S. White, as they are Trustees of The Summer House of Nantucket Realty Trust, under a Declaration of Trust dated February 13, 1986, 1986.

Executed as a sealed instrument this 10th day of February, 1986.

Irving Klein
Irving Klein

J. George Gold
J. George Gold

STATE OF CALIFORNIA

Los Angeles, ss.

February 10th, 1986

Then personally appeared the above-named Irving Klein and acknowledged the foregoing instrument to be his free act and deed, as Trustee of the Sandy Ruben Family Trust, before me

Kim Simpson
Notary Public
My commission expires:

STATE OF CALIFORNIA

Los Angeles, ss.

February 10th, 1986

Then personally appeared the above named J. George Gold and acknowledged the foregoing instrument to be his free act and deed, as Trustee of the Sandy Ruben Family Trust, before me

Kim Simpson
Notary Public
My commission expires: July 21, 1989



Consent of Beneficiaries attached hereto

CONSENT OF BENEFICIARIES

We, ANDREW DAVID RUBEN and THOMAS JAY RUBEN, both of Los Angeles, California, certify that we are the sole beneficiaries of the Sandy Ruben Family Trust, under a Declaration of Trust dated June 28, 1978 and that Irving Klein and J. George Gold, whose "Certificate of Authorization" appears on the preceding page, are the sole trustees of said trust with authority and consent to conduct the sale of, and to convey, the trust property located in Siasconset, Massachusetts from the trust to Danielle E. deBenedictis, Katherine W. Roby and Harold S. White, as they are trustees of The Summer House of Nantucket Realty Trust. We, the sole beneficiaries, specifically consent to said sale and affirm the facts stated in the trustees "Certificate of Authorization".

Andrew David Ruben
Andrew David Ruben

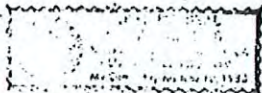
Thomas Jay Ruben
Thomas Jay Ruben

County of Los Angeles
ss.

STATE OF CALIFORNIA

February 10, 1986

Then personally appeared before me the above-named Andrew David Ruben and acknowledged the foregoing instrument to be his free act and deed, as beneficiary of the Sandy Ruben Family Trust



J. George Gold
Notary Public

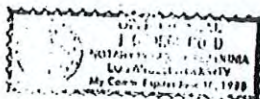
My commission expires: June 10, 1988

County of Los Angeles
ss.

STATE OF CALIFORNIA

February 10, 1986

Then personally appeared before me the above-named Thomas Jay Ruben and acknowledged the foregoing instrument to be his free act and deed, as beneficiary of the Sandy Ruben Family Trust



J. George Gold
Notary Public

My commission expires: June 10, 1988

STATE OF CALIFORNIA
~~San Bernardino County~~ XXXX

ss.

February 10th 19 86

Then personally appeared the above named J. George Gold

and acknowledged the foregoing instrument to be his free act and deed as Trustee of the Sandy Ruben Family Trust

before me

Kim Simpson
 Notary Public - ~~San Bernardino County~~ XXXX

My Commission expires July 21, 1989

STATE OF CALIFORNIA

- Los Angeles, ss.

February 10th 1986

Then personally appeared the above named Irving Klein and acknowledged the foregoing instrument to be his free act and deed as Trustee of the Sandy Ruben Family Trust, before me

Kim Simpson
 Notary Public

My commission expires: July 21, 1989



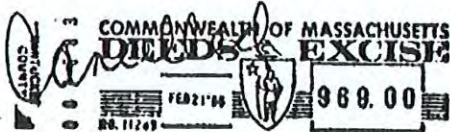
(THE FOLLOWING IS NOT A PART OF THE DEED, AND IS NOT TO BE RECORDED)

Chapter 183, Section 11, General Laws

A deed in substance following the form entitled "Quitclaim Deed" shall when duly executed have the force and effect of a deed in fee simple to the grantee, his heirs and assigns, to his and their own use, with covenants on the part of the grantor, for himself, his heirs, executors, administrators and successors, with the grantee, his heirs, successors and assigns, that at the time of the delivery of such deed the premises were free from all encumbrances made by him, and that he will, and his heirs, executors and administrators shall, warrant and defend the same to the grantee and his heirs and assigns forever against the lawful claims and demands of all persons claiming by, through or under the grantor, but against none other.

NANTUCKET LAND BANK FEE	
☒ Paid: \$	<u>25,500.-</u>
☐ Exempt: \$	
2611	2/21/86
DATE	CERTIFICATION

NANTUCKET COUNTY
 Received and Entered
 FEB 21 1986
Sandra M. Chadwick
 Register



Resignation of Trustee

I, Harold S. White, Trustee of the SummerHouse of Nantucket Realty Trust, dated February 19, 1986, recorded with the Nantucket Registry of Deeds, Book 244, Page 230, and the Nantucket Land Registration Office as Document No. 34983, pursuant to Article III of said Trust, hereby resign as Trustee of The Summer House of Nantucket Realty Trust.

Harold S. White
Harold S. White

Dated: May 20, 1988

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

May 24, 1988

Then personally appeared the above named Harold S. White and acknowledged the foregoing to be his free act and deed, before me,

Daniel J. DeSantis
Notary Public
My commission expires: 5/4/90

NANTUCKET COUNTY
Received and Entered
MAY 26 1988 3:35 PM
Attest Linda M. Chadwick
Register



2006 00116336
 Cert: 12345 Doc: TRA
 Registered: 05/23/2008 02:36 PM



2006 00001750
 Bk: 1023 Pg: 109 Page: 1 of 1
 Doc: TRA 05/23/2008 02:40 PM

**AMENDMENT
 TO DECLARATION OF TRUST OF
 THE SUMMER HOUSE OF NANTUCKET REALTY TRUST**

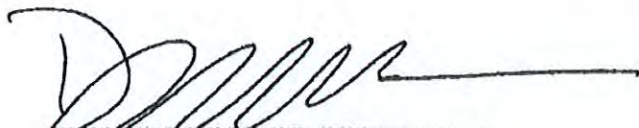
Reference is made to THE SUMMER HOUSE OF NANTUCKET REALTY TRUST, u/d/t dated February 19, 1986, registered as Document No. 34983 at the Registry District of Nantucket County and recorded with the Nantucket County Registry of Deeds in Book 244, Page 230 (hereinafter the "Trust").

Pursuant to Article VII, Section 1., the Trustee, Danielle E. DeBenedictis, having received an instrument signed and acknowledged by all the beneficiaries of the Trust amending the Trust, the Trust is hereby amended as follows:

Article VII, Section 2 is hereby deleted and replaced with the following amended Article VII, Section 2: The trust shall, unless sooner terminated pursuant to other provisions hereof, terminate 21 years after the death of the Trustee, Danielle E. DeBenedictis.

All other terms and conditions of the Trust shall remain in full force and effect.

Witness my hand and seal this *22* day of May, 2006.



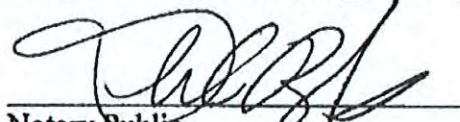
 Danielle E. DeBenedictis, Trustee

Commonwealth of Massachusetts

Middlesex, SS

May *22*, 2006

On this day of May, 2006, before me, the undersigned notary public, personally appeared Danielle E. DeBenedictis, proved to me through satisfactory evidence of identification, which was/were *photographic identification with registered issue* *by a federal or state agency* to be the person(s) whose name(s) is/are signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose.



 Notary Public
 My Commission Expires:

Theodore C. Regnante
 Notary Public
 Commonwealth of Massachusetts
 My Commission Expires
 October 29, 2010



NANTUCKET COUNTY Received & Entered
 Attest: Joanne L. Keller, Register of Deeds

Abutters Listing

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
7324	15		DEBENEDICTIS DANIELLE		228 LEWIS WHARF	BOSTON	MA	02110	10 OCEAN AV
7324	16		NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	18 OCEAN AV
7324	18	2	NANTUCKET ISLANDS LAND BANK		22 BROAD ST	NANTUCKET	MA	02554	8 OCEAN AV
7324	20		STUNTZ ELIZABETH COHN TRUSTEE	THE OCEAN AVENUE NOMINEE TRUST	1055 SEAHAVEN DRIVE	MAMORONECK	NY	10543	20 OCEAN AV
7324	23		DEBENEDICTIS DANIELLE E		228 LEWIS WHARF	BOSTON	MA	02110	10 OCEAN AV
Count:		5							

DEBENEDICTIS DANIELLE
228 LEWIS WHARF
BOSTON, MA 02110

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

NANTUCKET ISLANDS LAND BANK
22 BROAD ST
NANTUCKET, MA 02554

STUNTZ ELIZABETH COHN TRUSTEE
THE OCEAN AVENUE NOMINEE TRUST
1055 SEAHAVEN DRIVE
MAMORONECK, NY 10543

DEBENEDICTIS DANIELLE E
228 LEWIS WHARF
BOSTON, MA 02110



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

AMENDMENT-Change of Manager

☒ **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
ANDRE ASSOCIATES LLC	NANTUCKET	00179-HT-0762

2. APPLICATION CONTACT

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

Name	Title	Email	Phone
DANIELLE DEBENEDICTIS	OWNER/LLC MANAGER	DDEB95@AOL.COM	

3A. MANAGER INFORMATION

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

Proposed Manager Name	SERGIO JIMENEZ OROZCO	Date of Birth		SSN	
Residential Address					
Email	SERJIORO@ICLOUD.COM	Phone			
Please indicate how many hours per week you intend to be on the licensed premises	55	Last-Approved License Manager	JUAN MANUEL PONCE		

3B. CITIZENSHIP/BACKGROUND INFORMATION

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

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

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

Start Date	End Date	Position	Employer	Supervisor Name
12/2022	PRESENT	SERVER	FELICE	DIONNE HURTADO
2018	12/2022	SERVER	BELLAGIO	JOSE GONZALEZ

3D. PRIOR DISCIPLINARY ACTION

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

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

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

Manager's Signature *Sergio Jimenez Orozco* Date 03/24/2023

CONTINUATION 3C--EMPLOYMENT INFORMATION

START DATE	END DATE	POSITION	EMPLOYER	SUPERVISOR NAME
2013	2 018	SERVER	BICE	GIANCARLO VILCHIES
SUM 2018	SUM 2019	SERVER	BEACHSIDE ASSOCIATES	PETER G. KARLSON

APPLICANT'S STATEMENT

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

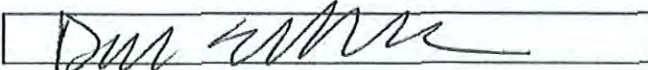
of ANDRE ASSOCIATES LLC
Name of the Entity/Corporation

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:

3/24/23

Title:

OWNER/LLC MANAGER

ENTITY VOTE

The Board of Directors or LLC Managers of ANDRE ASSOCIATES 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 FEBRUARY 20, 2023
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

DANIELLE E. DEBENEDICTIS

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."

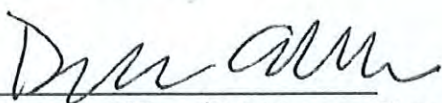
"VOTED: To appoint

SERGIO JIMENEZ OROZCO

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,



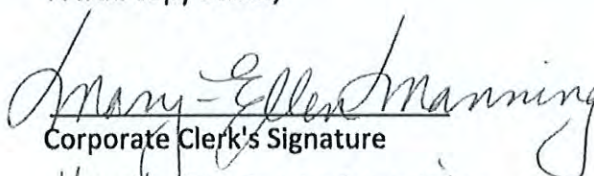
Corporate Officer /LLC Manager Signature

DANIELLE DEBENEDICTIS

(Print Name)

For Corporations ONLY

A true copy attest,



Corporate Clerk's Signature

MARY-ELLEN MANNING

(Print Name)

LICENSE #: 00144-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: Beachside Associates, LLC

DBA: SUMMER HOUSE
BEACHSIDE BISTRO

PREMISES: 16 Ocean Ave.
Siasconset, MA 02564

MANAGER: ~~Juan Manuel Ponce~~ Sergio Jimenez Orozco

ON PREMISES DESCRIBED AS:

One-Story Frame Building. Two Rooms, Pool,
Patio.

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto and subject to the following restrictions per the Board of Selectmen effective February 6, 2002:

1. Amplified music during evening functions (such as wedding receptions) shall not be played after 10:00 PM and is to be kept within a reasonable decibel level. Such functions to conclude no later than 11:00 PM.
2. The Summer House Beachside Bistro shall engage an off-duty Nantucket Police Officer to be present during all such evening functions for the purpose of general supervision as well as to limit the noise level.
3. Recorded music (CO's or Tapes) played at the pool bar area shall at all times be limited to noise levels as to not exceed the maximum decibel level allowed by the Nantucket Noise Bylaw. No recorded music shall be played after 8:00PM, unless it is for one of the permitted functions.
4. All food and alcohol service to cease at 8:00PM.
5. The number of evening functions with amplified music during the months of June and September will not exceed eight (8) and the months of July and August will be limited to a maximum of four (4) functions. As a courtesy, Counsel for the residents will be given a schedule of such evening functions in advance, and will be provided with the name and phone number of a liaison to contact in case of any excessive noise.
6. Amplified music will only be allowed at the scheduled limited number of functions (Restriction as voted by the Board of Selectmen May 26, 2004).
7. Trash is to be removed daily.

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 xx day of xx 2023.

Chair, Select Board

THIS LICENSE IS VALID APRIL 1, 2023 – JANUARY 15, 2024

**Unless earlier suspended, cancelled, or revoked*

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

PUBLIC NOTICE

Please be advised that the Select Board will hold a public hearing on Wednesday, May 17, 2023 at 5:30 PM to consider a Multiple Amendments Liquor License Application for Beachside Associates, LLC, d/b/a Summer House Bistro, located at 16 Ocean Ave, Nantucket, MA 02564, Sergio Jimenez Orozco, Proposed License Manager. The application includes addition of outdoor seating on the beach area adjacent to the existing deck dining 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.

E13

SELECT BOARD



***Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150***

Jean M. Lorizio, Esq.
Chairman

**NOTICE REGARDING THE APPROVAL OF
GUIDELINES FOR OUTDOOR ALCOHOLIC BEVERAGE SERVICE AREAS**

On April 7, 2022, at a public hearing, the Alcoholic Beverages Control Commission approved Guidelines for Outdoor Alcoholic Beverage Service Areas. These Guidelines went into effect immediately. A copy of the Guidelines is attached to this Notice and can be found on the ABCC's website at www.mass.gov/abcc.

The ABCC is grateful for the participation and contribution of several members of the alcohol industry in formulating these Guidelines. The ABCC is confident that these Guidelines will ensure consistency and promote public safety while allowing expanded outdoor dining throughout the Commonwealth.

As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law. Any questions should be directed to the ABCC Executive Director Ralph Sacramone at rsacramone@tre.state.ma.us or (617) 727-3040 x 731.

(Issued April 7, 2022)



***Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Massachusetts 02150***

Jean M. Lorizio, Esq.
Chairman

GUIDELINES FOR OUTDOOR ALCOHOLIC BEVERAGE SERVICE AREAS

1. The licensure of outdoor alcoholic beverage service areas that are outside of the “suitable building” as provided in M.G.L. c. 138, §1, must follow the license application and approval process as provided in Chapter 138 for retail on-premises consumption licenses.
2. Local Licensing Authorities (“LLAs”) have discretion to apply reasonable conditions to the outdoor alcoholic beverage service areas, such as the requirement of food service and/or seated service.
3. All applications for outdoor alcoholic beverage service areas must include documentation demonstrating the right of the Licensee to occupy or permission to use the outdoor alcoholic beverage service area(s). This must include permission to transport alcoholic beverages over public property, if applicable, such as over public sidewalks.
4. Outdoor alcoholic beverage service areas should be contiguous to the licensed building premises with a clear and direct view of the outdoor area from inside the licensed building premises. Further, the Licensee must actively supervise the outside alcoholic beverage service area.
5. Outdoor alcoholic beverage service areas that are noncontiguous to the premises’ building are permitted. However, they must be in the immediate vicinity of, and within clear and direct view of, the existing licensed building premises. Licensees are reminded that their applications may be denied if, in the LLA’s or ABCC’s discretion, it is determined that any proposed noncontiguous outdoor alcoholic beverage service area is in an unsuitable location, such as being too far from the premises’ building or being in an unsafe location.

For noncontiguous outdoor alcoholic beverage service areas, the licensee must have an adequate number of employees that are physically present in the outdoor alcoholic beverage service area at all times when alcoholic beverages are being sold or consumed.

6. All outdoor alcoholic beverage service areas must be enclosed by a barrier, fence, or partition, sufficient for the licensee to maintain control of access to the area and to provide a safe environment for patrons.
7. The LLA should consider the type of neighborhood and the potential impact of noise in the environs before approving outdoor alcoholic beverage service areas.

Questions concerning this Advisory may be directed to Ralph Sacramone, Executive Director of the Massachusetts Alcoholic Beverages Control Commission at (617) 727- 3040 x 731.

(Issued April 7, 2022)

Baxter, Amy

From: Baxter, Amy
Sent: Wednesday, September 14, 2022 5:00 PM
To: John D. Hedden; Kathy LaFavre; David Gray; Townsend, Joseph; Jeff Carlson
Cc: Jake Visco; Cathy Flynn; Ciarmataro, Ann
Subject: Re: Potential fraud (SPF Failure) Summer House Bistro

Well we should follow up as well explaining his responsibilities as Liquor License Manager and any attempt to operate without the proper permits will result in a Hearing to sanction, suspend or remove the Liquor License.

Get [Outlook for iOS](#)

From: John D. Hedden <jdhedden@nantucket-ma.gov>
Sent: Wednesday, September 14, 2022 4:56:06 PM
To: Baxter, Amy <abaxter@police.nantucket-ma.gov>; Kathy LaFavre <KLaFavre@nantucket-ma.gov>; David Gray <dgray@nantucket-ma.gov>; Townsend, Joseph <jtownsend@fire.nantucket-ma.gov>; Jeff Carlson <JCarlson@nantucket-ma.gov>
Cc: Jake Visco <jvisco@nantucket-ma.gov>; Cathy Flynn <cmflynn@nantucket-ma.gov>
Subject: RE: Potential fraud (SPF Failure) Summer House Bistro

Amy,

Sorry, Jeff, is Jeff Carlson. I wrote his name to get his attention in that part of the email. Jaun Ponce is still there. Their other new manager is Xavier. I'll let him know they cannot serve alcohol without food service. They undoubtedly have wedding parties going on so they're going to need to do a lot of work to get things cleaned up if they want to open for the weekend.

John Hedden

Chief Environmental Health Officer
Nantucket Health & Humans Services
131 Pleasant Street
Nantucket, MA 02554
jdhedden@nantucket-ma.gov
508 228 7200 ext. 7321

From: Baxter, Amy <abaxter@police.nantucket-ma.gov>
Sent: Wednesday, September 14, 2022 4:53 PM
To: Kathy LaFavre <KLaFavre@nantucket-ma.gov>; John D. Hedden <jdhedden@nantucket-ma.gov>; David Gray <dgray@nantucket-ma.gov>; Townsend, Joseph <jtownsend@fire.nantucket-ma.gov>; Jeff Carlson <JCarlson@nantucket-ma.gov>
Cc: Jake Visco <jvisco@nantucket-ma.gov>; Cathy Flynn <cmflynn@nantucket-ma.gov>
Subject: Re: Potential fraud (SPF Failure) Summer House Bistro

First off, who is Jeff the manager? We quite literally just got the approval back from the ABCC for their new Liquor License Manager, Juan Ponce. Is he gone already? And absolutely NO on serving liquor without food. They are a Common Victualler license which means food service is required. They would have to be a General On Premise like the Dreamland to serve without food. They can not be open without Health, Building/Fire permits.

Thanks,

Amy

Get [Outlook for iOS](#)

From: Kathy LaFavre <KLafavre@nantucket-ma.gov>
Sent: Wednesday, September 14, 2022 2:28:46 PM
To: John D. Hedden <jdhedden@nantucket-ma.gov>; Amy Baxter <aBaxter@police.nantucket-ma.gov>; David Gray <dgray@nantucket-ma.gov>; Joseph Townsend <jtownsend@fire.nantucket-ma.gov>; Jeff Carlson <JCarlson@nantucket-ma.gov>
Cc: Jake Visco <jvisco@nantucket-ma.gov>; Cathy Flynn <cmflynn@nantucket-ma.gov>
Subject: RE: Potential fraud (SPF Failure) Summer House Bistro

Thanks, John. One other item we spoke with the manager about – the disposal of the contaminated soils. Should we reach out to DPW/Landfill on best practice to dispose of this?

Best,
Kathy

From: John D. Hedden <jdhedden@nantucket-ma.gov>
Sent: Wednesday, September 14, 2022 2:02 PM
To: Amy Baxter <aBaxter@police.nantucket-ma.gov>; David Gray <dgray@nantucket-ma.gov>; Joseph Townsend <jtownsend@fire.nantucket-ma.gov>; Jeff Carlson <JCarlson@nantucket-ma.gov>
Cc: Kathy LaFavre <KLafavre@nantucket-ma.gov>; Jake Visco <jvisco@nantucket-ma.gov>; Cathy Flynn <cmflynn@nantucket-ma.gov>
Subject: Summer House Bistro

Dear All,

Due to a complaint and an inspection for a pond of raw sewage behind the Summer House Bistro, the Health Department has shut-down the restaurant and pool. There is a pond of raw sewage behind the building which the Sewer Dept. responded to yesterday and did a good job helping remediate the situation. We have been told the plumbing has been fixed and is functioning properly, I believe the Sewer Dept. even witnessed as functioning properly. The area of the pond of sewage still needs to be removed and replaced with clean sand. **Jeff**, the manager stated he was just going to get a few wheelbarrows full of sand from the beach. Kathy and I explained that he should contact Jeff Carlson at Natural Resources to discuss an acceptable material to replace the contaminated sand. I'm thinking we should maybe require us to witness the replace and removal to make sure that it's done properly, please let me know your thoughts on that. We were under the impression that they were just going to close for good for the season, until at the end of the inspection the manager stated he wanted us to come back and inspect on Friday so he could at least open the bar. We told him, he needs to speak with Licensing about that. **Amy**, he wants to just serve alcohol and no food at the Bistro. They have a lot of work to do in two days if we would allow them to re-open to serve food. Joe, we also witnessed some improper storage of chemicals and spilt paint on the ground (see photos below). They

are claiming that they are just cleaning everything up right now, however it seems evident that the chemicals and paint have been sitting there for a little bit. There are numerous violations with the property. We have issued a few fines for the sewer breakout in the back of the building, and as stated we have suspended their permits. We know that they have weddings coming up and that they'll want to be open, which we'll have to determine if they meet the minimum standards to do so. I just wanted to bring this to everyone's attention.





John Hedden

Chief Environmental Health Officer
Nantucket Health & Humans Services
131 Pleasant Street
Nantucket, MA 02554
jdhedden@nantucket-ma.gov
508 228 7200 ext. 7321

This email was scanned by Bitdefender



NANTUCKET HEALTH DEPARTMENT
131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554
Telephone 508.228.7200
Tele fax 508.325.6117

September 15, 2022

Juan Ponce
c/o The Summer House Restaurant
1 Magnolia Drive
PO Box 880
Nantucket, MA 02564

Re: Violations of 105 CMR 590.000

Dear Mr. Ponce,

Enclosed please find a correction letter, inspection report, pictures and citation for a violations observed 9/14/22 for the above referenced establishment.

If you have any questions, feel free to reach out to the contact information below.

Regards,

Cathy Flynn
Health Inspector
Health Department, Town of Nantucket
cmflynn@nantucket-ma.gov
508-228-7200 ext. 7062
Enclosure: Correction Order, Inspection Report and Pictures
First Class and Certified Mail



NANTUCKET HEALTH DEPARTMENT

131 PLEASANT STREET
NANTUCKET, MASSACHUSETTS 02554

Telephone 508.228.7200
Tele fax 508.325.6117

September 15, 2022

Juan Ponce
c/o The Summer House Restaurant
1 Magnolia Avenue
PO Box 880
Nantucket, MA 02564

Re: Violations of 105 CMR 590.000

Dear Mr. Ponce,

During a routine inspection at your establishment, several violations of 105 CMR 590.000 were observed. Please refer to the inspection report provided to you dated 9/14/22. You are being issued this citation for the following violations:

1. Presence and Use' 105 CMR 590.007, 7-202.11(A) Restriction, which states that:

(A) Only those POISONOUS OR TOXIC MATERIALS that are required for the operation and maintenance of a FOOD ESTABLISHMENT, such as for the cleaning and SANITIZING of EQUIPMENT and UTENSILS and the control of insects and rodents, shall be allowed in a FOOD ESTABLISHMENT.

- Roll Your Own Tobacco machine with loose tobacco and filter tubes observed in food storage of the food service establishment.
- \$100.00 fine

2. Cleaning, Frequency and Restrictions. 105 CMR 590.006, 6-501.12; which states:

(A) PHYSICAL FACILITIES shall be cleaned as often as necessary to keep them clean.

(B) Except for cleaning that is necessary due to a spill or other accident, cleaning shall be done during periods when the least amount of FOOD is exposed such as after closing.

- Kitchen floors and all equipment need to be cleaned frequently.
- \$100.00 fine

3. Food Storage. 105 CMR 590.003, 3-305.11 (A); which states that:

A) Except as specified in ¶¶ (B) and (C) of this section, FOOD shall be protected from contamination by storing the FOOD: (1) In a clean, dry location; (2) Where it is not exposed to splash, dust, or other contamination; and (3) At least 15 cm (6 inches) above the floor.

- Boxes of onions and apples on floor.
- \$100.00 fine



NANTUCKET HEALTH DEPARTMENT

131 PLEASANT STREET

NANTUCKET, MASSACHUSETTS 02554

Telephone 508.228.7200

Tele fax 508.325.6117

4. Warewashing Equipment, Determining Chemical Sanitizer Concentration. 105 CMR 590.004, 4-501.116, which states that:

Concentration of the SANITIZING solution shall be accurately determined by using a test kit or other device.

- Low temperature dishwasher had no sanitizing solution. Sanitizing tube was inserted into rinse additive solution.
- \$100.00 fine

5. Hair Restraints. 105 CMR 590.002, 402.11 (A) (B) which states in part that the person in charge shall ensure that:

(A) Except as provided in ¶ (B) of this section, FOOD EMPLOYEES shall wear hair restraints such as hats, hair coverings or nets, beard restraints, and clothing that covers body hair, that are designed and worn to effectively keep their hair from contacting exposed FOOD; clean EQUIPMENT, UTENSILS, and LINENS; and unwrapped SINGLE-SERVICE and SINGLE-USE ARTICLES.

- Observed food prep employees in salad station and chef behind line not wearing hats.
- \$100.00 fine

Instructions for paying this ticket are found on the back of the ticket (payable within 21 days to the Town Clerk's Office). Should you decide to appeal this ticket, instructions for doing so are also located on the back of the ticket.

A re-inspection has been scheduled for Monday September 26, 2022 at 10:00am.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

Cathy Flynn
Health Inspector
Nantucket Health Department
Cmflynn@nantucket-ma.gov
508-228-7200 ext. 7321

INSPECTION WORKSHEET (IHLTF-019148-2022)

Town of Nantucket
508-228-7200

Case Number:	HLTF-2022-06-00000936	Case Module:	Permit
Inspection Date:	Wed Sep 14, 2022	Inspection Status:	Re-Inspect Required
Inspector:	Flynn, Cathy M.	Inspection Type:	HLTF - Food Establishment

Job Address:	1 MAGNOLIA AV Nantucket, MA, 02554	Parcel Number:	73.3.1 123
---------------------	---------------------------------------	-----------------------	------------

Contact Type	Company Name	Name
Applicant		Ponce, Juan
Establishment	Andre Associates, LLC dba The Summer House	
Parcel Owner	DEBENEDICTIS DANIELLE TR	
Person in Charge		Ponce, Juan
Food Manager		Ponce, Juan

Checklist Item	Status
HLTF - Overall Physical Facility - Overall Physical Facility	Failed
Floors to be cleaned under shelves. All shelves need to be wiped down. Screen door needs to be tight fitting. Residential Refrigerator in back ends to be removed immediately. Discussed hazards. Back garbage area need to be swept. All equipment needs to be cleaned, inside and out.	
HLTF - Equipment - Equipment	Failed
Low temp dishwasher only has detergent and rinse additive. No sanitizing solution. Calling EcoLab to repair. Discussed using sink.	
HLTF - Food - Food - Temperature Controls, Wholesaler, HACCP, Sanitation	Failed
Food temps are good. Chemicals stored with food. Tobacco in food storage area.	
HLTF - General Comments - General Comments	Failed
Dirty knives in back of low boy. Employees not wearing acts.	

Checklist Item**Status**

HLTF - Food Storage Conditions - Food must be stored properly, no food to be stored on the floor.

Failed

Bags of flour and bread crumbs need to be stored properly.

HLTF - Handwashing Sinks - Hand washing sinks must have running warm water, soap, and hand towels.

Passed

Hand sink in kitchen obstructed, corrected on site.



Salliou charles



Flynn, Cathy M.

DEPARTMENT FILE NO.



Town of Nantucket Massachusetts

VIOLATION NOTICE

22-9776

DATE NOTICE WRITTEN

9/15/22

DEPARTMENT:

☐ POLICE ☒ HEALTH ☐ BUILDING
☐ MARINE ☐ H.D.C.

A 26768

VIOLATOR COPY

VIOLATOR	NAME (Last, First, Initial)			OWNER (if different) or PARENT (if minor)		
	The Summer House Restaurant			Juan Ponce		
	ADDRESS			ADDRESS		
	1 Magnolia Drive / PO Box 880					
LAT	CITY/TOWN			CITY/TOWN		
	Nantucket ma 02564					
TOR	DATE OF BIRTH	RACE/SEX	SOCIAL SECURITY NUMBER	DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE		
				Food Sale Violations		
OFFENSE	DATE OF VIOLATION		LOCATION OF VIOLATION		TIME	NOTICE TO VIOLATOR SEE REVERSE SIDE FOR IMPORTANT INFORMATION ON YOUR RIGHTS AND DUTIES REGARDING THIS VIOLATION NOTICE.
	9/15/22		1 Magnolia Ave		2 PM	
	A. Tobacco rolled in FSE		VIOLATION CODE		FINE	
	B. Kitchen Floor + equip		FC 7-202.11		\$100	
(s)	B. Kitchen Floor + equip		FC 6-501.12		\$100	OFFICER, INSERT FINE AMOUNTS ONLY IF YOU CHECK "NON-CRIMINAL" AT LEFT.
OFFICER: CHECK ONE ONLY ☐ WARNING ☒ NON-CRIMINAL				IF NON-CRIMINAL TOTAL AMOUNT DUE: \$ 200		
OFFICER CERTIFIES COPY GIVEN TO VIOLATOR				ID NO.	☐ BY HAND ☒ BY MAIL	VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE
Cathy J.						

VIOLATOR COPY

DEPARTMENT FILE NO.



Town of Nantucket Massachusetts

VIOLATION NOTICE

22-9777

DATE NOTICE WRITTEN

9/15/22

DEPARTMENT:

☐ POLICE ☒ HEALTH ☐ BUILDING
☐ MARINE ☐ H.D.C.

A 26769

VIOLATOR	NAME (Last, First, Initial)			OWNER (if different) or PARENT (if minor)		
	The Summer House Restaurant			Juan Ponce		
	ADDRESS			ADDRESS		
	1 Magnolia Ave / PO Box 880					
LAT	CITY/TOWN			CITY/TOWN		
	Nantucket ma 02564					
TOR	DATE OF BIRTH	RACE/SEX	SOCIAL SECURITY NUMBER	DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE		
				Food Sale Violations		
OFFENSE	DATE OF VIOLATION		LOCATION OF VIOLATION		TIME	NOTICE TO VIOLATOR SEE REVERSE SIDE FOR IMPORTANT INFORMATION ON YOUR RIGHTS AND DUTIES REGARDING THIS VIOLATION NOTICE.
	9/14/22		1 Magnolia Ave		2 PM	
	A. Food Stored on Floor		VIOLATION CODE		FINE	
	B. Dish water missing Sanitizer		FC 3-305.11		\$100	
(s)	B. Dish water missing Sanitizer		FC 4-501.12		\$100	OFFICER, INSERT FINE AMOUNTS ONLY IF YOU CHECK "NON-CRIMINAL" AT LEFT.
OFFICER: CHECK ONE ONLY ☐ WARNING ☒ NON-CRIMINAL				IF NON-CRIMINAL TOTAL AMOUNT DUE: \$ 200		
OFFICER CERTIFIES COPY GIVEN TO VIOLATOR				ID NO.	☐ BY HAND ☒ BY MAIL	VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE
Cathy J.						

VIOLATOR COPY

TOWN OF NANTUCKET		Town of Nantucket Massachusetts		VIOLATION NOTICE	
DEPARTMENT FILE NO.		DATE NOTICE WRITTEN		DEPARTMENT:	
22-9778		9/15/22		☐ POLICE ☐ MARINE ☒ HEALTH ☐ H.D.C. ☐ BUILDING	
NAME (Last, First, Initial)		OWNER (if different) or PARENT (if minor)		A 26770	
The Summer Hawk Restaurant		Juan Ponce			
ADDRESS		ADDRESS			
1 Magnolia Dr / PO Box 880					
CITY/TOWN		CITY/TOWN		STATE	
Nantucket MA				ZIP	
02584					
DATE OF BIRTH		RACE/SEX		SOCIAL SECURITY NUMBER	
				DESCRIPTION OF AREA/PREMISES, BICYCLE OR VEHICLE	
				Food Code Violations	
DATE OF VIOLATION		LOCATION OF VIOLATION		TIME	
9/14/22		1 Magnolia Drive		2 PM	
A. Food prep		VIOLATION CODE		FINE	
employees not wearing hats		FC402.11		100	
B.					
(s)					
OFFICER:		☐ WARNING		☒ NON-CRIMINAL	
CHECK ONE ONLY		IF NON-CRIMINAL		TOTAL AMOUNT DUE:	
				\$ 100	
OFFICER CERTIFIES COPY GIVEN TO VIOLATOR		ID NO.		VIOLATOR ACKNOWLEDGES RECEIPT OF NOTICE	
Catalina				X	

NOTICE TO VIOLATOR
SEE REVERSE SIDE FOR
IMPORTANT INFORMATION
ON YOUR RIGHTS AND
DUTIES REGARDING THIS
VIOLATION NOTICE.

OFFICER, INSERT FINE AMOUNTS ONLY
IF YOU CHECK "NON-CRIMINAL" AT LEFT.



GAMBLER
GAMBLER PIPE TOBACCO
FROM THE TOBACCO EXPERTS

GOLD

GAMBLER
KINGS
200 REGULAR CIGARETTE FILTER TUBES

PP-TH12916K
Twist Handle Paper Shopper
12 x 9 x 16 90 GSM
Natural Kraft
100% RECYCLED

09-14-2022 02:06 PM



09-14-2022 02:06 PM

Baxter, Amy

From: Joseph Townsend
Sent: Friday, August 9, 2019 3:47 PM
To: Baxter, Amy
Subject: RE: 16 Ocean Ave, Summer House Beachside Bistro

Hi Amy,

After speaking with George Hull, I'd ask that you hold off on suspending the license until Tuesday when I can re-inspect. George is aware of all the issues I brought up and is requesting to give them time to address these issues.

Joseph Townsend
Fire Prevention Officer
Nantucket Fire Department
jtownsend@fire.nantucket-ma.gov
Office (508) 228-2324 x3
Fax (508) 325-7500
Cell (508) 825-6067

From: Baxter, Amy
Sent: Friday, August 09, 2019 2:41 PM
To: Joseph Townsend <jtownsend@fire.nantucket-ma.gov>; Murphy, Steve <smurphy@fire.nantucket-ma.gov>; Mitchell, Sean <smitchell@fire.nantucket-ma.gov>; wiring@nantucket-ma.gov; jmorash@nantucket-ma.gov; pmurphy@nantucket-ma.gov; Kathy LaFavre <KLaFavre@nantucket-ma.gov>
Subject: RE: 16 Ocean Ave, Summer House Beachside Bistro

Can you confirm that it is not safe or permitted for the establishment to be open to the public?

From: Joseph Townsend <jtownsend@fire.nantucket-ma.gov>
Sent: Friday, August 9, 2019 2:32 PM
To: Baxter, Amy <abaxter@police.nantucket-ma.gov>; Murphy, Steve <smurphy@fire.nantucket-ma.gov>; Mitchell, Sean <smitchell@fire.nantucket-ma.gov>; wiring@nantucket-ma.gov; jmorash@nantucket-ma.gov; pmurphy@nantucket-ma.gov; Kathy LaFavre <KLaFavre@nantucket-ma.gov>
Subject: 16 Ocean Ave, Summer House Beachside Bistro

Good afternoon,

This morning I inspected the Summer House Bistro for their COI. They did not pass at this time. I'm including details and pictures of areas where other departments should be aware of. This inspection was done with Peter Karlson and the GM David. They are aware of my findings.

- Multiple electrical plugs overloaded (rectified on site)
- Wine refrigerator (in pool pump shed) cord was cut and spliced into an extension cord, capped with tape (rectified on site)
- Smoking materials were found behind the bar, and along the bar floor and outside of the office deck (educated on proper disposal and no smoking signs)
- Boiler in the pump room was missing a pilot cover and had insulation exposed
- Lighting wires were exposed in the liquor room on the top right shelf
- Kitchen hood filters needed cleaning and not placed properly (Depth Gauge measured at 50+Microns) (Educated on proper cleaning)

- AC unit in office attached to a power strip, multiple power strips with multiple cords plugged in from different devices (rectified and educated)
- Clothing and rags were found in a storage closet where cleaning products, chlorine, pool chemicals, and combustibles (rectified and educated)
- I was unable to inspect the boutique, it was locked, Peter and David didn't have a key
- They were unable to produce any Fire Suppression, Alarm, or hood cleaning reports
- Talking with Brian Gibbs (Summer House Electrician) the electric supply wire is placed on the roof of the building and is not rated for that position, its rated to be a side wall suspension only.
- Multiple frayed wires were in use with exposed wires. (educated and rectified)

I have asked Mr. Karlson and GM David to reach out to me on Tuesday so I can complete my inspection in the Clothing Boutique and see any progress in the above areas.

Joseph Townsend
Fire Prevention Officer
Nantucket Fire Department
jtownsend@fire.nantucket-ma.gov
Office (508) 228-2324 x3
Fax (508) 325-7500
Cell (508) 825-6067

Town of Nantucket Police Department



William J. Pittman
Chief of Police

Charles Gibson
Deputy Chief of Police

4 Fairgrounds Road
Nantucket, Massachusetts
02554-2804

Telephone (508) 228-1212
Facsimile (508) 228-7246
www.nantucket-ma.gov/police

August 10, 2018

Beachside Associates, LLC; dba Summer House Beachside Bistro
16 Ocean Avenue
Siasconset, MA 02564
Manager: Christopher P. Karlson
Owner: Peter Karlson

DELIVERED IN HAND

Re: Alcoholic Beverages License #00144-RS-0762
Notice of Violation

Dear Mr. Karlson:

We have observed on several occasions that the Summer House Beachside Bistro is now serving alcohol outside of the approved licensed premises. Your attached Alcohol License #00144-RS-0762 allows for service of All Alcoholic Beverages on the pool deck and patio only. Your employees have been observed serving customers outside the pool and patio on the non-approved beach area with additional seating and service for over 30 patrons. This location is not included in your licensed premises. An application for an Alteration of Premises has never been submitted by Beachside Associates, LLC as is mandated by the ABCC per M.G.L. 138 and the Town of Nantucket Regulations Governing Alcoholic Beverages, Chapter 250. Furthermore, the set-up of tables, couches and fire pit was not present at time of Health, Building and Fire inspections.

Based on the foregoing, you must immediately cease service of alcohol on unlicensed premises to include the beach area adjacent to the bistro patio (photos attached). The Health, Building and Fire Departments have also been notified and additional violations may be cited as a result of your misrepresentation of the premises and restaurant operations at your inspections.

Your license also requires that signage must be placed at the exit to the beach warning of removal of alcoholic beverages from the premises. This must be executed immediately.

Failure to comply with this notice shall result in enforcement action by the Town of Nantucket which may include but not limited to suspension or revocation of your alcohol license. A hearing has been requested with the Select Board to determine possible sanctions for above violations.

Sincerely,

Amy C. Baxter
Licensing Administrator

Cc: Jason Bridges, Chair, Select Board
Libby Gibson, Town Manager
William Pittman, Chief of Police
Alcoholic Beverages Control Commission, Commonwealth of Massachusetts











Lose Your Shoes

From: [Licensing](#)
To: [Erika Mooney](#)
Subject: FW: 16 Ocean Ave. Summer House Bistro
Date: Monday, May 15, 2023 10:45:03 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Welcome Back!

Please see comment from Summer House abutter below. I responded to her this morning with links to register for the meeting and packet info.

Thank you,

Amy

From: Mayo Stuntz <mayosjr@aol.com>
Sent: Saturday, May 13, 2023 9:06 AM
To: Licensing <licensing@police.nantucket-ma.gov>
Subject: 16 Ocean Ave. Summer House Bistro

[EXTERNAL EMAIL]: Please do not click links or open attachments if you don't recognize the sender.

Hello

My name is Mayo Stuntz, and we live at 20 Ocean Ave next door to Summer House Bistro.

We see they are applying for an expansion of their operations.

Our community in Sconset is a quiet residential area, with very limited parking.

We are concerned that a permanent expansion of the facility will further overwhelm their lack of parking, and create more traffic and safety issues in the neighborhood. And we are also concerned that their expanded capacity for evening operations with amplified music and late operation will be even more disruptive to our neighborhood. We have small grandchildren and the loud music and crowds until 10 every night is already very disturbing.

I now see that their current license requires stopping amplified music past 8PM (Other than for a few special events) and no serving of food or liquor past 8PM as well.

They have not complied with either restriction in recent memory.

I would like to participate in the meeting on Wednesday May 17 by Zoom, if that is possible.

Thanks

Mayo Stuntz
914-216-1634

From: [Jill Kelley](#)
To: [Erika Mooney](#)
Subject: Letter for Summer House
Date: Monday, May 15, 2023 4:36:40 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Mooney,

We have enjoyed eating and drinking on the beach in front of the summerhouse where it is peaceful and quiet with a great water view to Portugal.

It is part of the real nantucket experience which sadly rarely exists in other parts of the island.

The Summer House is a very special place where time stands still ...so nice to put our feet into the sand and enjoy a peaceful beautiful meal away from the ruckus of the downtown loud establishments where you cannot hear yourself think let alone converse.

Sincerely,

Kelley family

This email was scanned by Bitdefender

From: [Lynn Brendemuehl](#)
To: [Erika Mooney](#)
Subject: Summer house
Date: Monday, May 15, 2023 4:36:48 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

We stand in support of food and beverages being served on beach at summer house! It has never been out of control like many establishments and in town. People in sconset gather there for peace and quiet!!!we deserve a place to go! The Coffin and the Brendemuehl families

Sent from my iPhone

This email was scanned by Bitdefender

From: [john shea](#)
To: [Amy Baxter](#); [Erika Mooney](#)
Subject: The Summer House Bistro
Date: Monday, May 15, 2023 4:52:10 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Erica and Amy,

Hello from Sconset.

I'm writing in response to any question that may arise about the history of food, entertainment and liquor service at The Summer House Bistro. My history with that property goes a long way back so I'd like to share what I know with you and The Select Board.

1. HISTORY: The Moby Dick Inn and restaurant took over from the Old 'Sconset Inn on Ocean Avenue which was a popular eatery, bar and lodging establishment by Frederick Howe in 1927. The Moby Dick restaurant was a big draw, a lounge and club below the bank occupying the former 'Sconset train station on the beach. It offered food, drink and musical entertainment.

Operated by Clem Reynolds, the Moby Dick had its heyday in the 1940s and 1950s. A fire devastated the old Moby Dick restaurant, the one on the beach, on Sunday August 5, 1956. Reynolds decided to rebuild. Soon the main restaurant was moved up bank to the large (Summer House) building and cottages where it is now; the pool restaurant, bar and swimming pool were rebuilt downbank where the Bistro is now.

2. THE WILEYS: During the 1960's and 1970's the Moby Dick Inn property was owned by the Wiley family. During graduate school I worked for them as a waiter for three years, 1970, 71, 72. During those years we served guests both at the main restaurant, where it is now, and down at the pool and beach area below the bank.

3. THE SUMMER HOUSE: in or around 1979 the Moby Dick Inn property was subdivided by and sold by the Wileys. The main restaurant, some of the cottages, the pool and the land down to the beach were purchased by people from California.

At that time I bought six cottages next door to the main restaurant, built a seventh and turned that compound into my summer home for twenty-five years.

4. OWNERSHIP: In 1984 or so I bought The Summer House as part of a partnership and owned it for ten years from 1985 - 1995 or so. During those years we improved the property and continued service to our guests at both the main

restaurant and the smaller restaurant on the beach.

As an owner I knew that the downstairs restaurant and pool area extended to our property line almost to the beach. We served guests at the lower restaurant, at the pool, and, if they wanted privacy, on our property on the beach area in front of the pool.

In 2000 my wife and I had our wedding reception at the lower restaurant, pool and beach area where, as usual, food and drinks were served.

5. RECENT HISTORY: For the last twenty-two years, from 2000-2022, since our wedding the pool and beach service on the Summer House property has continued uninterrupted and as a key meeting place and recreation space for families from Sconset and all over the island.

6. IN SUMMATION: for almost one hundred years, from the days of the Old Sconset Inn in 1927 which was on the beach in the old train station, through the many years as the Moby Dick Inn, to its present ownership as The Summer House, food, alcohol and entertainment have been offered on the beach below the bank as well as on the property up on the bank.

The Summer House continues a rare tradition of relaxed hospitality that has thrived under difficult circumstances in Sconset for well over 150 years.

That is the history. I hope it helps clarify how the property has been an essential place for Sconset people and for guests from all around the world. It must be allowed to continue to serve the public in its location of unparalleled beauty and historic importance.

Yours truly.

John Shea

From: [Amy Ormond](#)
To: [Erika Mooney](#); [Amy Baxter](#)
Subject: Letter of Support for The Summer House Beachside Service
Date: Monday, May 15, 2023 5:12:54 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Mooney and Ms. Baxter,

I hope this finds you both well. I am the homeowner at 3 Cottage Ave in Sconset, located directly adjacent to The Summer House. I am writing to you to express my support for the Summer House's license to be extended to serve on the sand next to their patio. Since owning the cottage, we have enjoyed so many evenings dining on the sand at the bistro. It is a great option to have for families, which isn't the case in so many establishments on the island.

Please include my support for The Summer House's request for the upcoming meeting.

And thank you for the work you do for the town.

Sincerely,
Amy Ormond

Amy Ormond
3 Cottage Avenue
Siasconset, MA 02564
917.767.7244

This email was scanned by Bitdefender

From: [Lynn Pearl](#)
To: [Erika Mooney](#)
Cc: [Amy Baxter](#)
Subject: Summer House Bistro Bar
Date: Monday, May 15, 2023 5:31:45 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, John and I have been enjoying the SH Bistro Bar in the evenings for 8-10 years. We enjoy having a bar in Sconset. It's a very beautiful spot and would love to continue going there. Sincerely John and Lynn Pearl

[Sent from Yahoo Mail for iPhone](#)

This email was scanned by Bitdefender

From: [Amie Ratajczak](#)
To: [Erika Mooney](#)
Cc: [Amy Baxter](#)
Subject: Letter in Support of the Summer House Bistro Dinning on the Sand
Date: Monday, May 15, 2023 8:59:10 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom this may concern,

I am writing in support of the Summer House Bistro to urge you to allow for continued service on the sand. I am a native of the Island and this summer will be my 63rd in 'Sconset. Every summer we have had drinks and/or dined at the Summer House Bistro. It has become a wonderful family spot for the community. My hope is that you will vote to continue this service.

Thank you,

Amie

Amie Keys Block, LCSW-R

Tribeca Downtown Associates
145 Hudson Street
Suite #6B
New York, NY 10013

917-539-6938

From: [Drew Guff](#)
To: [Erika Mooney](#)
Cc: [Amy Baxter](#)
Subject: The Summer House - outdoor dining
Date: Monday, May 15, 2023 9:17:33 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Erika Mooney
Operations Administrator
Town of Nantucket

May 15, 2023

Dear Ms. Mooney,

I am a Nantucket homeowner and have been visiting this beautiful island for over 30 years. All of us who spend time here are fortunate to enjoy Nantucket's incredible natural beauty.

We are also fortunate that, during the Covid pandemic, the Town permitted restaurants and other establishments to allow customers to enjoy their meals outdoors in a safe and pleasant manner. We all discovered that, in some ways, dining outdoors was something that maybe we should have been doing all along.

So one of the small important things that came out of the Covid restrictions was the advantages of outdoor dining. In the post-Covid environment, the Town, in its wisdom, has allowed many establishments to continue to serve food and beverages outdoors, sometimes in spots where the restaurant itself does not own the property where they are serving.

I understand The Summer House is applying for permission to continue serving outdoors on the beach area where they have been serving meals during Covid. I am writing in support of their application to continue serving there. It is a place of peace and quiet where one gets a view of the Nantucket that has been there for millennia, with only the ocean between you and the rest of the world. Many of Nantucket's most beautiful spots are hidden from the average person, privately owned behind tall privet or closed gates. But dining with your toes in the sand at the Summer House is an experience that is open to the public. Sadly, things like this rarely exists in other parts of the island.

My understanding is that the Summer House owns the property where it serves outdoor meals. I hope this makes it easier for you to allow the restaurant to continue serving there in that spot, post-Covid, as I understand some restaurants are allowed to continue serving even on property that is technically owned by the town, and not the restaurant. In addition to the public enjoyment of the natural beauty of the spot, allowing outdoor dining, as much as possible on Nantucket, is also promoting public safety as a result.

The Summer House is that rare place in Nantucket where time stands still. Please allow them to continue to serve in that spot on the beach as before.

Sincerely,

Drew Guff
63 Wanoma Way
Tom Nevers
Nantucket, MA

Sent from my iPad

From: [Tom Rich](#)
To: [Erika Mooney](#)
Cc: abaxter@police.nantucket-ma.com
Subject: Summer House
Date: Tuesday, May 16, 2023 7:37:44 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Mooney:

I am writing this letter in support of the alteration license recently requested by Summer House to allow for the continuation of beachside service in the sand. I have enjoyed this feature many times and have never witnessed a single disturbance.

With few, if any opportunities on Nantucket Island to actually dine with “one’s feet in the sand”, it would be a shame if this were not allowed to continue.

I have faith in the expert managers at this Siasconset landmark to continue with their professional operation which has been and is an asset to the neighborhood.

Thomas L. Rich
203 918-4839
9 Lily Street, Siasconset

This email was scanned by Bitdefender

From: [endless summer](#)
To: [Erika Mooney](#)
Subject: Summer House Bistro
Date: Tuesday, May 16, 2023 9:12:38 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi

We understand that there is some question about the beachside restaurant outside guests dinning able to enjoy a beverage or a bite to eat on the sand for the upcoming season, during the last few season my wife and I have enjoyed the "al fresco" dinning very much so just like at the "Jettes" restaurant and also the "Galley" So we are favoring the decision to still enjoy this lovely traditional Nantucket "'Sconset" experience (numerous times) We understand or believe this is still being on private restaurant property and not infringing on the public beach area of Nantucket-'Sconset Thank you for taking the time to consider this option for the Summer House "Beachside" bistro to continue in this manner

:)

This email was scanned by Bitdefender

From: [Suzanne Van Nostrand](#)
To: [Erika Mooney](#)
Cc: abaxter@police.nantucket-ma.com
Subject: Summer House Alteration of Premise
Date: Tuesday, May 16, 2023 9:28:49 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Mooney,

I am writing to you in support of the Summer House's Alteration of Premises License application for their Beachside Bistro.

I fell in love with the Summer House on my very first visit to Nantucket over 30 years ago. As a first time visitor, one of the activities we chose was a bike ride to Summer House. I was in awe of its beauty and charm. It truly is one of the most special places on the planet, and as a new homeowner in Sconset I believe it is an incredible asset to the neighborhood. Meeting friends and bringing guests to enjoy the property, in particular the most recent and unique dining on the sand experience, is always on my 'must do' list. I would be very disappointed to see it go.

The dedicated staff, many of whom I have seen year after year, are very friendly and operate the restaurant extremely well. I am very much looking forward to another summer (and many more to come) dining in the sand at Summer House, while enjoying the incredible beauty of Sconset.

Sincerely,
Suzanne Van Nostrand

From: [Baxter, Amy](#)
To: [Jessica Guff](#)
Cc: [Erika Mooney](#)
Subject: RE: Summer House Beach Bistro
Date: Tuesday, May 16, 2023 9:55:41 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for your email. It will be forwarded to the Select Board.

-----Original Message-----

From: Jessica Guff <jessica.s.guff@gmail.com>
Sent: Tuesday, May 16, 2023 9:41 AM
To: Baxter, Amy <abaxter@police.nantucket-ma.gov>
Subject: Summer House Beach Bistro

[EXTERNAL EMAIL]: Please do not click links or open attachments if you don't recognize the sender.

Dear Ms. Baxter,

I often walk to Tom Never's pond and back again, to 'Sconset. I pass The Summer House almost daily and try to time my walks so that I can sit on the beach there and order a little lunch or a cocktail, (if it's the late afternoon, of course) Nothing is more peaceful than sitting at one of the tables on 'Sconset beach and watching the ocean, listening to the birds, eating a great salad and/or having a refreshing drink. I understand that there is some question as to whether or not The Summer House will be able to continue table service on the beach. As far as I can recall — and I first came to ACK in 1976 as a waitress when I was in high school — there has always been table service on the beach at The Summer House. Since building our first home on the island in 2005, we have enjoyed The Summer House as a family and frequently bring guests and friends there. Everyone loves a toes in the sand experience and they are so rare on the island these days. Where can one go? The Galley — to eat mediocre food and drink overpriced drinks on the sand next to one of the island's busiest and most crowded beaches? Other establishments are allowed to serve food and drink outdoors, why is The Summer House's right to do the same in question? Hasn't that right been grandfathered since The Moby Dick days? If The Summer House can no longer serve on the beach there will no longer be a tranquil spot,, open to the public, where residents can entertain outdoors in a full-service setting. What will people do when their only beach dining option is downtown, with little to no parking and crowds? 'Sconset is a unique place and everyone that lives there, and in nearby Tom Nevers, values the quiet, the serenity, and the ability to enjoy Nantucket without the crush of visitors and the jockeying for parking spots. The Summer House Beach Bistro experience is part of what makes 'Sconset so special and it would be heartbreaking if they could no longer serve their loyal customers — both new and old — on one of the least crowded beaches on the island. Please give every consideration to permitting The Summer House to continue to serve their friends and patrons out of doors, on their beautiful beach.

Sincerely,
Jessica Guff
11 Evelyn Street
Siasconset, MA 02564

This email was scanned by Bitdefender

From: [Maddie Clark](#)
To: [Erika Mooney](#); [Amy Baxter](#)
Subject: Summer House Beachside Bistro Neighbor Support
Date: Tuesday, May 16, 2023 1:12:11 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Whom it May Concern;

This letter is in support of the Summer House Beachside Bistro to continue to provide an unmatched experience and service to customers and guests on property they own and maintained for specifically in the past few years.

The Griggs family has owned a Sconset home at 2 Magnolia Ave since 1980. Our home, named Tern Too, is directly across from the Summer House Resort. Over the 43 years we have owned this home in Sconset, we have seen many lovely upgrades and benefits caring for the integrity of the Sconset community. Some of the greatest impact and upgrades have been the care and class brought by the Summer House Resort.

One of the most unique experiences on island is the alfresco dining on the beach at the Summer House Beachside Bistro location. It is so rare and memorable to have a gathering on the beach. The Bistro offers a space just past the patio, in the sand, where we have enjoyed family meals, celebrations and memories. It is unmatched and we are in support of this continuing.

The Griggs household and Summer House neighbor is in strong support to continue table service in the sand provided by The Beachside Bistro.

Please provide updates and any relevant communication.

Please share our support on this great family experience! Picture of our experience is attached.

Long Term Sconset Owners and Neighbors

--

Sylvia Griggs
Maddie Griggs
Amanda Griggs

This email was scanned by Bitdefender

From: [Jamie Cashman](#)
To: [Erika Mooney](#)
Subject: Fwd: SUMMER HOUSE
Date: Tuesday, May 16, 2023 1:42:33 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sent from my iPhone

Begin forwarded message:

From: Jamie Cashman <jcashman@4barges.com>
Date: May 16, 2023 at 1:04:00 PM EDT
To: Danielle DeBenidictis <ddeb95@aol.com>
Subject: FW: SUMMER HOUSE

Hope this is what you want..... good luck jmc

From: Jamie Cashman
Sent: Tuesday, May 16, 2023 12:56 PM
To: abaxter@police.nantucket-ma.gov
Cc: abaxter@police.nantucket-ma.gov
Subject: SUMMER HOUSE

Dear Amy

I have been a visitor and a property owner to Nantucket for 60 years . I recently sold my home in Sconset and I am looking for a new residence, in Sconset. In fact I am looking at homes next to or very close to Summer House. The Summer House has always been my favorite spot for coffee, lunch, dinner and poolside fun. Even as a child. What has made the Summer House great is the management and staff. They always operated with respect to the neighborhood . That can be difficult when serving the public, and also trying to maintain an authentic Nantucket experience. I have never heard any complaints from any of my neighbors about any misuse of the property, operational issues, or abuses of management toward the surrounding community. Everything at summer house is always in keeping with what the neighborhood would hope. I am told they want to put dining tables in the sand, and I want you to know I am in favor of it. This can only be good for the community. I'm getting older now and it is harder to get to beach where I enjoy drinking a beer or having a picnic. The reason being because my legs are not as strong as they were. In fact nothing is as strong as it was. HA HA It S---ks getting old. This will be a welcome substitute . PLEASE PLEASE PLEASE approve the Summer House request. Thank You for your consideration jmc

From: [Dianne Gilligan](#)
To: [Erika Mooney](#)
Subject: FW: SUMMER HOUSE
Date: Tuesday, May 16, 2023 3:09:42 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Amy,

I have been a visitor and a property owner to Nantucket for 60 years . I recently sold my home in Sconset and I am looking for a new residence, in Sconset. In fact I am looking at homes next to or very close to Summer House. The Summer House has always been my favorite spot for coffee, lunch, dinner and poolside fun. Even as a child. What has made the Summer House great is the management and staff. They always operated with respect to the neighborhood . That can be difficult when serving the public, and also trying to maintain an authentic Nantucket experience. I have never heard any complaints from any of my neighbors about any misuse of the property, operational issues, or abuses of management toward the surrounding community. Everything at summer house is always in keeping with what the neighborhood would hope. I am told they want to put dining tables in the sand, and I want you to know I am in favor of it. This can only be good for the community. I'm getting older now and it is harder to get to beach where I enjoy drinking a beer or having a picnic. The reason being because my legs are not as strong as they were. In fact nothing is as strong as it was. HA HA It S---ks getting old.

This will be a welcome substitute . PLEASE PLEASE PLEASE approve the Summer House request. Thank You for your consideration jmc



Agenda Item Summary

Agenda Item #	IX.5.
Date	05/17/23

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Application – Change of Category – Company of the Cauldron, 5 India Street

Executive Summary

Change of Category Application for Seasonal Wine and Malt Beverages Restaurant License, JKRG, LLC; # 03285-RS-0762 at 5 India Street.

CHANGE OF CATEGORY:

Company of the Cauldron is requesting a change from a License to sell Wine and Malt Beverages to a License to sell All Alcohol.

Staff Recommendation

There are no objections to the amendments. All required paperwork and financial documentation have been submitted and abutters notified. The Applicant's License is in good standing with no prior violations.

As the location of Company of the Cauldron is within 500ft of a St. Mary's Catholic Church determine and vote that this new license is not detrimental to the spiritual activities of St. Mary's Roman Catholic Church as stated on the attached determination letter. This is a requirement of MGL 138 and must be voted on in addition to the application.

Background/Discussion

Company of the Cauldron is located in the downtown Core district and surrounded by establishments with All Alcohol Licenses. The business is a seated food and beverage service establishment only with no Live Entertainment License.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

[Click or tap here to enter text.](#)



Board/Commission Recommendation

N/A

Public Outreach

Inquirer and Mirror Public Notice; Abutter Notification

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

[Click or tap here to enter text](#)

Attachments

ABCC Change of Category Application; Company of the Cauldron Liquor License; Public Notice



PUBLIC NOTICE

Please be advised that the Select Board will hold a public hearing on Wednesday, May 17, 2023 at 5:30 PM to consider a Change of Category Application for JKRg, LLC, d/b/a Company of the Cauldron, located at 5 India Street, Nantucket, MA 02554, Joseph Keller, Manager. The application requests a change in Category from Wine and Malt Beverages to an All Alcoholic Beverages License. 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.

E11

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

Please be advised that the Select Board will hold a public hearing on Wednesday, May 17, 2023 at 5:30 PM to consider a Change of Category Application for JKRG, LLC, d/b/a Company of the Cauldron, located at 5 India Street, Nantucket, MA 02554, Joseph Keller, Manager. The application requests a change in Category from Wine and Malt Beverages to an All Alcoholic Beverages License. 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.

SELECT BOARD

Description of Proposed Premises:

One Floor with Dining Room, Kitchen, Dish room, Restroom. Entrance/Exit in Front.
Additional Exit in Back. 30x24 Sq. Ft. Patio.

Additional Application Information:

Company of the Cauldron is requesting a change in Liquor service to include All Alcoholic Beverages.

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

LICENSE #: 03285-RS-0762

LICENSE FEE: \$2,600.00

\$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
~~WINE AND MALT BEVERAGES~~
ALL ALCOHOLIC BEVERAGES
TO BE CONSUMED ON THE PREMISES

BUSINESS: JKRG, LLC

DBA: COMPANY OF THE
CAULDRON

PREMISES: 5 India Street
Nantucket, MA 02554

MANAGER: Joseph G. Keller

ON PREMISES DESCRIBED AS:

One Floor with Dining Room, Kitchen, Dish room,
Restroom. Entrance/Exit in Front. Additional Exit in
Back. 30x24 Sq. Ft. 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 - day of 2023.

Chair, Select Board

THIS LICENSE IS VALID APRIL 1, 2023 – JANUARY 15, 2024

**Unless earlier suspended, cancelled, or revoked*

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

APPLICATION FOR AMENDMENT-Change of License Classification

☒ **Change of Category**

(e.g. All Alcohol, Wines and Malt)

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Category Application
- Vote of the Entity
- Abutter's Notification*
- Advertisement*

☐ **Change of Class**

(e.g. Seasonal /Annual)

- Payment Receipt
- Monetary Transmittal Form
- DOR Certificate of Good Standing
- DUA Certificate of Compliance
- Change of Classification Application
- Vote of the Entity
- Abutter's Notification*
- Advertisement*

☐ **Change of License Type**

(\$12 ONLY, e.g. general on premises, tavern, inn, restaurant)

- Payment Receipt
- Monetary Transmittal Form
- Change of License Type Application
- Vote of the Entity
- Advertisement*
- Payment Receipt

**If abutter notification and advertisement are required for transaction, please see the local licensing authority.*

1. BUSINESS ENTITY INFORMATION

Entity Name

JKRG, LLC

Municipality

Nantucket

ABCC License Number

03285-R3-0762

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

we are changing categories from a beer and wine license to a All alcohol, wines and malt

APPLICATION CONTACT

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

Name

Title

Email

Phone

Joseph Keller

owner

thechef1@me.com

702-524-7296

2. LICENSE CLASSIFICATION INFORMATION

2a. Change of License Category

All Alcohol, Wine and Malt,
Wine Malt and Cordials

Last-Approved License Category

Wines and Malt Beverages

Requested New License Category

All Alcoholic Beverages

2b. Change of License Class

Seasonal or Annual

Last-Approved License Class

Requested New License Class

2c. Change of License Type*

E.g. Restaurant to Club

*Certain License Types

CANNOT change once issued*

Last-Approved License Type

Requested New License Type

APPLICANT'S STATEMENT

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

of JKRG, 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:

Joseph KELLER

Date: 4-6-2023

Title:

owner



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City /Town

03285-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	JKRG LLC	DBA	Company of the Cauldron
Street Address	5 India Street		Zip Code 02554
Manager	Joseph G. Keller		
\$12 Restaurant (i.e. restaurant, package store)	Seasonal (Annual or Seasonal)	All Alcoholic Beverages (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

One Floor with Dining Room, Kitchen, Dish room, Restroom. Entrance/Exit in Front. Additional Exit in Back. 30x24 Sq. Ft. Patio.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	04/07/2023	Time	8:52am	
Advertised	Yes ☒ No ☐	Date Published	05/02/23	Publication	Inquirer and Mirror
Abutters Notified:	Yes ☒ No ☐	Date of Notice	05/03/23		
Date APPROVED by LLA	05/17/2023	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 and County of Nantucket

Select Board • County Commissioners

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



16 Broad Street
Nantucket, Massachusetts 02554

Telephone (508) 228-7255
Facsimile (508) 228-7272
www.nantucket-ma.gov

C. Elizabeth Gibson
Town & County Manager

At the Select Board meeting held Wednesday, May 17, 2023 the Select Board approved the application for a Change of Category from Seasonal Wine & Malt Beverages Restaurant License to Seasonal All Alcohol Beverages Restaurant License for JKRG, LLC, dba Company of the Cauldron, Joseph G. Keller, Manger, for the premises located at 5 India Street, Nantucket, MA 02554. The Board determined that this new liquor license is not detrimental to the spiritual activities of St. Mary's Roman Catholic Church, 3 Federal Street, Nantucket, MA 02554. St. Mary's Roman Catholic Church is located within 500 feet of the licensed premises of Company of the Cauldron.

Jason Bridges, Chair

Dawn Hill Holdgate, Vice Chair

Matt Fee

Brooke Mohr

Malcolm McNabb



Agenda Item Summary

Agenda Item #	IX. 6. & 7.
Date	5/17/23

Staff

Amy Baxter, Licensing Administrator

Subject

Transfer Restaurant Application to Include: Common Victualler with Annual All Alcoholic Beverages On-Premise Restaurant License – Transfer from Nantucket Culinary Center, LLC, to Un Altro, LLC, dba The Nantucket Culinary Center, 22 Federal Street, Andrea Solimeo, Manager.

Executive Summary

The Applicant seeks to Transfer the Licenses for the operation of The Nantucket Culinary Center at 22 Federal Street.

The Licenses under review in separate Public Hearings are:

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

The former operator, Nantucket Culinary Center, LLC ceased operations in December 2021. The Licenses were renewed for 2023 to keep them active and allow for the transfer. The property owner issued an RFP for application to operate the establishment. Un Altro, LLC was awarded the contract and lease for the premises.

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 Nantucket Culinary Center 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 establishment for 6 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



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

- No public comments were received by Licensing as of 3-7-23.

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

- The Nantucket Culinary Center 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 6 years.

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

- The Applicant also operates Via Mare, Pizzeria Gemelle and Ventuno – all within a block of this establishment.

Background/Discussion

The applicant is requesting the same type of licenses that existed with the previous operator. There will be no alteration to the premises. The attached ZBA special permit restricts service of alcohol in the lower level café.

The Entertainment License Request is for Live Interior music for special events and Streaming/Background Music. The location meets Fire and Building Code requirements.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

Click or tap here to enter text.

Board/Commission Recommendation

N/A

Public Outreach

Click or tap here to enter text.

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

Click or tap here to enter text

Attachments

Transfer Liquor License ABCC Application and Floor Plans; ABCC Summary Form; Draft Liquor and Entertainment Licenses.



PUBLIC NOTICE

Please be advised that the Select Board will hold a Public Hearing on Wednesday, May 17, 2023 at 5:30 PM to hear the application for a Transfer of an Annual Restaurant All Alcoholic Beverages Liquor License and Live Entertainment License from Nantucket Culinary Center, LLC, dba Nantucket Culinary Center to, Un Altro, LLC dba Nantucket Culinary Center, located at 22 Federal Street, Nantucket, MA 02554, Andrea Solimeo, 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.

E15

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

Public Notice

Please be advised that the Select Board will hold a public hearing on Wednesday, April 26, 2023 at 5:30 PM to consider an Alteration of Premises Liquor License Application for Nantucket Island Management, LLC, d/b/a White Elephant Hotel Residences, located at 19 South Beach Street, Nantucket, MA 02554, Bettina Landt, Manager. The alteration application requests the addition of a portion of Building 11 including the Ballroom back to its licensed premises, effective date of July 29, 2023. 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.

SELECT BOARD

Description of Proposed Premises:

Amendment to premises add a portion of Building 11 back to the licensed premises. The portion to be added to the licensed premises consists more or less of the ballroom, kitchen, dry storage and bathrooms, located on the first floor of Building 11.

Additional Application Information:

The alteration will restore the full licensed premise to it's original condition effective July 29, 2023 following the temporary use of this area to allow a third-party restaurant to operate its own separate, licensed restaurant establishment.

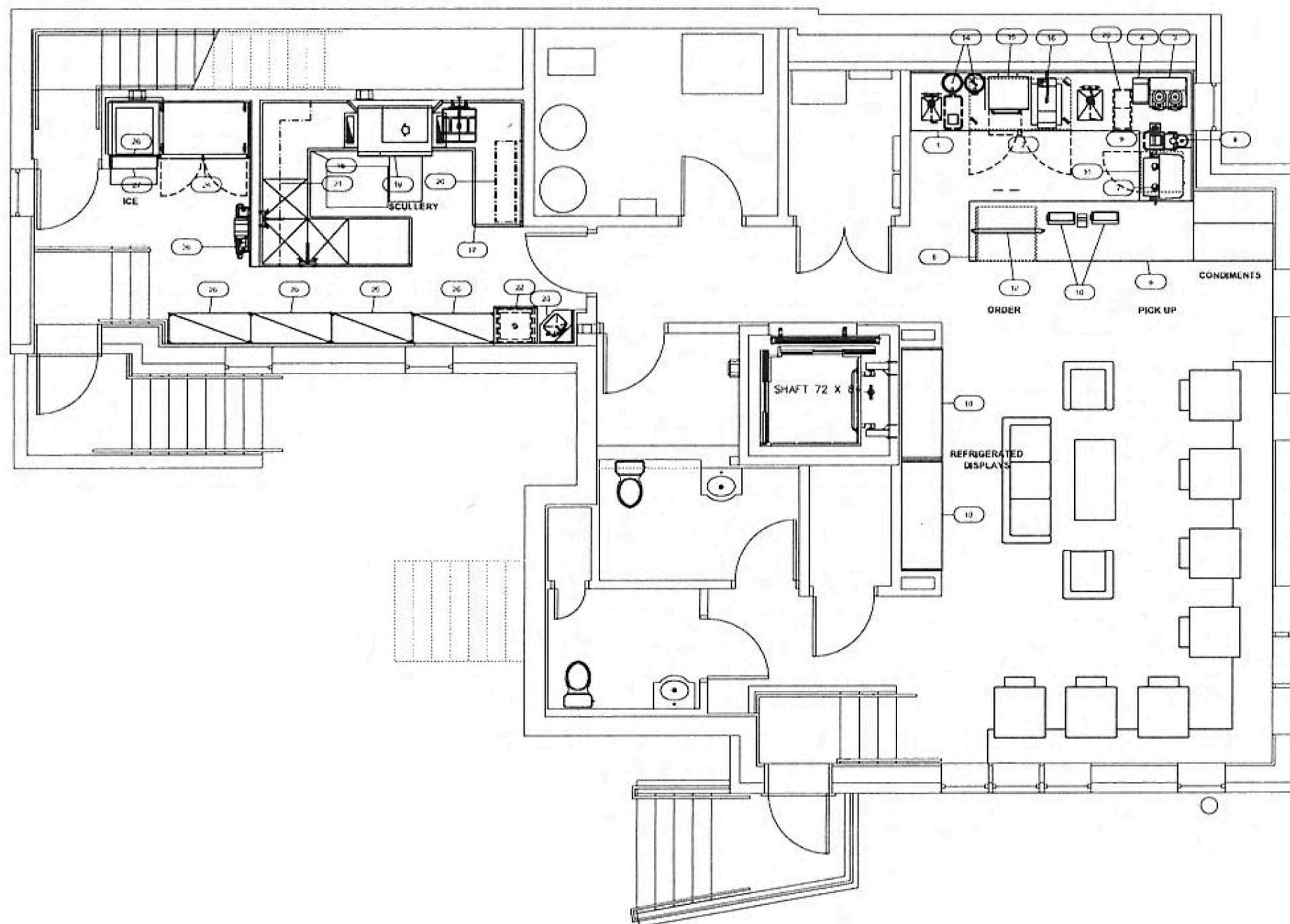
IN PERSON PARTICIPATION: PSF Community Room, 4 Fairgrounds Road

REMOTE PARTICIPATION:

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

Zoom Webinar Registration Link to Virtually Attend Meeting:

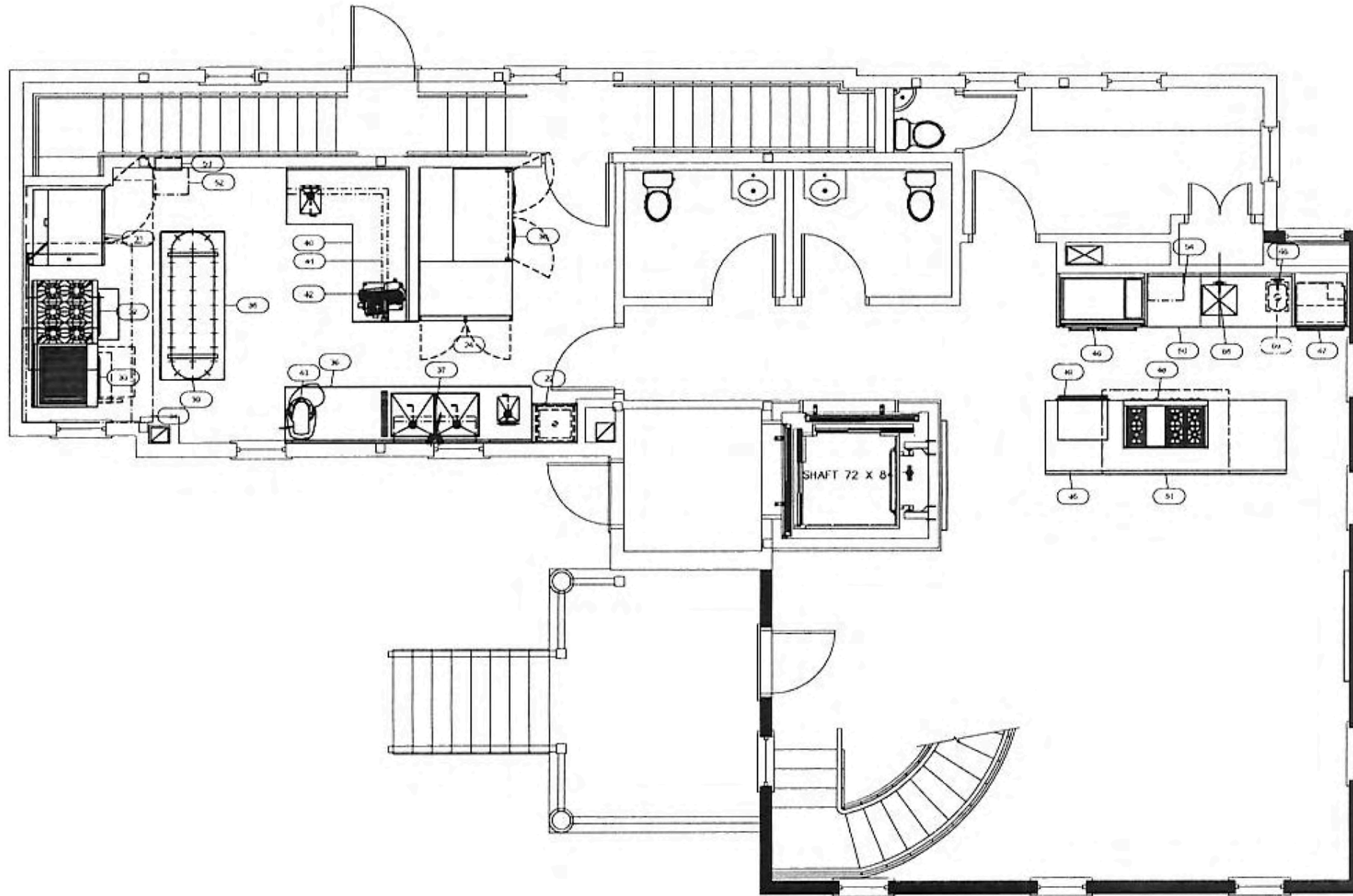
https://us06web.zoom.us/webinar/register/WN_IdpZTZo4RkyaEy3fhTszww



1

LOWER LEVEL - CAFE EQUIPMENT PLAN

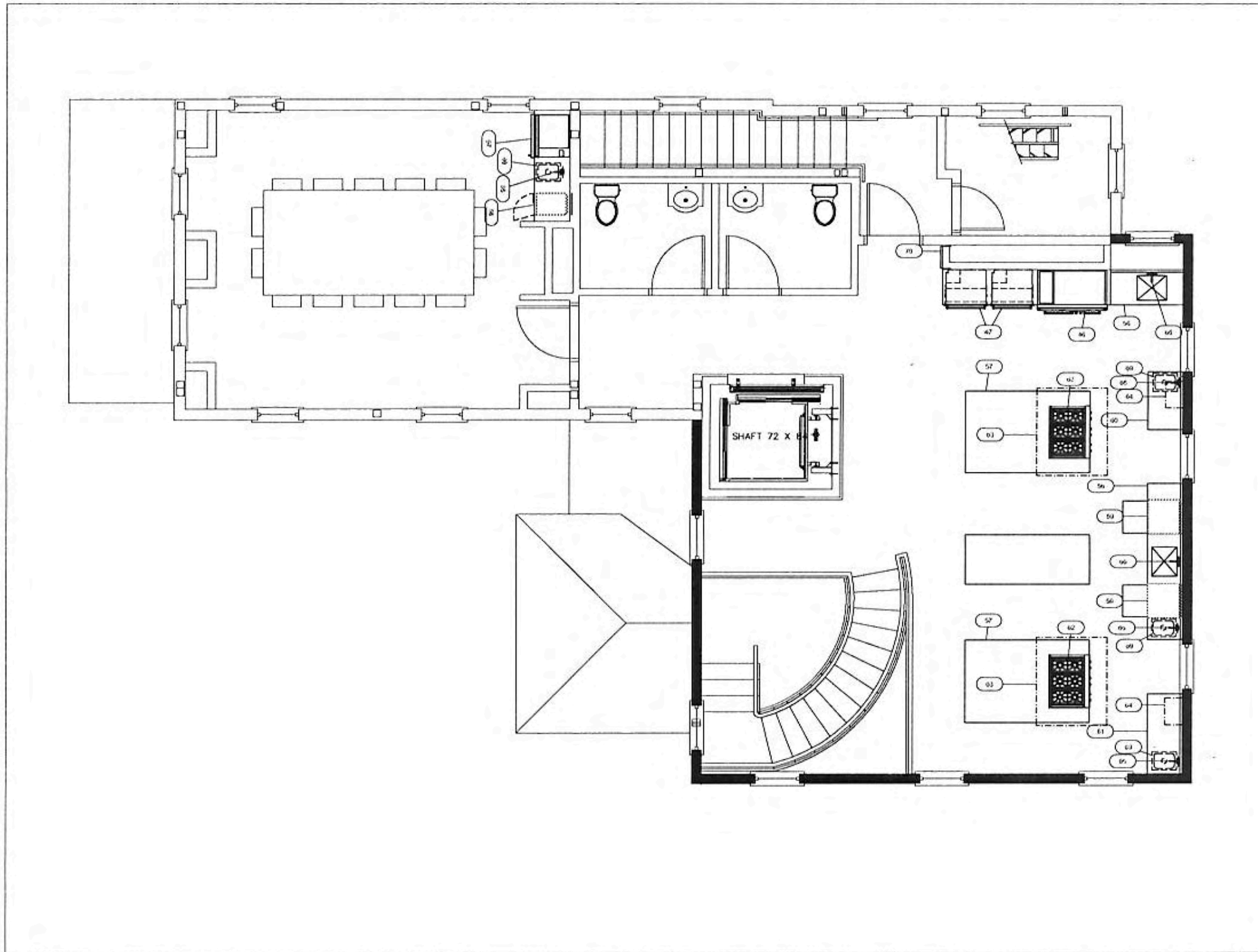
SCALE: 1/4" = 1'-0"



2

FIRST FLOOR – KITCHEN EQUIPMENT PLAN

SCALE: 1/4" = 1'-0"



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

1. TRANSACTION INFORMATION

- | | | |
|---|---|---|
| ☒ Transfer of License | ☐ Pledge of Inventory | ☐ Change of Class |
| ☐ Alteration of Premises | ☐ Pledge of License | ☐ Change of Category |
| ☐ Change of Location | ☐ Pledge of Stock | ☐ Change of License Type
(\$12 ONLY, e.g. "club" to "restaurant") |
| ☐ Management/Operating Agreement | ☐ Other <input type="text"/> | |

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

We are seeking a transfer license from the former operator Nantucket Culinary Center, LLC to the new operator Un Altro LLC. We intend to use the liquor license for the same purposes as the previous License holder: for classes, private events, and community events run through the Culinary Center.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
On-Premises-12	\$12 General On-Premises	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

FEIN

Entity Name

DBA Manager of Record

Street Address

Phone Email

Add'l Phone Website

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.

2 Floors plus patio. Middle Floor: 7 rooms. Upper Floor 5 rooms. Outdoor Area: Patio. Floor Plan Attached. Lower
** NB: Bottom Level (cafe) not included for alcohol service**

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

APPLICATION FOR A TRANSFER OF LICENSE

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name	Margolis LLC	By what means is the license being transferred?	Purchase
------------------------	--------------	---	----------

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
Greg Margolis	Owner	50%
Joy Margolis	Owner	50%

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
Taylor Oliver			
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Co-Owner	50%	☒ Yes ☐ No	☒ Yes ☐ No
			MA Resident
			☒ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB
Andrea Solimeo			
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
Co-Owner	50%	☒ 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
		☐ Yes ☐ No	☐ Yes ☐ No
☐ 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	☐ 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	☐ 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
Taylor Oliver (Ventuno)	Restaurant	Annual Retail Restaurant License	Nantucket
Andrea Solimeo (Pizzeria Gemelle)	Restaurant	Annual Retail Restaurant License	Nantucket
Taylor Oliver (Via Mare)	Restaurant	Annual Retail Restaurant License	Nantucket

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

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:

12. MANAGER APPLICATION

A. MANAGER INFORMATION

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

Proposed Manager Name	Andrea Solimeo	Date of Birth		SSN	
Residential Address	Nantucket, MA 02554				
Email	solimeo@gmail.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
2012	Current	Ventuno LLC, Via Mare LLC Gemelle LLC	Self-Employed/Owner	n/a
2008	2011	Sous Chef	Pearl	Seth Raynor

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 May 1, 2023

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

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

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

e. Management Term End Date

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

☐ \$ per month/year (indicate amount)

☐ % of alcohol sales (indicate percentage)

☐ % of overall sales (indicate percentage)

☐ other (please explain)

ABCC Licensee Officer/LLC Manager

Signature:

Title:

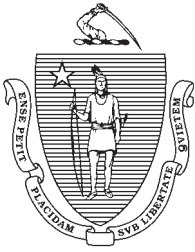
Date:

Management Agreement Entity Officer/LLC Manager

Signature:

Title:

Date:



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

William Francis Galvin
Secretary of the
Commonwealth

Date: April 11, 2023

To Whom It May Concern :

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

UN ALTRO, LLC

in accordance with the provisions of Massachusetts General Laws Chapter 156C, on
February 15, 2023.

I further certify that said Limited Liability Company has not filed a certificate of cancellation; that there are no proceedings presently pending under the Massachusetts General Laws Chapter 156C, § 70 for said Limited Liability Company's dissolution; and that, so far as appears of record, said Limited Liability Company has legal existence.



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

A handwritten signature in black ink, reading "William Francis Galvin".

Secretary of the Commonwealth

Certificate Number: 23040237780

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

Processed by: tad

LEASE

BY AND BETWEEN

**22 Federal, LLC,
a Massachusetts limited liability company
("Landlord")**

and

**Taylor Oliver and Andrea Solimeo,
(collectively, "Tenant")**

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THIS LEASE ("Lease") made as of this ____ day of _____, 2023 (the "Effective Date") by and between 22 Federal, LLC, a Massachusetts limited liability company with an address c/o its manager, Centre of Town, LLC, 58 Main Street, P.O. Box 868, Nantucket, Massachusetts 02554, (the "Landlord") and Taylor Oliver, an individual residing at 16 Hummock Pond Road, Nantucket, MA 02554 and Andrea Solimeo, an individual residing at 11 Pine Tree Road, Nantucket, MA 02554 (collectively referred to herein as the "Tenant"):

WITNESSETH: That Landlord, in consideration of the rents, covenants and agreements of Tenant, hereinafter set forth, does by these presents let, lease, demise and rent to said Tenant the land and building known as 22 Federal Street, Nantucket, Massachusetts described on Exhibit A (the "Premises" or the "Leased Premises"), subject to the terms and conditions of this Lease.

1. FURNITURE, FIXTURES & EQUIPMENT.

2. TERM. To have and to hold the same for a period beginning on April 1, 2023 and ending on March 31, 2024 (hereinafter "Initial Term" and as it may be extended pursuant to this Section 2, the "Term"). Landlord reserves the right from time to time to adjust the Rent (as hereinafter defined) due hereunder to reflect the performance of Tenant hereunder, and to include utilities, insurance, cleaning, landscaping, and exterior maintenance and make other adjustments to Rent based on general market conditions. In no event will Rent exceed a commercially reasonable, fair market annual rent for the Leased Premises for that calendar year. So long as this Lease is in full force and effect and Tenant is not in default either at the time of exercise or on the first day of the Extension Term (as hereinafter defined), Tenant shall have the option to extend the Term for four (4) additional one (1) year periods (each, an "Extension Term" and collectively the "Extension Terms") upon written notice to Landlord given not less than six (6) months and not more than nine (9) months prior to the expiration of the Term. In the event that Tenant exercises one or more of the options granted hereunder, the Extension Terms shall be upon the same terms and conditions as are in effect under this Lease immediately preceding the commencement of such Extension Term except that the Base Rent and Additional Rent, as those terms are defined below, due from the Tenant shall be increased to Landlord's determination of Base Rent and Additional Rent as set forth in Section 4 and the available Extension Terms shall be reduced until used.

3. PAYMENTS.

To Landlord: 22 Federal, LLC
c/o Centre of Town, LLC
58 Main Street, P. O. Box 868
Nantucket, Massachusetts 02554

To Tenant: Taylor Oliver and Andrea Solimeo
22 Federal Street
Nantucket, Massachusetts 02554

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

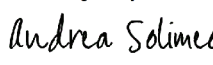
[REDACTED]

[signatures on following page]

IN WITNESS WHEREOF, the parties hereto have executed this Lease.

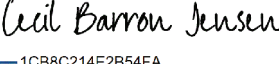
TENANT:

DocuSigned by:

2098DDB2AAF645D...
Taylor Oliver
DocuSigned by:

87F0C9B67A924DA...
Andrea Solimeo

Date: 2/23/2023

LANDLORD:

DocuSigned by:

1CB8C214E2B54FA...
By: Cecil Barron Jensen
Name: Cecil Barron Jensen
Title: Executive Director

Date: 2/21/2023

EXHIBIT A

THE LEASED PREMISES

That certain lot of land with the buildings thereon located at 22 Federal Street, Nantucket, Massachusetts, bounded and described as follows:

NORTHERLY	by Broad Street, forty-two and 99/100 (42.99) feet;
NORTHEASTERLY	by Federal Street, seventy-two and 62/100 (72.62) feet;
SOUTHERLY	by land now or formerly of Chester S. Berret, JR., and of Janet B. McGlinn, fifty-six and 20/100 (56.20) feet; and
WESTERLY	by land now or formerly of Annie Marshal, sixty-eight and 47/100 (68.47) feet.

All of said boundaries were determined by the Land Court as set forth on Land Court Plan 37392A filed in the Nantucket Registry District of the Land Court.

EXHIBIT B

LANDLORD'S PERSONAL PROPERTY

[to be attached]

Disclaimer: Any perishables (food, liquor) and intangibles relating to or owned by the prior tenant of the Leased Premises, including but not limited to the prior tenant's business name, website, social media accounts, and customer lists are not owned by Landlord or included in the Landlord's Property leased hereunder.

EXHIBIT C

THE SPECIAL PERMIT



TOWN OF NANTUCKET BOARD OF APPEALS NANTUCKET, MASSACHUSETTS 02554

Date: July 18, 2014

To: Parties in Interest and Others concerned with the Decision of
The BOARD OF APPEALS in the Application of the following:

Application No: 038-14

Current Owner/Applicant: 22 FEDERAL, LLC, as Owner / CENTRE OF
TOWN, LLC, as Manager and Applicant

Enclosed is the Decision of the BOARD OF APPEALS which has this
day been filed with the office of the Nantucket Town Clerk.

An Appeal from this Decision may be taken pursuant to Section 17
of Chapter 40A, Massachusetts General Laws.

Any action appealing the Decision must be brought by filing a
complaint in Land Court within TWENTY (20) days after this day's
date. Notice of the action with a copy of the complaint and
certified copy of the Decision must be given to the Town Clerk so
as to be received within such TWENTY (20) days.



Eleanor W. Antonietti,
Zoning Administrator

cc: Town Clerk
Planning Board
Building Commissioner/Zoning Enforcement Officer

PLEASE NOTE: MOST SPECIAL PERMITS AND VARIANCES HAVE A TIME LIMIT
AND WILL EXPIRE IF NOT ACTED UPON ACCORDING TO NANTUCKET ZONING
BY-LAW SECTION 139-30 (SPECIAL PERMITS); SECTION 139-32
(VARIANCES). ANY QUESTIONS, PLEASE CALL THE NANTUCKET ZONING BOARD
OF APPEALS OFFICE AT 508-325-7587.

**TOWN OF NANTUCKET
ZONING BOARD OF APPEALS
2 Fairgrounds Road
Nantucket, Massachusetts 02554**

Assessor's Map 42.4.2, parcel 31
22 Federal Street
Commercial-Downtown (CDT)

Certificate of Title No. 25127
Land Court Plan 37392-A

DECISION:

1. A public hearing of the Nantucket Zoning Board of Appeals was held on Thursday, July 10, 2014 at 1PM, at 4 Fairgrounds Road, Nantucket, Massachusetts and the Board made the following decision on the application of **22 FEDERAL, LLC, as Owner, and CENTRE OF TOWN, LLC, as Manager** (the "**Applicant**") c/o ReMain Nantucket LLC, Post Office Box 359, Nantucket, Massachusetts 02554, **File No. 38-14**:

2. Applicant is seeking modification of prior relief by Special Permit in (ZBA File 02-14), registered as Document No. 144114 at the Nantucket Registry District for the Land Court. Applicant proposes to make the following changes: an education curriculum with a focus in hospitality and culinary arts; add a take-out station to the previously approved 45-seat café; eliminating the apartment on the third floor; reduction of the rear yard setback intrusion from 2.8 feet to three (3) feet from the westerly lot line; an extension of the rear yard setback intrusion by three feet towards the northerly lot line on Broad Street. The Locus is situated at 22 Federal Street, is shown on Nantucket Assessor's Map 42.4.2 as Parcel 31, and upon Land Court Plan 37392-A. Evidence of owner's title is recorded at Certificate of Title 25127 on file at the Nantucket County Registry District of the Land Court. The site is zoned Commercial Downtown (CDT).

3. Our decision is based upon the application and accompanying materials, and representations and testimony received at our public hearings. There was no Planning Board recommendation, on the basis that no matters of planning concern were presented. There was no opposition, written or oral, to the application.

4. As presented by the Applicant's representative, the uses approved in the above-referenced Special Permit were classrooms, offices, a 45-seat café, and a third-floor apartment. The proposed uses have been revised to reflect a shift in the educational focus in the building to hospitality and culinary arts. The building will continue to have a mix of classrooms and office spaces, but some of the class space will be used for interactive culinary classes and one classroom will include a demonstration kitchen component. The café, which will still have up to 45 seats, is now proposed to include a take-out station. The apartment originally proposed has

been eliminated from the project. All such uses are permitted by right in the CDT Zoning District.

5. Applicant proposes to provide a three (3) foot setback from the building to the westerly lot line instead of the 2.8 foot setback approved in the original Decision, thereby reducing the intrusion of the building within the rear yard setback. In order to align the new gable originally approved to accommodate a new interior fire stair along the westerly lot line with the existing gable on the Federal Street side, Applicant proposed to extend the building within the rear setback toward the northerly lot line on Broad Street an additional three (3) feet. These changes are shown on the plans of Milton Rowland and Associates submitted to the Board and previously approved by the Historic District Commission. The existing and proposed footprint are shown plan entitled "Site Plan in Nantucket, Ma", prepared by Bracken Engineering Inc. and dated June 5, 2014, a reduced copy of which is attached herewith as "Exhibit A".

6. The relief granted in prior ZBA Decision No. 02-14 remains unchanged, with the exception of parking and loading zone relief which is no longer required*:

- 139-16.E(3) Open space requirement
A waiver is not required when the proposed alterations will bring the locus into compliance with the 20% minimum open space requirement.
 - 139-17.C(5) Height limitations
Buildings in the CDT Zoning District may exceed the thirty (30) foot height limitation provided that the proposed height is complimentary and appropriate to the scale of the adjoining streetscape which is supported by the existence of surrounding buildings of equivalent height and the receipt of approval from the Historic District Commission.
 - 139-18.B(2) Off Street Parking *
 - 139-20.C Off-street loading facilities *
- * *NO LONGER REQUIRED* : Pursuant to passage of Article 62 at the 2014 Annual Town Meeting, amending Section 139-18.A and 139-20.A of the Town Code, no additional parking relief is required in connection with the proposed modifications and off-street loading facilities are prohibited in the CDT zoning district.
- 139-33.A(4) Alterations to pre-existing nonconforming uses
A structure which is pre-existing non-conforming as to use may be extended or altered provided that the proposed changes shall not be substantially more detrimental to the neighborhood than the existing non-conforming use.
 - 139-33.A(5) Extensions to pre-existing nonconforming structures
A structure which is pre-existing non-conforming as to setback distance may be extended when the extension will not increase the setback intrusion.
 - 139-33.E (2) Ground Cover increases to pre-existing nonconforming lots
A lot which is pre-existing non-conforming as to lot size and ground cover may be granted a waiver from the required maximum of 30% when lot area is less than

5,000 square feet in the CDT district where 75% ground cover is permitted. Ground cover of up to 55% is permitted.

10. Accordingly, by UNANIMOUS vote of the sitting Board, the Zoning Board of Appeals grants the requested modification of Special Permits granted in ZBA Decision 02-14 and finds that the amended plans for the renovation and expansion of the pre-existing non-conforming structure for the proposed uses would not be substantially more detrimental to the neighborhood. The Special Permit relief, as specified above, is subject to the following conditions:

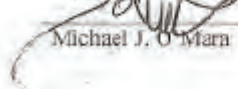
- (a) The project shall be constructed substantially in compliance with the plans approved by the Nantucket Historic District Commission in Certificate of Appropriateness No. 61891 as may be amended, and the site plan prepared by Bracken Engineering, Inc., dated June 5, 2014, a reduced copy of which is attached hereto and marked as "Exhibit A."
- (b) There shall be no alcohol for sale in the café on the premises.
- (c) No exterior construction in connection with the project shall occur between June 15th and October 1st of any given year.

SIGNATURE PAGE TO FOLLOW

Assessor's Map 42.4.2, parcel 31
22 Federal Street
Commercial-Downtown

Certificate of Title No. 25127
Land Court Plan 37392-A

Dated: July 18, 2014


Susan McCarthy

Michael J. O'Mara

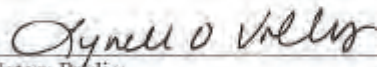
Geoff Thayer


Michael Angelastro

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss

On the 18th day of July, 2014, before me, the undersigned notary public, personally appeared Michael Angelastro, one of the above-named members of the Zoning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he signed the foregoing instrument voluntarily for the purposes therein expressed.


Notary Public:
My Commission Expires:
 **LYNELL D. VOLLANS**
Notary Public
Commonwealth of Massachusetts
My Commission Expires
December 28, 2018



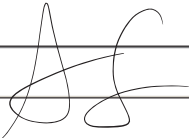
APPLICANT'S STATEMENT

I, Andrea Solimeo the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of Un Altro 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: 7 May 2023

Title: Andrea Solimeo; Co-Owner

CORPORATE VOTE

The Board of Directors or LLC Managers of

Un Altro

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket

City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

May 1, 2023

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

Andrea Solimeo

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

Andrea Solimeo

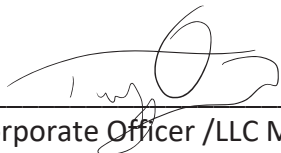
Name of Liquor License Manager

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

A true copy attest,

For Corporations ONLY

A true copy attest,



Corporate Officer /LLC Manager Signature

Corporation Clerk's Signature

Taylor Oliver

(Print Name)

(Print Name)

LICENSE #: TBD-RS-0762

LICENSE FEE: \$3,250.00

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: **Un Altro, LLC**

DBA: Nantucket Culinary Center

PREMISES: 22 Federal Street
Nantucket, MA 02554

MANAGER: **Andrea Solimeo**

ON PREMISES DESCRIBED AS:

First and second floor of licensed premises to include Demonstration Kitchen, Cooking School and Dining Room.

EXCLUDING: Lower level café area..

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 xx day of xx.

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.

LICENSE FEE: **\$100.00**

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

▶ **SEVEN DAYS** ◀

BUSINESS: **Un Altro, LLC**
DBA: **The Corner Table**
PREMISES: 22 Federal Street
Nantucket, MA 02554
MANAGER: **Andrea Solimeo**

LICENSED PREMISES DESCRIBED AS:
First and second floor Demonstration Kitchen, Cooking
School, Dining Room and Lower Level Café.

Conditions of License:

Approved Entertainment:

- AMBIENT MUSIC THROUGH
HOUSE SPEAKERS
- ACOUSTIC ONLY:
INSTRUMENTAL & VOCAL
NO MICROPHONES
- RADIO/CD PLAYER
- (2) WIDESCREEN TV (Over 27")

- **CAFÉ HOURS: 6:00 am to 10:00 pm**
- **SPECIAL EVENT HOURS: 8:00 am to 12:00 am**
- INDOOR ENTERTAINMENT ONLY
- NO OUTDOOR MUSIC PERMITTED
- AMBIENT MUSIC ONLY THROUGH HOUSE
SPEAKERS: (Cafe; Demonstration Kitchen;
Cooking School & Dining Room).

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

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.

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.
A Current Certificate of Inspection with Approved Occupancy Must Always be Posted with this License.**



Agenda Item Summary

Agenda Item #	IX. 8.
Date	5/17/23

Staff

Amy Baxter, Licensing Administrator

Subject

New Liquor License Application – Foggy Bottom Kitchen, LLC dba Foggy Nantucket, located at 147 Orange Street.

Executive Summary

Foggy Nantucket, 147 Centre Street, is applying for a New Seasonal Off-Premise (Package Store) Wine and Malt Beverages Liquor License. Off-Premise Licenses sell pre-packaged Alcohol that must be opened and consumed Off-Premise.

The Applicant has held a Common Victualler License at 147 Centre Street since 2019.

Staff Recommendation

Comments and Consideration:

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

The appropriateness of a liquor license at a particular location

- This location has not previously been the location for a Liquor License.

The number of existing dispensaries in Town

Annual Package Stores – Wine & Malt:	5 (Quota Full)
Annual Package Stores – All Alcohol:	5 (Over quota by 2 Licenses)
Seasonal Package Stores – Wine & Malt:	4 (1 Seasonal Available)
Seasonal Package Stores – All Alcohol:	4
Annual On Premise Licenses:	43
Seasonal On-Premise Licenses:	41

- Package Stores in the Mid-Island and perimeter area:
 - o Hatch's (Annual All Alcohol): 0.2 miles
 - o Nantucket Wine and Spirits (Annual All Alcohol): 0.2 miles
 - o The Islander (Annual All Alcohol): 0.4 miles



- o Nantucket Meat and Fish Market (Annual Wine and Malt): 0.5 miles
- o Old South Liquors (Annual All Alcohol): 0.7 miles

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

- No written comments received as of May 10, 2023

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

- Foggy Nantucket is located in the Mid-Island District.

The sort of operation that carries the license

- The Applicant operates a year-round establishment selling salads, sandwiches, pizza, prepared foods, etc. The location is licensed as a Common Victualler.

The reputation of the applicant

- The Applicant has operated Foggy Nantucket since 2019 with no complaints or violations. The Applicant has been one of the few truly year-round operations the past few years and makes every effort to remain open in the off-season. The application is for a Seasonal License as that is the only Class available.

Background/Discussion

- See attached Quota reports for more information on the quota process for Section 15 (Off-Premise Licenses).
- There is only one available Section 15 License for Nantucket. This application is for that last remaining license and no other applications have been requested or received.

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

Click or tap here to enter text.

Board/Commission Recommendation

N/A

Public Outreach

Click or tap here to enter text.

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

Click or tap here to enter text

Attachments

New Liquor License ABCC Application; ABCC Summary Form; Public Notice; Quota Report; Map of Package Stores



PUBLIC NOTICE

Please be advised that the Select Board will hold a public hearing on Wednesday, May 17, 2023 at 5:30 PM to consider a New Seasonal Wine and Malt Beverages Package Store License for Foggy Bottom Kitchen, LLC d/b/a Foggy Nantucket, located at 147 Orange Street, Nantucket, MA 02554, Shaun Riley, 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.

E12

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

Please be advised that the Select Board will hold a public hearing on Wednesday, May 17, 2023 at 5:30 PM to consider a New Seasonal Wine and Malt Beverages Package Store License for Foggy Bottom Kitchen, LLC d/b/a Foggy Nantucket, located at 147 Orange Street, Nantucket, MA 02554, Shaun Riley, 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.

SELECT BOARD

Description of Proposed Premises:

First Floor of building - Consisting of one large sales floor, 1 mop closet, 1 bathroom, & 1 locked storage area for malt & wine storage. Consisting of 737 total square feet. We are looking for One double door Beer/wine cooler measuring 54x31 & one wine rack with dimensions of 8x6x2.

Additional Application Information:

The license being applied for would be valid for liquor sales between April 1 - January 15 as a Seasonal License. The establishment would still be able to serve and sell food on an Annual basis but without alcohol sales between January 15 and April 1. there are currently no Annual Off-Premise Licenses available and 1 Seasonal Off-Premise license available per the vote by Select Board on 3-15-23 of a seasonal population of 45,000.

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

LICENSE #: TBD-PK-0762

LICENSE FEE: \$2,000.00

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

TO BE CONSUMED OFF THE PREMISES

BUSINESS: Foggy Bottom Kitchen, LLC

DBA: FOGGY NANTUCKET

PREMISES: 147 Orange Street
Nantucket, MA 02554

MANAGER: Shaun Riley

PREMISES DESCRIBED AS:

First Floor of building- Consisting of one large sales floor, 1 mop closet, 1 bathroom, & locked storage area for malt & wine storage. Consisting of 737 total square feet. One double door Beer/wine cooler measuring 54x31 & one wine rack with dimensions of 8x6x2.

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 sold alcoholic beverages after 11:00PM**, including Sundays, or after 11:30PM on the day immediately before a legal holiday. **Sunday sales shall not begin until 10:00 AM.** Package stores shall not sell or deliver alcoholic beverages on Thanksgiving Day or Christmas Day. Package stores may not sell alcoholic beverages until 12:00 noon on Memorial Day. Any restrictions apply as are on file by 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 xxday of xx 2023.

Chair, Select Board

THIS LICENSE IS VALID APRIL 1, 2023 – JANUARY 15, 2024

**Unless earlier suspended, cancelled, or revoked*



LIQUOR LICENSING || **ANNUAL §15 QUOTAS**

ANNUAL PACKAGE STORE LICENSE QUOTAS (Section 15 – Off-Premise)

The Annual Package Store Quota is based on Federal Census Population and determined every 10 years. The current Quota outlined below was set in 2020 with a Nantucket population of 14,255 as set by the Secretary of the Commonwealth. The previous population for 2010-2020 was 10,172.

M.G.L. c. 138, §15: Each city or town may issue one Annual off-premises (Section 15) all-alcoholic beverages license for each unit of 5,000 persons (or fraction thereof) with a minimum of 2. One wine and malt license may be granted for each unit of 5,000 persons (or fraction thereof) with a minimum of 5. If a community has one or more licenses over the stated figures authorized, such licenses can continue. However, if such licenses are surrendered, rescinded, cancelled or revoked, they cannot be replaced by new applicants.

ANNUAL ALL ALCOHOL PACKAGE STORE LICENSES

Quota: 3 Licenses

Total Licenses in 2023: 5 (Once Surrendered, this type of License can NOT be reissued)

- Hatch's 133 Orange Street
- The Islander 15 Old South Road
- Murray's 23 Main Street
- Nantucket Wine and Spirits 31 Sparke Avenue
- Old South Liquors 2 Lovers Lane

ANNUAL WINE AND MALT PACKAGE STORE LICENSES

Quota: 5 Licenses

Total Licenses in 2023: 5 Licenses

Available: 0

- Pip and Anchor 14 Amelia Drive
- Nantucket Trading Post 12 Nobadeer Farm Road
- Bartlett's 33 Bartlett Farm Road
- Nantucket Meat and Fish Market 21 Old South Road
- Born & Bread 35 Center Street



Town & County of NANTUCKET, MA

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

LIQUOR LICENSING || SEASONAL §15 QUOTAS

SEASONAL PACKAGE STORE LICENSE QUOTAS (Section 15 – Off-Premise)

Seasonal Package Store Licenses - Quota is based on Projected Population as of July 10th. The Select Board must approve the Seasonal Population increase every year. The 2023 Population Estimate is 45,000, which allows for a total of **9 Seasonal Package Stores**.

M.G.L. c. 138, §15: The LLA may issue a limited number of seasonal off-premises alcoholic beverages licenses based on an estimate of the temporary increase in resident population for the upcoming season as of July 10th. The LLA must set the estimate and submit the estimate to the Commission.

The LLA may issue off-premises seasonal licenses based on that estimate at the rate of one license for each 5,000 persons (or fraction thereof) and can be issued effective April 1st to November 30th until January 15th, or any portion thereof, as set by the LLA.

SEASONAL PACKAGE STORE LICENSES

ESTIMATED POPULATION of 45,000

Quota:	9 Licenses
Total Licenses in 2022:	8 Licenses
Available Licenses in 2023:	1 License (Can be either All Alcohol or Wine and Malt)

- | | |
|-------------------------|-----------------------|
| • 167 Raw | 167 Hummock Pond Road |
| • BRIX | 1 A Windy Way |
| • Current Vintage | 4 Easy Street |
| • Epernay | 1 North Beach Street |
| • Harpoon Liquors/Fresh | 3 Salem Street |
| • Millie's Market | 1 Miller's Way |
| • 'Sconset Bookstore | 100 Sankaty Avenue |
| • The Green Market | 4 India Street |



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

Off-Premises-15

TYPE

§15 Package Store

CATEGORY

Wines and Malt Beverages

CLASS

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.

Just looking to have Wine and Malt beverages customers are asking to purchase when picking up their orders instead of sending them elsewhere

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

Foggy Bottom Kitchen LLC

FEIN

83-3696454

DBA

Foggy Nantucket

Manager of Record

Shaun Riley

Street Address

147 Orange St

Phone

5

Email

office@foggybottomnantucket.com

Alternative Phone

Website

www.foggynantucket.com

3. DESCRIPTION OF PREMISES

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

First Floor of building - Consisting of one large sales floor, 1 mop closet, 1 bathroom, & 1 locked storage area for malt & wine storage. Consisting of 737 total square feet. We are looking for One double door Beer/wine cooler measuring 54x31 & one wine rack with dimensions of 8x6x2.

Total Square Footage:

737

Number of Entrances:

1

Seating Capacity:

0

Number of Floors

1

Number of Exits:

2

Occupancy Number:

4. APPLICATION CONTACT

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

Name:

Shaun Riley

Phone:

Title:

Owner/ Operator

Email:

office@foggybottomnantucket.com

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	LLC	Date of Incorporation	2/19/19
State of Incorporation	Massachusetts	Is the Corporation publicly traded?	☐ Yes ☒ No

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

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

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

Name of Principal	Residential Address	SSN	DOB
Shaun Riley			

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

Name of Principal	Residential Address	SSN	DOB
Mary Tierce			

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

Name of Principal	Residential Address	SSN	DOB

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

Name of Principal	Residential Address	SSN	DOB

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

Name of Principal	Residential Address	SSN	DOB

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

Additional pages attached? ☐ Yes ☒ No

CRIMINAL HISTORY

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

☐ Yes ☒ No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

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

Name	License Type	License Name	Municipality

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

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

Name	License Type	License Name	Municipality

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

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

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

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

7. OCCUPANCY OF PREMISES

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

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

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

APPLICATION FOR A NEW LICENSE

8. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	
B. Purchase Price for Business Assets	
C. Other * (Please specify below)	
D. Total Cost	0

*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
none	
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.
none			☐ 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.

No renovations - No funding needed

9. PLEDGE INFORMATION

Please provide signed pledge documentation.

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

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

To whom is the pledge being made?

10. MANAGER APPLICATION

A. MANAGER INFORMATION

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

Proposed Manager Name 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.

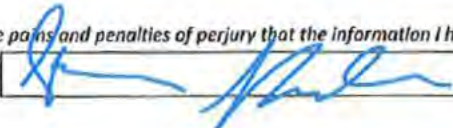
Start Date	End Date	Position	Employer	Supervisor Name
2/1/19	current	Owner/Operator	Foggy Bottom Kitchen LLC	
1/1/14	2/1/19	Executive Chef	Brotherhood of Thieves	Don Kolp
1/1/10	12/31/13	Executive Chef	Cowboy's Meat Market	Laura McCloskey
1/1/03	12/31/09	Executive Chef	Evern Keel / Jetties	Marshall Thompson

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

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:

ADDITIONAL INFORMATION

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

No Renovation of space to accomidate Wine and Malt Beverage Sales. We have a Fully lockable room that can be used solely for Malt and wine beverage storage. Not looking to reinvent ourselves - Just wanting to add a product that our customers are asking for when picking up PIZZA & BBQ.

APPLICANT'S STATEMENT

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

Of Foggy Bottom Kitchen, 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: 4/4/23

ENTITY VOTE

The Board of Directors or LLC Managers of

Foggy Bottom Kitchen, 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

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

Shaun Riley

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

Shaun Riley

Name of Liquor License Manager

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

A true copy attest,

For Corporations ONLY

A true copy attest,

Corporate Officer /LLC Manager Signature

Corporation Clerk's Signature

(Print Name)

(Print Name)

COMMERCIAL LEASE

THIS LEASE MADE this as of the 15 day of February, by and between MIYC, LLC, a Massachusetts Limited Liability Company, with a mailing address of 1 Chins Way, Nantucket, Massachusetts 02554, hereinafter referred to as LESSOR and FOGGY BOTTOM KITCHEN, LLC, a Massachusetts Limited Liability Company, with a mailing address of 106 Old South Road, Nantucket, Massachusetts 02554, hereinafter referred to as LESSEE:

WITNESSETH: That LESSOR, in consideration of the rents, covenants and agreements of LESSEE, hereinafter set forth, does by these presents let, lease, demise and rent to said LESSEE the properties known as **147 Orange Street, Lower Level**, Nantucket, MA said space being hereinafter referred to as the "Premises".

SECTION 1 - TERM

To have and to hold the same for a period of year (1) years beginning February 15, 2023 and ending February 15, 2023. (hereinafter "Term").

SECTION 2 - PAYMENTS

LESSEE, in consideration of leasing the Premises as above set forth, shall pay to LESSOR, its successors and assigns, as rent, the following:

SECTION 3 - USE OF PREMISES

LESSEE shall use the Premises solely as commercial space, and it will consist of a bakery, coffee products, prepared foods and such other lawful uses as shall be incidental thereto. The premises will be open seven (7) days a week, and the intended are hours are 6 a.m. to 6 p.m. LESSEE shall have access to shared parking spaces at the rear of the building.

No trade or occupation shall be conducted on the Premises or use made thereof which shall be unlawful, improper, noisy, offensive, or contrary to any law or regulation. LESSEE shall not permit the use of environmentally hazardous materials on the Premises.

SECTION 4 - COMPLIANCE WITH LAW AND INSURANCE POLICIES

LESSEE, at LESSEE's sole cost and expense, shall comply with all laws, orders and regulations of federal, state, county and town authorities and with any direction of any public officer or officers and shall obtain all licenses and permits, if any, required to operate LESSEE's business at the Premises. LESSEE shall not do, or permit to be done, anything upon the Premises which will invalidate, or be in conflict with, fire insurance policies covering the Building and fixtures and property therein and shall not do or permit to be done anything upon the Premises which might subject LESSOR to any liability or responsibility for injury to any person or to property and LESSEE at

LESSEE shall purchase and maintain in force at LESSEE's sole cost and expense, with respect to the Premises, comprehensive general liability insurance with minimum limits of One Million (\$1,000,000) Dollars per occurrence and Two Million (\$2,000,000) Dollars in the aggregate naming LESSOR as an additional named insured for and during the term of this Lease. Additionally, LESSEE must also maintain Workers Compensation, and carry separate insurance coverage on the business personal property. LESSEE must deposit with LESSOR certificates for such insurance at the commencement of this Lease. This Lease contains a waiver of subrogation.

SECTION 6 - MAINTENANCE — NON STRUCTURAL

LESSEE shall maintain and keep in a good and orderly state of repair and appearance all interior non-structural parts of the Premises, including (but not exclusively) all doors, windows, painted or finished surfaces, wall coverings, and light fixtures.

If LESSEE defaults in these maintenance obligations, LESSOR has the right (after 30 days notice from LESSOR to LESSEE) to make repairs at LESSEE's expense and the cost of such repairs shall be Additional Rent.

SECTION 7 - WASTE

LESSEE shall not overload, damage or deface the Premises, nor suffer or permit same to be done, nor commit waste, nor without LESSOR's prior written consent permit any hole to be made in the exterior of the Building.

SECTION 8 - MAINTENANCE - STRUCTURAL

LESSOR shall maintain all exterior and structural portions of the Premises, including (but not limited to) roof, walls, floors (but not floor coverings or finish), gutters, down spouts, stairs and stairwells and all common utility systems which serve more than one leased unit in the Building, such as wires and pipes. LESSOR will also install, at its sole cost and expense, floor drains as required by the Nantucket Board of Health.

SECTION 9 - UTILITIES

The subject premises shall be separately metered. LESSEE shall be responsible for and assume the costs of all utilities consumed by the LESSEE during the term of this Lease, and shall make payments directly to the utility companies including, but not limited to the electric company, water company and gas company. LESSEE will also be responsible for trash pick-up several times a week, and the pro rata sewer/water bill for the subject premises.

SECTION 10 - ALTERATIONS AND RENOVATIONS

It is agreed that, subject to the written consent of LESSOR first being obtained, which consent shall not be unreasonably withheld, LESSEE may make such interior and non-structural alterations and renovations as may be required for LESSEE's use of the Premises. Any alterations and installations shall become the property of LESSOR when completed and paid for by the LESSEE, and shall remain with and be part of the Premises at the end of the Term. LESSEE is also responsible for obtaining building permits for such alterations and renovations, if required.

SECTION 11 - LESSEE'S RISK

Except as modified by statute, all merchandise, furniture, fixtures and property which may be on or about the Premises shall be at the sole risk and hazard of LESSEE and, if the whole or any part of the Premises is destroyed or damaged by fire, water, or by the testing, vibration, or explosion of water pipes, or in any other manner or act of nature,

damages shall be repaired by and at the expense of LESSOR and the rent, until such repairs are made, shall be apportioned according to the part of the Premises which is usable by LESSEE. If such partial damage is due to the fault or neglect of LESSEE, LESSEE's servants, employees, agents, visitors or licensees, without prejudice to any other rights and remedies of LESSOR's insurer, the damages shall be repaired by LESSOR, but there shall be no apportionment of or abatement of rent. No penalty shall accrue for reasonable delay, which may arise by reason of adjustment of insurance on the part of LESSOR or LESSEE or for reasonable delay on account of any other cause beyond LESSOR's control. LESSOR is not required to repair or replace any damaged items installed by LESSEE. If the Premises are totally damaged or are rendered wholly untenable by fire or other cause and if LESSOR shall decide not to restore or rebuild the same or if the Building shall be so damaged that LESSOR shall decide to demolish it or to rebuild it, then, in any event, LESSOR shall, within thirty (30) days after such fire or other damage, give to LESSEE written notice of such decision and, thereupon, the term of this Lease shall expire by lapse of time upon the third day after such notice is given, LESSEE shall vacate the Premises promptly and surrender the same to LESSOR, and any prepaid rent shall be proportionally refunded.

SECTION 13 - SIGNS

LESSEE shall erect no signs at the Premises without first obtaining the written consent of LESSOR, which consent shall not unreasonably be withheld. LESSEE is also responsible for obtaining all necessary regulatory consent for such signs by the Nantucket Historic Commission and the Nantucket Sign Committee.

SECTION 14 - EMINENT DOMAIN

If the whole or any part of the demised Premises shall be acquired or condemned by Eminent Domain for public or quasi-public use or purposes, then the term of this Lease shall cease and terminate from the date of title vesting in such proceeding.

SECTION 15 - INDEMNIFICATION

LESSEE shall save and hold LESSOR harmless and will exonerate and indemnify LESSOR, from and against any and all claims, liabilities or penalties on account of or based upon any injury to person or loss of or damage to property sustained on or, in or about the Premises, arising out of the use or occupancy of the Premises by the LESSEE or by any person claiming by, through or under LESSEE, except where caused by fault or misconduct, or action or inaction of LESSOR or its employees, agents, or invitees.

SECTION 16 - LESSOR'S RIGHT TO ENTER

LESSOR, or its authorized agent, shall have the right to enter upon the Premises at reasonable times after reasonable notice during the term of this Lease to view the same, to determine whether the terms and conditions of this Lease are being observed by LESSEE and to show the Premises to prospective tenants or purchasers. LESSEE shall provide LESSOR with a working key to the Premises.

SECTION 17 - FIXTURES AND REMOVAL OF FIXTURES

LESSOR agrees that, at the end of the Lease term or upon any earlier termination thereof, and provided that LESSEE is not then in default, LESSEE may remove any and all furnishings, fixtures and equipment of LESSEE. LESSEE agrees to repair such areas of the Premises as may be damaged by the removal of such fixtures. LESSOR shall have no liability for damage to or destruction of any property of LESSEE.

SECTION 18 - ASSIGNMENT -- SUBLEASING

LESSEE shall not assign, sublet, underlet, mortgage, pledge or encumber this Premises or permit the Premises, or any part thereof, to be used by others without

and deliver such agreement of subordination and other instruments as may be reasonably required by LESSOR, provided such agreement or other instruments grant non-disturbance to LESSEE by LESSOR's successors so long as LESSEE is not in default of this Lease.

SECTION 20 – PERCENTAGE RENT

In addition to the rent specified above in Section 2, Lessee agrees to pay LESSOR a percentage rent for each lease year of the term, a sum equal to five (5%) percent by which the gross sales exceed the base gross of Eight Hundred Fifty Thousand (\$850,000) Dollars. The percentage rent will be due and payable ten (10) days after January 15, 2023 if gross sales for the twelve-month period exceed the breakpoint of \$850,000. LESSEE will provide copies, on a monthly basis of gross sales, and copies of the monthly meal tax reports.

SECTION 21 - VACATING AT LEASE TERMINATION

At the end of the Lease term, or upon any earlier termination thereof, LESSEE shall vacate the Premises and leave the same in a neat and clean condition and in a state of repair and condition as good as the state of repair and condition at the beginning of the term hereof, wear and tear excepted. LESSEE shall at the expiration or other termination of this Lease or any extension thereof, remove all LESSEE's goods and effects from the Premises and deliver the Premises in good, clean condition. In the event of the LESSEE's failure to remove any of LESSEE's personal property or trade fixtures from the Premises after ten (10) days written notice from LESSOR, LESSOR is hereby authorized to retain or dispose of same or to sell same at public auction or private sale without further notice to LESSEE.

SECTION 22 - EXTENSION OF TERM

If LESSEE is not in default under this Lease, sixty (60) days prior to the termination of this Lease, LESSOR and LESSEE may renegotiate the terms and conditions of a new Lease, and the new Lease will be based on Cost-of-Living Adjustments and other pertinent increases and adjustments.

SECTION 23 – PERSONAL GUARANTORS

Shaun Riley and Mandy Riley are hereby personally guaranteeing any and all obligations of the Foggy Bottom Kitchen, LLC. Any debt that is owed by the Lessee in accordance with this Lease, if said Lessee defaults, will be the sole individual responsibility of Shaun Riley and Mandy Riley.

SECTION 24 - MISCELLANEOUS

A. Estoppel. No consent or waiver, express or implied by either party, to or of any breach of any covenant, condition or duty of the other, shall be construed as a consent or waiver to or of any other breach of the same or any other covenant, condition or duty.

B. Parties Bound. The reference to LESSEE shall be deemed to include all successors and assigns, and the references to LESSOR shall be deemed to include the

D. Severability. Each and every provision of this Lease is intended to be severable. If any term or provision hereof is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the Lease.

E. Entire Agreement. This Lease supersedes all prior agreements and Leases between the parties relating to the subject matter hereof, and any agreement hereafter made shall not operate to change, modify, terminate or discharge this Lease in whole or in part unless such agreement is in writing and signed by each of the parties hereto.

F. Representations. LESSOR has made no representations or promises with respect to the Premises except as are expressly set forth herein.

G. Captions. The captions contained in the Lease are for convenience only, and shall not be utilized in the construction or interpretation of this Lease.

H. Notice: Any and all notice given or required to be given hereunder shall be given in writing and delivered in hand or by certified or registered mail, postage prepaid, addressed to the parties as follows:

To LESSOR: MIYC, LLC
 1 Chin's Way
 Nantucket, MA 02554

To LESSEE: Foggy Bottom Kitchen, LLC
 106 Old South Road
 Nantucket, MA 02554

All notices shall be deemed received on or before three (3) days after mailing.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals intending to be bound, jointly and severally, and thereby intending to bind their executors, administrators, heirs, successors and assigns this day and year first above written.

LESSOR:

MIYC, LLC, a Massachusetts Limited
Liability Company

By:



Patrick J. Ridge, Manager



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$500.00

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

Certificate of Organization

(General Laws, Chapter)

Identification Number: 001369455

1. The exact name of the limited liability company is: FOGGY BOTTOM KITCHEN LLC

2a. Location of its principal office:

No. and Street: 106 OLD SOUTH RD
City or Town: NANTUCKET State: MA Zip: 02554 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: 106 OLD SOUTH RD
City or Town: NANTUCKET State: MA Zip: 02554 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:

TO GO RESTAURANT

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: AMANDA RILEY
No. and Street: 106 OLD SOUTH RD
City or Town: NANTUCKET State: MA Zip: 02554 Country: USA

I, AMANDA RILEY resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute

NANTUCKET, MA 02554 USA

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	SHAUN RILEY	106 OLD SOUTH RD NANTUCKET, MA 02554 USA
REAL PROPERTY	AMANDA RILEY	106 OLD SOUTH RD NANTUCKET, MA 02554 USA

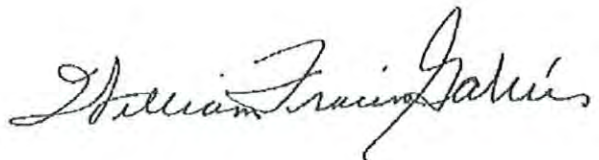
9. Additional matters:

SIGNED UNDER THE PENALTIES OF PERJURY, this 19 Day of February, 2019,
CHEYENNE MOSELEY, ASST. SECRETARY, LEGALZOOM.COM, INC., A CA CORPORATION
(The certificate must be signed by the person forming the LLC.)

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 19, 2019 02:43 PM

A handwritten signature in cursive script, reading "William Francis Galvin". The signature is written in dark ink and is positioned above the printed name and title.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

Corporations Division

Business Entity Summary

ID Number: 001369455

[Request certificate](#)

[New search](#)

Summary for: FOGGY BOTTOM KITCHEN LLC

The exact name of the Domestic Limited Liability Company (LLC): FOGGY BOTTOM KITCHEN LLC

Entity type: Domestic Limited Liability Company (LLC)

Identification Number: 001369455

Date of Organization in Massachusetts:
02-19-2019

Last date certain:

The location or address where the records are maintained (A PO box is not a valid location or address):

Address: 147 ORANGE ST

City or town, State, Zip code, NANTUCKET, MA 02554 USA
Country:

The name and address of the Resident Agent:

Name: AMANDA RILEY

Address: 106 OLD SOUTH RD

City or town, State, Zip code, NANTUCKET, MA 02554 USA
Country:

The name and business address of each Manager:

Title	Individual name	Address

In addition to the manager(s), the name and business address of the person(s) authorized to execute documents to be filed with the Corporations Division:

Title	Individual name	Address
SOC SIGNATORY	AMANDA RILEY	106 OLD SOUTH RD NANTUCKET, MA 02554 USA
SOC SIGNATORY	SHAUN RILEY	106 OLD SOUTH RD NANTUCKET, MA 02554 USA

The name and business address of the person(s) authorized to execute, acknowledge, deliver, and record any recordable instrument purporting to affect an interest in real property:

Title	Individual name	Address
REAL PROPERTY	AMANDA RILEY	106 OLD SOUTH RD NANTUCKET, MA 02554 USA

REAL PROPERTY	SHAUN RILEY	106 OLD SOUTH RD NANTUCKET, MA 02554 USA
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Consent	Confidential Data	Merger Allowed	Manufacturing
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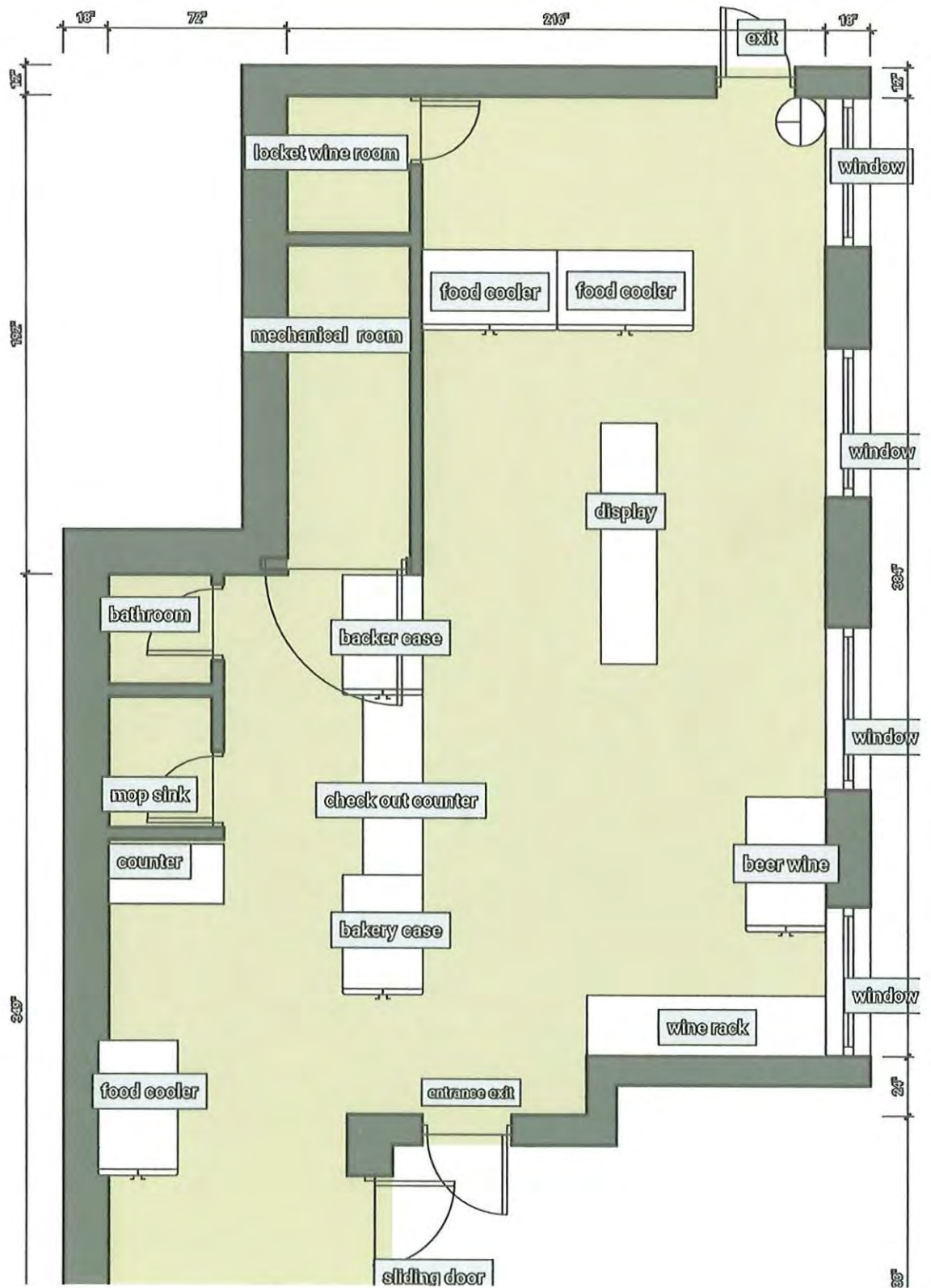
View filings for this business entity:

ALL FILINGS
Annual Report
Annual Report - Professional
Articles of Entity Conversion
Certificate of Amendment

[View filings](#)

Comments or notes associated with this business entity:

[New search](#)





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee Foggy Bottom Kitchen LLC

DBA Foggy Nantucket

Street Address 147 Orange Street

Zip Code 02554

Manager Shaun Riley

Granted under
Special Legislation? Yes ☐ No ☐

\$15 Package Store

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

First Floor of building- Consisting of one large sales floor, 1 mop closet, 1 bathroom, & locked storage area for malt & wine storage. Consisting of 737 total square feet. One double door Beer/wine cooler measuring 54x31 & one wine rack with dimensions of 8x6x2.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:

Date

05/02/2023

Time

4:37 pm

Advertised

Yes ☒ No ☐

Date Published

05/04/2023

Publication

Inquirer and Mirror

Abutters Notified:

Yes ☐ No ☐

Date of Notice

05/06/2023

Date APPROVED by LLA

05/17/2023

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

MID-ISLAND OFF-PREMISE LICENSES (PACKAGE STORES)

 HATCH'S - ANNUAL ALL ALCOHOL

 APPLICANT: FOGGY NANTUCKET - SEASONAL WINE/MALT

 ACK WINE & SPIRITS - ANNUAL ALL ALCOHOL

 ISLANDER - ANNUAL ALL ALCOHOL

 ACK MEAT & FISH - ANNUAL WINE & MALT

 PIP & ANCHOR - ANNUAL WINE & MALT

 OLD SOUTH LIQUORS
ANNUAL ALL ALCOHOL



Agenda Item Summary

Agenda Item #	IX. 9.
Date	5/17/23

Staff

Amy Baxter, Licensing Administrator

Subject

Entertainment License Modification Application – Servedwell Brotherhood, LLC, dba The Brotherhood of Thieves, 23 Broad Street, James T. Stombino, Manager; Jonas Baker, General Manager.

Executive Summary

The Applicant seeks a Modification of their Entertainment License for the operation of The Brotherhood of Thieves at 23 Broad Street.

The Licensee was approved for a modification to their Special Permit by the Planning Board on April 10, 2023.

Staff Recommendation

Licensing has worked with the applicant to find some compromise here and connect with the Abutters. The General Manager, Jonas Baker has committed to being the connection with the Abutters and to be responsible for compliance with the conditions as approved by the Planning Board and if approved further by Select Board. An adjacent establishment, The Nantucket Tap Room is allowed to have a television and background music on a similar patio that is part of a Hotel.

Jonas Baker has a very long and consistent record in the restaurant community of compliance and solid management. The first year of operation for this Licensee has been solid and the operators did stand by the commitment to be open year-round and was one of the few consistent establishments open all off-season.

The Abutters have voiced opposition to any allowance of outdoor music or events on the patio. There were 3 Noise complaints received by the Police Department from an abutting property this year. The responding officers did not find a violation, however there was discussion with the abutters of possible License violation with Interior Live music and other situations. We did not find there to be serious violations of any license conditions, however we committed to providing an avenue of communication to report License violations more directly so inspections can be made. Serious and immediate needs for relief from noise or other violations should still be reported to NPD through dispatch.

The overall recommendation is to consider both arguments here at the hearing to determine the best way to find compromise to allow additional avenues for the business to be successful and respect



Abutters enjoyment of their properties. Licensing has trust in the applicant and their ability to communicate and address their needs.

Background/Discussion

1. Please see noted amendments to the Major Commercial Development Special Permits from the Planning Board for use of the property at 23 Broad Street. The written decision and meeting notes have not been released.
 - a. ~~“That no exterior speakers be located on the premises.” PB #13-04 (Condition #7)~~

Low Level Pre-Recorded Background Music allowed on patio until 11:00 pm June 1 – October 1. Allowed until 10 pm October 1 – June 1.

↳(Applicant is only asking for patio music until 10:00 pm with 4 low speakers pointed towards Broad Street)
 - b. ~~“That no music may be played or performed outside at any time.” PB #13-04 (Condition #8)~~
 - c. “That only low level, indirect lighting shall be utilized on the patio unless the patio is covered with an awning or roof. All lighting on the patio shall be extinguished by 11:30 pm.” MCD 13-04 (Condition #18 - Modification #2)
 - d. “That all service on the patio and the associated bar cease by 11:00 pm. The patio shall be completely closed and any remaining customers shall have been relocated to the interior of the building.” MCD 13-04 (Condition #19 - Modification #2)
 - e. Allowed expansion of patio area for a total maximum occupancy of 80 seats. Original MCD Decision (PB#13-04, Condition 4) allowed for total capacity of 60 seats on patio and maximum of 8 bar seats. PB #04-15

In addition, the Planning Board approved the following:

1. Ground Floor Level Interior Live Music until 11:00 pm.
↳Licensee already approved for Interior music until 1:00 am. The request is for occasional acoustic guitar performer with no additional amplification.
2. Stand-up cocktail receptions for private events on the patio when closed for public dining.
↳Licensee would like the ability to host on occasion a private reception for community groups or a private party with stand-up cocktail and food service. There will be no increase in occupancy and the number can be limited at the request of the Select Board.

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

Click or tap here to enter text.

Board/Commission Recommendation

N/A



Public Outreach

Click or tap here to enter text.

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

Click or tap here to enter text

Attachments

Entertainment License Modification Application; Draft of Recommended Entertainment License; KP Law
Entertainment Licensing Summary



PUBLIC NOTICE

Please be advised that the Select Board will hold a public hearing on Wednesday, May 17, 2023 at 5:30 PM to consider an Entertainment License Amendment Application for Servedwell Brotherhood, LLC, d/b/a The Brotherhood of Thieves, located at 23 Broad Street, Nantucket, MA 02554, James Strombino, Manager. The alteration application requests the addition of background music on the outdoor patio and Live Music on the ground floor level per approval of a Special Permit Amendment. 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.

E14

SELECT BOARD



Town & County of
NANTUCKET, MA

LICENSING & PERMITS
PSF, 4 Fairgrounds Road, M-F 8am-4pm
508-325-4100, x5917 x5832
licensing@police.nantucket-ma.gov

ENTERTAINMENT LICENSE AMENDMENT APPLICATION

APPLICANT INFORMATION

Business Name (ex. Nantucket Restaurant, LLC)*

Servedwell Brotherhood, LLC

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

The Brotherhood of Thieves

First Name of Primary Contact*

Jonas

Last Name of Primary Contact*

Baker

Title of Primary Contact

General Manager

i.e. Owner; Business Manager;
Attorney

Cell/Phone Number of Primary Contact:*

Email of Primary Contact*

jonas@brotherhoodnantucket.com

Additional Contact

Submit Additional contacts you would like included on Licensing communications.

LICENSE APPLICATION

Licensed Premise Address*

23 Broad Street

Please describe the proposed licensed premises to include interior and exterior spaces for all Entertainment (pre-recorded music, live music and entertainment, etc.)

Exterior Patio with occupancy of 80. Request to add patio to Entertainment License per approval by Planning Board to add low level pre-recorded background music until 10pm daily. There will be 4 low speakers directed towards Broad Street. License currently allows for Live Music in Interior until 10pm and pre-recorded background music until 1:00 am. The request includes addition of Live Music on ground level - acoustic non-amplified music.

Stand-up cocktail reception service for special events. No increase in occupancy or additional entertainment. Approved by Planning Board as an amendment to Special permit.

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

- ☐ Yes
☒ No

Describe renovations plan**Planning Board/Zoning**

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

- ☐ Yes, Pending Hearing/Final Decision
☒ Yes, Approved but written decision not yet issued
☐ Yes, Decision included with Application
☐ No
☐ Unsure of status

ENTERTAINMENT FOR ON-PREMISE LICENSES

Select all that apply to your plan for Entertainment.

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

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

☐ Yes

☒ No

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

Entertainment Hours

Non-Live until 10:00 pm on patio

Non-Live until 1:00 am Interior

Live Interior until 10:00 pm

Please provide requested hours for Entertainment - Interior and Exterior.

Describe Entertainment Plan

Addition of low level background music for patio for dining and cocktail receptions. No Live or amplified music on patio. Live Music on upper level until 10pm to include instrumental and DJ for events on a limited basis. Live acoustic music on ground level dining area with no additional amplification.

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

Upload Documents

No file chosen

Upload Additional Documents/Inspections/Permits required for this application. All additional documents may also be submitted in person at 4 Fairgrounds Road or emailed to licensing@police.nantucket-ma.gov.

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No file chosen

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ADDITIONAL COMMENTS, QUESTIONS

Let us know anything we haven't covered above or can assist with that has not been addressed.

COMMENTS

COMMENTS

Additional Documents

No file chosen

Additional Documents

No file chosen

ACTION ITEMS

LICENSE FEE: **\$100.00**

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

► **SEVEN DAYS** ◀

BUSINESS: Servedwell Brotherhood, LLC

DBA: The Brotherhood of Thieves

PREMISES: 23 Broad Street

Nantucket, MA 02554

MANAGER: James T. Strombino

LICENSED PREMISES DESCRIBED AS: Two-Story Building, Street Level and First Floor Restaurant. All Egresses on Broad Street. **Interior Premises Only.**

COI and approved Occupancy of Premises must be displayed with this license at all times.

Approved Interior Entertainment:

- LIVE ENTERTAINMENT
- DISC JOCKEY
- STREAMING MUSIC
- TELEVISION
- HOUSE SYSTEM FOR SOUND/NO ADDITIONAL AMPLIFICATION

Conditions of License:

- NO OUTDOOR SPEAKERS, MUSIC OR ENTERTAINMENT per MCD #13-04.
- EXTERIOR PATIO: LOW LEVEL BACKGROUND PRE-RECORDED MUSIC (4 low speakers facing Broad Street) per MCD#13-04.
- OUTDOOR MUSIC TO END BY 10:00 PM
- STAND-UP RECEPTIONS ALLOWED FOR PRIVATE EVENTS ONLY.
- NO STAGING; PLATFORMS; DANCE FLOOR.
- WINDOWS/DOORS CLOSED FOR ENTERTAINMENT.
- **INTERIOR HOURS/NON-LIVE BACKGROUND MUSIC: 12:00 pm to 1:00 am.**
- **INTERIOR HOURS/LIVE ENTERTAINMENT/DJ: 5:00 pm to 10:00 pm.**

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 xx.

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.

A Current Certificate of Inspection with Approved Occupancy Must Always be Posted with this License.



**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

Please be advised that the Select Board will hold a public hearing on Wednesday, May 17, 2023 at 5:30 PM to consider an Entertainment License Amendment Application for Servedwell Brotherhood, LLC, d/b/a The Brotherhood of Thieves, located at 23 Broad Street, Nantucket, MA 02554, James Strombino, Manager. The alteration application requests the addition of background music on the outdoor patio and Live Music on the ground floor level per approval of a Special Permit Amendment. 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.

SELECT BOARD

Description of Proposed Premises:

Application Amendment applies to outdoor patio. Application requests pre-recorded background music on patio until 10pm. Placement of 4 low speakers pointed out towards Broad Street. Additional request to add acoustic Live Entertainment on the ground floor interior level until 1am. Application requests limited special events that allow for standing 'cocktail hour' service and NO increase in occupancy.

Additional Application Information:

Approval of Amendment to MCD #13-04 was received from the Planning Board at its April 10, 2023 Meeting. The Approval allowed for pre-recorded background music only on the outdoor patio until 11:00 pm; 'Stand-Up' liquor service on the patio for Special Events Only; Live Music allowed until 1am in the interior ground floor level.

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..... 23 Broad Street Owner LLC
MAILING ADDRESS..... c/o Sarah F. Alger, P.C., Four North Water Street, Nantucket, MA 02554
PROPERTY LOCATION..... 23 Broad Street
ASSESSORS MAP/PARCEL..... Map 42.4.2, Parcel 77
SUBMITTED BY:..... Holly Fernandes

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.

May 4, 2023

DATE

Mary L.
Haley

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Digitally signed by
Mary L. Haley
Date: 2023.05.04
09:32:48 -04'00'

Abutters Listing

MBLU	Lot	Lot Cut	Name Line 1	Name Line 2	Address Line 1	City	State	Zip	Location
4242	76		NANTUCKET BROAD ST LLC		1200 SOLDIERS FIELD RD STE 102	BOSTON	MA	02134	21 BROAD
4242	77	1	JJMORTON LLC		25 BROAD ST	NANTUCKET	MA	02554	25 BROAD
4242	78		NANTUCKET ISLAND RESORTS LLC	C/O NEW ENGLAND DEVELOP-ACCTING DEPT	75 PARK PLAZA #3	BOSTON	MA	02166	27 BROAD
4242	79		NANTUCKET LAND COUNCIL INC		PO BOX 502	NANTUCKET	MA	02554	6 ASH
4242	93		PRESSMENT JONATHAN ETAL		23 BETHUNE ST GARDEN FLOOR	NEW YORK	NY	10014	2 ASH
4243	75		FIRST CONGREGATIONAL CHURCH		BOX 866	NANTUCKET	MA	02554	62 CENTER
4243	80		MIDDLE C LLC	C/O PHILBRICK MELISSA	PO BOX 868	NANTUCKET	MA	02554	56 CENTER
Count:	7								

Entertainment Licensing

The provision of public entertainment, whether live or prerecorded, requires an annual license issued by the municipality. There are two sections of G.L. c.140 that primarily govern this issue. **General Laws Chapter 140, §181** applies to locations that do not have alcohol or common victualler licenses and present “theatrical exhibitions, public shows, public amusements and exhibitions of every description” for which an admission fee is collected. By contrast, **G.L. c.140, §183A** applies to licenses for establishments that do have an alcohol and/or common victualler license and that provide “any concert, dance, exhibition, cabaret or public show of any description”, regardless of whether there is a charge for admission. While licensing authorities have some discretion in this area, the denial of an entertainment license application requires a narrow finding based upon legitimate public health or safety concerns. In addition, in order to withstand a legal challenge, a decision to suspend or revoke an entertainment license must also have a compelling basis.

Section 181

This statute requires the license application to set forth all details of the event, particularly with regard to the extent that the “conditions or premises would affect the public safety, health or order.” Importantly, G.L. c.140, §181 provides a statutory presumption in favor of the grant of an entertainment license. Unlike virtually every other type of licensing statute, the burden of proof is on the licensing authority to show why the license should not issue. Thus, the record of the license hearing must contain substantial evidence of the anticipated public harm. See Konstantopoulos v. Town of Whately, 384 Mass. 123, 128 (1981). Section 181 provides that if a license is denied, the licensing authority must make a finding that:

issuance of such a license would lead to the creation of a nuisance or would endanger the public health, safety or order by:

- a) unreasonably increasing pedestrian traffic in the area in which the premises are located, or
- b) increasing the incidence of disruptive conduct in the area in which the premises are located, or
- c) unreasonably increasing the level of noise in the area in which the premises are located.

The licensing authority may impose conditions on an entertainment license, but “said conditions may only relate to compliance with applicable laws or ordinances, or to public safety, health or order, or to steps required to be taken to guard against creation of a nuisance or to insure adequate safety and security for patrons or the affected public.”

In summary, an entertainment license may be subject to reasonable conditions, but a license generally should not be denied unless the officials are convinced that no conditions can address the health and safety concerns. Conditions such as a police detail to handle traffic, a cut-off time for amplified music, and the provision of bathroom facilities would all be permissibly related to health and safety issues.

Section 183A

General Laws c.140, § 183A also establishes a presumption that the licensing authority will issue an entertainment license for events occurring in an establishment with an alcohol and/or common victualler license, unless significant problems are likely. In particular, to deny the license, the licensing authority must conclude that the activity at issue, whether by itself or in combination with other activities at the licensed premises, cannot be conducted in such a manner so as to (1) protect the employees, patrons, or public, whether inside or outside the premises, from “disruptive conduct, from criminal activity, or from health, safety or fire hazards”; (2) prevent unreasonable increases in the area noise level, whether from the activity or people leaving the premise; or, (3) prevent an unreasonable increase in foot or vehicle traffic, or vehicle parking. Where the statute specifically references noise, the licensing authority may consider outdoor music or amplification as a factor in assessing whether a particular activity will create an unreasonable noise increase. Conditions on a G.L. c.140, §183A license must again be aimed at preserving the “public health, safety and order.”

Sunday Entertainment

Significantly, G.L. c.140, §§181 and 183A licenses address public entertainment from Monday through Saturday only. Sunday entertainment is governed by G.L. c.136, §4, which is a holdover of the Commonwealth’s so-called “Blue Laws.” A Sunday license must be approved by the local licensing authority, as well as the Massachusetts Department of Public Safety. The municipality may impose a fee of up to \$20.00 per event, while the Department may impose a fee of \$5.00 per event. The following link on the Department’s website includes a Sunday license form and some “FAQs” on the subject: <http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/regulated-activities-special-licensing-.html>

Please contact Attorneys Brian W. Riley (briley@k-plaw.com) or Thomas W. McEnaney (tmcenaney@k-plaw.com) at 617.556.0007 with further questions on entertainment or general licensing issues.

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