

SELECT BOARD

Minutes of the meeting of February 12, 2024. The meeting took place by remote participation via Zoom Webinar. Select Board Members present were Dawn Holdgate, Thomas Dixon, Matt Fee, Dr. Malcolm MacNab and Brooke Mohr. Also present was Licensing Administrator Amy Baxter and Operations Administrator Erika Mooney.

I. CALL TO ORDER

Vice Chair Mohr called the meeting to order at 11:01 AM.

II. LICENSING AND PETITIONS – LICENSE HOLDER REQUESTS

1. Request for Approval of New Motor Vehicle Class 1 License Application for Penske Automotive Group, Inc. dba Don Allen Auto Service. Ms. Baxter reviewed the request, noting there are no proposed changes from what currently exists, and the existing locations will remain the same. Ms. Mohr moved approval; seconded by Mr. Dixon; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

2. Request for Approval of Application for Change of Manager of Annual All-Alcoholic Beverages General on Premises License for Nantucket Historical Association dba Whaling Museum from Johanna Richard, Manager to Niles Parker, Manager, for Premises Located at 11, 13 and 15 Broad Street. Ms. Baxter reviewed the request. Mr. Fee moved approval; seconded by Mr. Dixon; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

3. Request for Approval and Execution of Alcoholic Beverages Control Commission Charity Wine Permits for Nantucket Wine and Food Festival Events for Various Locations to be Held May 15 – May 19, 2024. Ms. Baxter reviewed the request, noting the Nantucket Wine and Food Festival Charitable Foundation is a qualifying charity and as such can accept donated wine to serve at the various proposed Wine Festival events. She reviewed the locations and dates of the events, including Lemon Press, Brant Point Grille/White Elephant, Straight Wharf Restaurant, the Nantucket Hotel and the White Elephant Hotel Residences. Ms. Mohr asked what the charitable purpose of the Foundation is and what local charities benefit from it. Ms. Baxter said she will get that information for the Board. Ms. Mohr said the Wine Festival is a high impact event and she wants to ensure that the benefit to the community equals the impact. Ms. Baxter said she has worked to scale back the event and try to make it more local. Mr. Fee said he looked up the Foundation and it seems to provide contributions to the Nantucket High School Culinary Arts program, among other groups. He asked what total income the Wine Festival takes in and what percentage of that is for charitable contributions. He added that the Wine Festival has a non-profit arm but numerous for-profit entities as well. Ms. Baxter said she will check on this. Mr. Fee moved approval as presented on the basis that the information requested is provided ahead of time in the future so the Board can make an informed decision; seconded by Ms. Mohr; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

III. LICENSING AND PETITIONS – DEPARTMENTAL REQUESTS

1. Request for Acceptance of Surrender of Common Victualler with Seasonal All-Alcoholic Beverages Restaurant License for LH Manager Northeast, LLC dba The Pearl and Boarding House, Abigail Ayre, Manager, for Premises Located at 12 Federal Street. Ms. Baxter reviewed the request. Mr. Fee moved to accept the surrender of the license as requested; seconded by Mr. Dixon; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

2. Recommendation to Consider Assessment of Seasonal Liquor License Fee for Annual Liquor License Establishments Closed more than 60 Consecutive Days. Ms. Baxter noted that in October 2019, the Select Board voted to increase liquor license fees, including a closure fee for any annual liquor establishments closed

more than 60 days. The fee increase has been suspended since 2020 due to Covid and no extended closure fees have been applied since the fee was approved. Ms. Baxter explained that the number of restaurants closing in the off-season has increased and many licensees have indicated they will seek to change their licenses from annual to seasonal if they can't close in the winter. She asked the Board if it wishes to activate the extended closure fee. Ms. Mohr asked what the feedback from the establishments has been, as paying the extended closure fee might be more economical than staying open all winter. Ms. Baxter said she wants the opportunity to work with the establishments and she doesn't want to penalize them. She said many establishments have indicated they want to change to seasonal but she has asked them to hold off. She added that strict guidelines that work in the rest of the state may not work here and she would like to be able to offer flexibility and a better "fit" for what is happening on Nantucket. Mr. Fee expressed concern for the establishments who are staying open year-round and look forward to holiday or event weekends in the off-season to bolster their businesses and who then have to compete with establishments that only open when holidays or events come up. He suggested options like requiring re-inspections and opening fees for each time an establishment "reopens" in the off-season. Ms. Baxter noted that the Fire Department already requires re-inspection for establishments reopening after a 30 or more-day closure. Ms. Mohr moved to reinstitute the extended closure fee to re-review the policy upon feedback from licensees; seconded by Mr. Fee; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

3. Request for Renewal of Sidewalk Dining Permits. Ms. Baxter reviewed the request for renewal of the sidewalk dining permits that were issued last year for Ethos Nantucket, The Rose & Crown, Nantaco, The Beet (soon to be Misogi Noodle Bar), The Club Car, Lemon Press (dinner only starting at 5:00 PM) and Backyard BBQ. She said that the permit holders must remove the dining furniture from the public sidewalks if not in use for more than three days. Discussion followed. Mr. Fee moved approval as requested with the understanding that permit areas will be cleared of furniture if not being used more than three consecutive days; seconded by Ms. Mohr, who questioned the process for permit revocation. Ms. Baxter explained that the Board can vote to suspend a permit immediately due to public safety or nuisance issues but a public hearing would follow. On the motion, by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

4. Request for Approval of Estimated Seasonal Population of Nantucket for Seasonal Liquor Licenses. Ms. Baxter spoke in favor of keeping the estimated seasonal population at 45,000. Mr. Fee spoke in favor of keeping the seasonal population at 45,000, calling it a "good recommendation." Mr. Fee moved approval; seconded by Dr. MacNab; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

IV. LICENSING AND PETITIONS - PUBLIC HEARINGS

1. Public Hearing to Consider Application for New Common Victualler with Seasonal All-Alcoholic Beverages Restaurant License for Jon Boys, LLC dba The Pearl and Boarding House, Abigail Ayre, Manager, for Premises Located at 12 Federal Street; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138. Chair Holdgate opened the hearing. Ms. Baxter reviewed the application, noting there are no changes proposed from what was previously approved.

As there was no public comment, Mr. Dixon moved to close the hearing; seconded by Mr. Fee; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Ms. Mohr moved approval; seconded by Mr. Fee; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Mr. Dixon moved to determine that the that the premises licensed to sell alcoholic beverages is not detrimental to the spiritual activities of a church pursuant to Section 16C of MGL Chapter 138; seconded by Ms. Mohr; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

2. Public Hearing to Consider Application for New Non-Live Entertainment License for Jon Boys, LLC dba The Pearl and Boarding House, Abigail Ayre, Manager, for Premises Located at 12 Federal Street. Chair Holdgate opened the hearing. Ms. Baxter reviewed the application, noting there are no changes proposed from what was previously approved.

As there was no public comment, Dr. MacNab moved to close the hearing; seconded by Mr. Fee; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Ms. Mohr moved approval; seconded by Dr. MacNab; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

3. Public Hearing to Consider Application for Multiple Amendments of Annual All-Alcoholic Beverages Restaurant License for Keeping the Beet, LLC dba The Beet, Felino Sampson, Manager, for Premises Located at 9 South Water Street, Including Change of Corporate Name to The Fat Noodle LLC, Change of DBA to Misogi Noodle Bar, Change of Classification to Seasonal, Change of Ownership Interest, and Alteration of Premises to Add 7-Seat Bar; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138. Chair Holdgate opened the hearing. Ms. Baxter reviewed the multiple amendments of the application including the addition of a seven-seat bar. Ms. Mohr asked for clarification whether the seven seats are in addition to what is currently there or if they were re-allocated. Ms. Baxter said they are additional seats.

As there was no public comment, Ms. Mohr moved to close the hearing; seconded by Mr. Dixon; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Ms. Mohr moved approval and to determine that the that the premises licensed to sell alcoholic beverages is not detrimental to the spiritual activities of a church pursuant to Section 16C of MGL Chapter 138; seconded by Mr. Fee; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

4. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company, Plan #30863771 to Install Approximately 450' of (2) 3" Conduit from Existing Pad 11-32 on Monohansett Road at Webster Road to Proposed Pad 1 for New Service to 38 Monohansett Road. Chair Holdgate opened the hearing. Tim Lyford of National Grid was present to answer questions.

As there was no public comment, Mr. Fee moved to close the hearing; seconded by Ms. Mohr; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Ms. Mohr moved approval pursuant to departmental comments; seconded by Mr. Fee; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

5. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company, Plan #30862439 to Install Approximately 125' of 1 - 3" Conduit Easterly from Existing Handhole 43-1 on Old South Road to Proposed Handhole 43-3 at 5 Pine Crest Drive. Chair Holdgate opened the hearing. Tim Lyford of National Grid was present to answer questions.

As there was no public comment, Mr. Fee moved to close the hearing; seconded by Dr. MacNab; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Ms. Mohr moved approval pursuant to departmental comments; seconded by Mr. Fee; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

6. Public Hearing to Consider Joint Utility Petition from Verizon New England Inc. and National Grid/Nantucket Electric Company, Plan #MA2023-47 to Relocate JO Pole 283/4 on West York Lane Approximately 24' in a Southerly Direction; and, Place New JO Pole 283/5 Approximately 30' North of Current Location of Pole 283/4 to Accommodate New Driveway Design at 12 West York Lane. Chair Holdgate opened the hearing. Ms. Mohr said she wants to be sure the pole relocations aren't going to impact abutting neighbors and their access to their driveways. Donald Voner, representing Verizon, said a new driveway design requires the need for the pole relocation and a new pole that will act as a guy wire. He said neither pole will be placed in front of another property. Operations Administrator Erika Mooney said she conducted a site visit to 12 West York Lane and noted the existing pole doesn't block the new driveway configuration; rather, it is in front of the new house. She also explained that there is a Town Bylaw that doesn't allow new poles to be installed, but in this case, the new pole is needed as a guy pole which is allowed as an upgrade of the existing facilities. 12 West York Lane owner Jeff Shapiro spoke in favor of the petition, saying the existing pole is "dilapidated" and the move will clean up the aesthetics of the property. Mr. Fee asked if Mr. Shapiro looked into burying the lines along West York Lane. Mr. Shapiro said no because many other properties would be impacted.

As there was no public comment, Mr. Fee moved to close the hearing; seconded by Ms. Mohr; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Mr. Fee moved approval pursuant to departmental comments; seconded by Mr. Dixon; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – no; Ms. Mohr – Yes; so voted.

Dr. MacNab disclosed that he is employed by the Nantucket Historical Association but that did not impact his vote on the change of manager application heard at the beginning of the meeting.

V. ADJOURNMENT

Ms. Mohr moved to adjourn at 12:04 PM; seconded by Mr. Fee; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Approved the 21st day of February 2024.

**SELECT BOARD
FEBRUARY 12, 2024 – 11:00 AM
REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- II. 1. MV Application for Don Allen Auto
- II. 2. AIS re: Whaling Museum change of manager; ABCC application; Draft license
- II. 3. AIS re: Wine Fest; ABCC certification forms (8); Event Licensee letters
- III. 1. The Pearl & Boarding House surrender of liquor license
- III. 2. AIS re: Liquor license extended closures; Extended closure list; 2019 Memo re: liquor license fees; 2019 Public notice of fee increases
- III. 3. AIS re: sidewalk dining permit renewals; Sidewalk Seating Terms and Conditions; Sidewalk Dining Fees; ABCC Outdoor Dining Guidelines
- III. 4. AIS re: estimated seasonal population; ABCC population form; Liquor licensing quotas; Data Platform report
- IV. 1 & 2. AIS re: The pearl and Board House NEW CV, liquor and entertainment licenses; Liquor license public hearing process; KP Law eUpdate re: Entertainment licensing; ABCC application; Floor plans; Draft licenses; Determination letter
- IV. 3. AIS re: multiple amendments for The Beet; ABCC application; Floor plans; Draft license; Determination letter
- IX. 4. AIS re: NGrid utility petition for Monohansett Rd; Departmental comments; Monohansett petition; Plans
- IX. 5. AIS re: NGrid utility petition for Old South Rd; Departmental comments; Old South petition; Plan
- IX. 6. AIS re: Verizon-NGrid utility petition for W York Ln; Departmental comments; W York petition; Plan