

Town and County of Nantucket Select Board • County Commissioners

Dawn E. Hill Holdgate, Chair
Thomas M. Dixon
Matt Fee
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

AGENDA FOR THE MEETING OF THE SELECT BOARD FEBRUARY 12, 2024 - 11:00 AM REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK FOR VIEWING ONLY:
<https://youtube.com/live/kDtHQ3DxInc>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_tTBFQzI7TLWfcyM1L2QpxQ

I. CALL TO ORDER

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.
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.
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.

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.
2. Recommendation to Consider Assessment of Seasonal Liquor License Fee for Annual Liquor License Establishments Closed more than 60 Consecutive Days.
3. Request for Renewal of Sidewalk Dining Permits.

4. Request for Approval of Estimated Seasonal Population of Nantucket for Seasonal Liquor Licenses.

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.
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.
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.
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.
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.
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.

V. ADJOURNMENT

January 16, 2024

Town & County of
Nantucket, MA
Licensing & Permits
PSF, 4 Fairgrounds Road
Nantucket, MA

Re: Don Allen Auto Sales, Inc.

Dear Sir/Madam:

On January 17, 2024, Penske Investments Limited Partnership ("Seller") and Penske Automotive Group, Inc. ("Buyer") closed on the sale of all of the issued and outstanding stock of Don Allen Auto Sales, Inc.

u

Seller is satisfied with the sale and agrees to release the license.

Sincerely,

Penske Investments Limited Partnership

By: Penske Investments, Inc.
Its: General Partner

Roger S. Penske
President



MAGGIE FEHER
Vice President - Licensing and Regulatory Affairs
Assistant Secretary

January 8, 2024

Via Federal Express

Amy C. Baxter
Licensing Administrator
Nantucket Police Department
Town and County of Nantucket
4 Fairgrounds Road
Nantucket, MA 02554

Re: Don Allen Auto Service, Inc.

Dear Ms. Baxter:

Per your January 2, 2024 email, attached is our New License Application Package regarding the sale of ownership of Don Allen Auto Service, Inc. to Penske Automotive Group, Inc. and our checks for the filing and license fees. Please note that we are scheduled to close the transaction on January 16, 2024.

Please let me know if you require any additional documentation and please advise of the anticipated dates that notice will be given and at what meeting we will be on the agenda. I will make myself available via zoom for any questions.

Thank you for your assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Maggie Feher", with a large, stylized initial "M" and "F".

Maggie Feher



Town & County of
NANTUCKET, MA

CAR DEALER LICENSES

CLASS I II III APPLICATION

Car Dealer Licenses are issued pursuant to Massachusetts General Law c. 140, §§ 57-59.

There are three different types of car dealer licenses:

- Class I for new car dealers,
- Class II for used car dealers, and
- Class III for junk / salvage car dealers.

Click [here](#) for the Massachusetts General Law description of the license classes.

Attachments: Be prepared to provide the following as part of your application:

- ☒ Floor plan/Vehicle Layout showing the proposed capacities, and layout of the premises;
- ☒ Articles of Organization
- ☒ Business Certificate (Filed with the Town Clerk)
- ☒ Franchise Agreement(s) (Class I Dealer License)
- ☒ Purchase & Sale Agreement
- ☐ Lease Agreement (if applicable)
- ☒ Worker's Compensation Insurance Affidavit
- ☐ Surety Bond in the amount of \$25,000 (if applying for a Class II License)
- ☒ Letter from Seller (If License/Property is being purchased, upon closing, a letter from the Seller will need to be submitted stating that the Seller has been satisfied with the sale and agrees to release the License.)

Fees:

- Application Fee: \$25.00
- Annual License and Renewal Fee: \$100.00

Expiration date and license renewal:

- Car Dealer License will **expire on December 31st each year.**
- Renewal reminders will be sent via email early December to begin the license renewal process.

LICENSING & PERMITS • PSF, 4 Fairgrounds Road • 508-325-4100 • licensing@police.nantucket-ma.gov
Monday – Friday, 8:00 am – 4:00 pm



The Commonwealth of
MASSACHUSETTS



Town & County of
NANTUCKET, MA

**APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE OR ASSEMBLE SECOND HAND
MOTOR VEHICLES OR PARTS THEREOF**

I/We, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a

Class I ☒

Class II ☐

Class III ☐

license to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the Massachusetts General Laws.

What is the name of the concern?

Don Allen Auto Service, Inc.

Business address of concern:

24 Polpis Road, Nantucket, MA 02554 (see premises desc. on next page)

Is the above concern an

☐ Individual. If yes, state full name and residential address:

Name:

Residential Address:

☐ Co-partnership. If yes, state full names and residential addresses of the persons composing it:

Name:

Residential Address:

Name:

Residential Address:

Association or Corporation. If yes, state full names and residential addresses of the principal officers:

President: **Ralph Iacovone** Residential Address:

Secretary: **Kevin Patti** Residential Address

Treasurer: **Kevin Patti** Residential Address

Are you engaged principally in the business of buying, selling or exchanging motor vehicles?

Yes.

If so, is your principal business the sale of new motor vehicles?

Yes.

Is your principal business the buying and selling of second hand motor vehicles?

No.

Is your principal business that of a motor vehicle junk dealer?

No.

Give a complete description of all the premises to be used for the purpose of carrying on the business

The Company owns the premises located at 10, 22, 24 and 26 Polpis Road. The premises located at 10 Polpis Road houses the Chrysler, Jeep, Dodge, Ram Dealership. 22 Polpis Road houses the Ford used vehicle lot. 24 Polpis Road houses the Ford new vehicle showroom. 26 Polpis Road houses the Ford service, parts and body shop. See also the attached Floor plan/Vehicle Layout.

Are you a recognized agent of a motor vehicle manufacturer? Yes

If so, state name(s) of manufacturer(s):

Ford Motor Company and the Chrysler, Jeep, Dodge Ram brands of Stellantis North America

Have you a signed contract as required by Section 58, Class 1? Yes

**LICENSING & PERMITS • PSF, 4 Fairgrounds Road • 508-325-4100 • licensing@police.nantucket-ma.gov
Monday – Friday, 8:00 am – 4:00 pm**

Have you ever applied for a license to deal in second hand motor vehicles or parts thereof?

No.

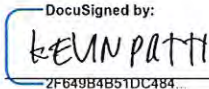
If so, in what city/town?

Did you receive a license?

For what year?

Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? Please explain below:

No.

Sign your name in full  2F649B4B51DC484...

(Duly Authorized to Represent the Concern herein mentioned)

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE, IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, a duplicate of the application must be filed with the registrar (Sec Section 59).

LICENSING & PERMITS • PSF, 4 Fairgrounds Road • 508-325-4100 • licensing@police.nantucket-ma.gov
Monday – Friday, 8:00 am – 4:00 pm

CHATHAM ROAD

N 53°53'05" E 100.00'

THICK BRUSH TREES PRIVATE

LOTS 12 & 17
AREA=20,000 S.F.
*

13.8'±

S 36°06'55" E REVOCABLE LIVING TRUST AGREEMENT 200.00'

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The Commonwealth of Massachusetts

~~JOHN F. X. DAVOREN~~ JOHN F. X. DAVOREN
Secretary of the Commonwealth
STATE HOUSE
BOSTON, MASS.

ARTICLES OF ORGANIZATION

(Under G.L. Ch. 156B)

<u>NAME</u> (including given name in full)	<u>POST OFFICE ADDRESS</u>
We, Donald C. Allen, Jr.	Hooper Farm Rd., Nantucket
Robert W. Allen	Hooper Farm Rd., Nantucket
Dorothy F. Allen	Hooper Farm Rd., Nantucket
William th Tornovich	Hooper Farm Rd., Nantucket

do hereby associate ourselves as incorporators with the intention of forming a corporation under the provisions of General Laws, Chapter 156B.

1. The name by which the corporation shall be known is:

DON ALLEN AUTO SERVICE, INC. ✓

2. The purposes for which the corporation is formed are as follows:

To engage in the business of buying, selling, leasing, renting, repairing and servicing motor vehicles of all kinds; to perform general repair work on motor vehicles, boats, engines, machinery and equipment; to buy and sell parts, equipment, gas, fuel, oil, and related merchandise; and in general to do all things permitted to corporations organized under the General Laws of the Commonwealth.

NOTE: If provisions for which the space provided under Articles 2, 4, 5 and 6 is not sufficient additions should be set out on continuation sheets to be numbered 2A, 2B, etc. Indicate under each Article where the provision is set out. Continuation sheets shall be on 8½" x 11" paper and must have a left-hand margin 1 inch wide for binding. Only one side should be used.

3. The total number of shares and the par value, if any, of each class of stock which the corporation is authorized to issue is as follows:

CLASS OF STOCK	WITHOUT PAR VALUE	WITH PAR VALUE		
	NUMBER OF SHARES	NUMBER OF SHARES	PAR VALUE	AMOUNT
Preferred	-0-			\$.....
Common	7500			

4. If more than one class is authorized, a description of each of the different classes of stock with, if any, the preferences, voting powers, qualifications, special or relative rights or privileges as to each class thereof and any series now established:

None

5. The restrictions, if any, imposed by the Articles of Organization upon the transfer of shares of stock of any class are as follows: *Any stockholder, including the heirs, assigns, executors, or administrators of a deceased stockholder, desiring to sell or transfer such stock owned by him or them, shall first offer it to the corporation through the Board of Directors in the manner following:--*

He shall notify the Directors of his desire to sell or transfer by notice in writing, which notice shall contain the price at which he is willing to sell or transfer and the name of one arbitrator. The directors shall within thirty (30) days thereafter either accept the offer, or by notice to him in writing name a second arbitrator, and these two shall name a third. It shall then be the duty of the arbitrators to ascertain the value of the stock, and if any arbitrators shall neglect or refuse to appear at any meeting appointed by the arbitrators, a majority may act in the absence of such arbitrator.

After the acceptance of the offer, or the report of the arbitrators as to the value of the stock, the directors shall have thirty (30) days within which to purchase the same at such valuation, but if at the expiration of thirty (30) days, the corporation shall not have exercised the right so to purchase, the owner of the stock shall be at liberty to dispose of the same in any manner he may see fit.

No shares of stock shall be sold or transferred on the books of the corporation until these provisions have been complied with, but the Board of Directors may in any particular instance waive the requirement.

6. Other lawful provisions, if any, for the conduct and regulation of the business and affairs of the corporation, for its voluntary dissolution, or for limiting, defining, or regulating the powers of the corporation, or of its directors or stockholders, or of any class of stockholders:

None

7. The first meeting of the incorporators was duly held on the 17th day of May, 1968 at which by-laws of the corporation were duly adopted and at which the initial directors, president, treasurer and clerk, whose names are set out below, were duly elected.

8. The following information shall not for any purpose be treated as a permanent part of the Articles of Organization of the corporation.

a. The post office address of the initial principal office of the corporation in Massachusetts is:

Sparks Avenue, Nantucket, Massachusetts 02554

b. The name, residence, and post office address of each of the initial directors and following officers of the corporation elected at the first meeting are as follows:

	NAME	RESIDENCE	POST OFFICE ADDRESS
President:	Donald C. Allen, Jr.	Hooper Farm Rd,	Nantucket Same
Treasurer:	Dorothy F. Allen William Tornovich	Hooper Farm Rd.,	Nantucket Same
Clerk:	Robert F. Mooney	Orange Street,	Nantucket Same
Directors:	Dorothy F. Allen	Same	Same
	Robert W. Allen	Hooper Farm Rd.,	Nantucket Same
	Donald C. Allen, Jr.	Same	Same
	William Tornovich	Same	Same
	Robert F. Mooney	Orange Street,	Nantucket Same
Vice-Pres:	Robert W. Allen	Same	Same

c. The date initially adopted on which the corporation's fiscal year ends is:

April 30

d. The date initially fixed in the by-laws for the annual meeting of stockholders of the corporation is:

First Monday of June

e. The name and business address of the registered agent, if any, of the corporation are:

None

IN WITNESS WHEREOF, and under the penalties of perjury, we, the above-named INCORPORATORS, hereto sign our names, this 17th day of May, 1968

Donald C. Allen, Jr.
Robert W. Allen
William A. Tornovich
Dorothy F. Allen

54385

RECEIVED

MAY 20 1968

THE COMMONWEALTH OF MASSACHUSETTS

CORPORATION DIVISION
SECRETARY'S OFFICE

ARTICLES OF ORGANIZATION
GENERAL LAWS, CHAPTER 156B, SECTION 12

I hereby certify that, upon an examination of the within-written articles of organization, duly submitted, to me, it appears that the provisions of the General Laws relative to the organization of corporations have been complied with, and I hereby approve said articles; and the filing fee in the amount of \$75.00 having been paid, said articles are deemed to have been filed with me this

May 1968 20th
John F. H. Davoren

Secretary of the Commonwealth

TO BE FILLED IN BY CORPORATION
PHOTO COPY OF ARTICLES OF ORGANIZATION TO BE SENT
TO: ROBERT F. MOONEY, ESQUIRE

Zero Main Street

Nantucket, Massachusetts 02554

Tel. 228-0535

FILING FEE: 1/20 of 1% of the total amount of the authorized capital stock with par value, and one cent a share for all authorized shares without par value, but not less than \$75. General Laws, Chapter 156B.

Copy Mailed

MUN
5-23-68

The Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth
One Ashburton Place, Boston, Massachusetts 02108-1512

ARTICLES OF AMENDMENT (General Laws, Chapter 156B, Section 72)

Examiner

Name
Approved

We, William A. Tornovish, Sr., *President / ~~Vice President~~,

and William A. Tornovish, Jr., *Clerk / ~~Assistant Clerk~~,

of Don Allen Auto Service, Inc.
(Exact name of corporation)

located at 24 Polpis Road, Nantucket, MA 02554
(Street address of corporation in Massachusetts)

certify that these Articles of Amendment affecting articles numbered:

3 and 4

(Number those articles 1, 2, 3, 4, 5 and/or 6 being amended)

of the Articles of Organization were duly adopted at a meeting held on June 9, 1999, by vote of:

4,000 shares of COMMON of 4,000 shares outstanding,
(type, class & series, if any)

 shares of of shares outstanding, and
(type, class & series, if any)

 shares of of shares outstanding,
(type, class & series, if any)

all
being ~~adversely affected~~ of each type, class or series outstanding and entitled to vote thereon: / or 2 being at
least ~~two-thirds~~ of each type, class or series outstanding and entitled to vote thereon and of each type, class or
series of stock whose rights are adversely affected thereby:

*Delete the inapplicable words. **Delete the inapplicable clause.

¹ For amendments adopted pursuant to Chapter 156B, Section 70.

² For amendments adopted pursuant to Chapter 156B, Section 71.

Note: If the space provided under any article or item on this form is insufficient, additions shall be set forth on one side only of separate 8 1/2 x 11 sheets of paper with a left margin of at least 1 inch. Additions to more than one article may be made on a single sheet so long as each article requiring each addition is clearly indicated.

P.C.

5/20/68

C

To *change* the number of shares and the par value (if any) of any type, class or series of stock which the corporation is authorized to issue, fill in the following:

The total *presently* authorized is:

WITHOUT PAR VALUE STOCKS		WITH PAR VALUE STOCKS		
TYPE	NUMBER OF SHARES	TYPE	NUMBER OF SHARES	PAR VALUE
Common:	7,500	Common:	None	
Preferred:	None	Preferred:	None	

Change the total authorized to:

WITHOUT PAR VALUE STOCKS		WITH PAR VALUE STOCKS		
TYPE	NUMBER OF SHARES	TYPE	NUMBER OF SHARES	PAR VALUE
CLASS A Common:	10,000	Common:	None	
CLASS B COMMON:	90,000			
Preferred:	None	Preferred:	None	

"A"

VOTED: That the authorized capital stock of the Corporation, consisting of 7,500 shares common without par value, be and hereby is changed to:

10,000 shares Class A common without par value

and

90,000 shares Class B common without par value.

and that in respect thereof, the Articles of Organization of the Corporation be, and hereby are amended:

(a) by striking out the provisions thereof wherein the authorized capital stock of the Corporation is set forth, and substituting in place thereof the following:

<u>"WITHOUT PAR VALUE</u>		<u>WITH PAR VALUE</u>		
<u>TYPE</u>	<u>NO. OF SHARES</u>	<u>TYPE</u>	<u>NO. OF SHARES</u>	<u>PAR VALUE</u>
Class A Common	10,000	Common	None	
Class B Common	90,000			
Preferred	None	Preferred	None"	

and (b) by striking out the provisions therein wherein the preferences, voting powers, qualifications, special or relative rights or privileges as to each class of stock are set forth, and substituting in place thereof the following:

"There shall be two (2) classes of stock as follows:

Class A common stock without par value, which shall be the sole voting stock, and

Class B common stock without par value, which shall not be entitled to any voting rights.

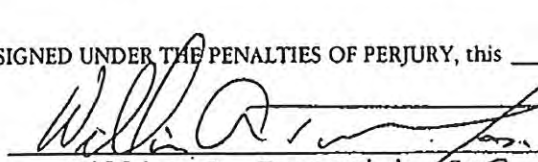
Otherwise, Class A common and Class B common stock shall be identical in all other respects, including the right to dividends and distribution of assets."

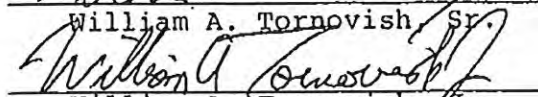
See Attachment "A" for text of amendments.

The foregoing amendment(s) will become effective when these Articles of Amendment are filed in accordance with General Laws, Chapter 156B, Section 6 unless these articles specify, in accordance with the vote adopting the amendment, a *later* effective date not more than *thirty days* after such filing, in which event the amendment will become effective on such later date.

Later effective date: _____.

SIGNED UNDER THE PENALTIES OF PERJURY, this 9th day of JUNE, 1999,


_____, *President / ~~XXXXXX~~


_____, *Clerk / ~~XXXXXX~~

*Delete the inapplicable words.

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THE COMMONWEALTH OF MASSACHUSETTS

ARTICLES OF AMENDMENT
(General Laws, Chapter 156B, Section 72)

I hereby approve the within Articles of Amendment and, the filing fee in
the amount of \$ 200.00 having been paid, said articles are deemed
to have been filed with me this 13th day of December
19 99

Effective date: _____

SECRETARY OF THE
COMMONWEALTH
99 DEC 13 PM 2:04
CORPORATION DIVISION

William Francis Galvin

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

TO BE FILLED IN BY CORPORATION

Photocopy of document to be sent to:

Mr. George Tuttle
Sherburne, Powers, Holland & Knight

One Beacon Street

Boston, MA 02108

**D
PC****The Commonwealth of Massachusetts****William Francis Galvin**

Secretary of the Commonwealth

One Ashburton Place, Boston, Massachusetts 02108-1512

FORM MUST BE TYPED

Articles of Amendment

FORM MUST BE TYPED

(General Laws Chapter 156D, Section 10.06; 950 CMR 113.34)(1) Exact name of corporation: Don Allen Auto Service, Inc.(2) Registered office address: 24 Polpis Road, Nantucket, MA 02554
(number, street, city or town, state, zip code)(3) These articles of amendment affect article(s): Article III and Article IV
(specify the number(s) of article(s) being amended (I-VI))(4) Date adopted: April 18, 2013
(month, day, year)

(5) Approved by:

(check appropriate box)

- ☐ the incorporators.
- ☐ the board of directors without shareholder approval and shareholder approval was not required.
- ☒ the board of directors and the shareholders in the manner required by law and the articles of organization.

(6) State the article number and the text of the amendment. Unless contained in the text of the amendment, state the provisions for implementing the exchange, reclassification or cancellation of issued shares.

Article III:

(see chart below)

Article IV:

By striking out the provisions that there shall be two classes of stock, and amended to read "Not Applicable"

To change the number of shares and the par value, * if any, of any type, or to designate a class or series, of stock, or change a designation of class or series of stock, which the corporation is authorized to issue, complete the following:

Total authorized prior to amendment:

WITHOUT PAR VALUE		WITH PAR VALUE		
TYPE	NUMBER OF SHARES	TYPE	NUMBER OF SHARES	PAR VALUE
Preferred	0			
Common	10,000 voting (Class A)			
Common	90,000 non-voting (Class B)			

Total authorized after amendment:

WITHOUT PAR VALUE		WITH PAR VALUE		
TYPE	NUMBER OF SHARES	TYPE	NUMBER OF SHARES	PAR VALUE
Preferred	0			
Common	100,000 (voting)			

(7) The amendment shall be effective at the time and on the date approved by the Division, unless a later effective date not more than 90 days from the date and time of filing is specified: _____

*G.L. Chapter 156D eliminates the concept of par value, however a corporation may specify par value in Article III. See G.L. Chapter 156D, Section 6.21, and the comments relative thereto.

Signed by: Eric C. Evers President Treasurer
(signature of authorized individual)

- ☐ Chairman of the board of directors,
- ☒ President,
- ☐ Other officer,
- ☐ Court-appointed fiduciary.

on this 18th day of April, 2013.

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:

April 18, 2013 04:34 PM

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

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

The Commonwealth of Massachusetts
Town of Nantucket

BUSINESS CERTIFICATE

Fee: \$50.00 (for 4 years)

Issued:

Expiration:

11/3/2024
11/3/2028

In conformity with the provisions of Chapter One Hundred and Ten, Section Five of the General Laws, as amended, the undersigned hereby declare(s) that a business under the title of:

Name of Business: Don Allen Chrysler Jeep Dodge Ram Nantucket Corporate Name: Don Allen Auto Service, Inc.
Location of Business in Nantucket: 24 Polpis Rd, Nantucket, MA 02554
Mailing Address (if different): 2555 Telegraph Rd., Bloomfield Hills, MI 48302
Email: mfeher@pensekautomotive.com Phone: 508-228-0134

by the following named persons. *The signatories below acknowledge this certificate is not proof of conformity to Zoning by-laws or Board of Health regulations. It is the responsibility of the applicant to contact the Building Inspector and the Health Agent in order to comply with Town by-laws, rules and regulations. This certificate and the information contained thereon is public information and, as such, may be shared with others on request.*

Full Name	Residential Address
1. Penske Automotive Group, Inc.	2555 Telegraph Rd. Bloomfield Hills, MI 48302
2.	

Signed under penalties of perjury in the presence of a Notary or the Town Clerk.

1. A. M. L. 2. _____

The State of Michigan Oakland
The Commonwealth of Massachusetts Nantucket County, ss.

Before me personally, appeared the above named Aaron Michael
Proved through satisfactory evidence of identification, which was a driver license to be the person(s)
whose name is signed on the above document who swore or affirmed to me the contents of the document are truthful
and accurate to the best of their knowledge on this day December 14, 2023.

M. FEHER
Notary Public, State of Michigan
County of Wayne
My Commission Expires Oct. 20, 2026
in the County of Oakland

[Signature]
Notary Signature or Town Clerk

(Town Seal)

(Notary Seal)

Notary Expires: 10/20/2026

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes as required by law.

NANTUCKET
Signature of Individual
02554

[Signature]
By: Corporate Officer

A certificate issued in accordance with this section shall be in force and effect for four (4) years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed.

The Commonwealth of Massachusetts
Town of Nantucket

BUSINESS CERTIFICATE

Fee: \$50.00 (for 4 years)

Issued:

Expiration:

Jan. 3, 2024
Jan. 3, 2028

In conformity with the provisions of Chapter One Hundred and Ten, Section Five of the General Laws, as amended, the undersigned hereby declare(s) that a business under the title of:

Name of Business: Don Allen Ford Nantucket Corporate Name: Don Allen Auto Service, Inc.

Location of Business in Nantucket: 24 Polpis Rd, Nantucket, MA 02554

Mailing Address (if different): 2555 Telegraph Rd., Bloomfield Hills, MI 48302

Email: mfeher@pensekautomotive.com Phone: 508-228-0134

by the following named persons. *The signatories below acknowledge this certificate is not proof of conformity to Zoning by-laws or Board of Health regulations. It is the responsibility of the applicant to contact the Building Inspector and the Health Agent in order to comply with Town by-laws, rules and regulations. This certificate and the information contained thereon is public information and, as such, may be shared with others on request.*

Full Name	Residential Address
1. Penske Automotive Group, Inc.	2555 Telegraph Rd. Bloomfield Hills, MI 48302
2.	

Signed under penalties of perjury in the presence of a Notary or the Town Clerk.

1.  2. _____

The Commonwealth of Massachusetts Oakland
State Michigan Nantucket County, ss.

Before me personally, appeared the above named Aaron Michael
Proved through satisfactory evidence of identification, which was a driver license to be the person(s)
whose name is signed on the above document who swore or affirmed to me the contents of the document are truthful
and accurate to the best of their knowledge on this day December 14, 2023.

M. FEHER
Notary Public, State of Michigan
County of Wayne
My Commission Expires Oct. 20, 2026
Notary in the County of Oakland

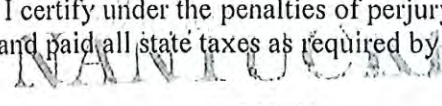

Notary Signature or Town Clerk

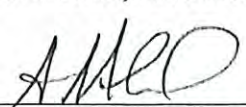
(Town Seal)

(Notary Seal)

Notary Expires: 10/20/2026

I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes as required by law.


Signature of Individual


By: Corporate Officer

A certificate issued in accordance with this section shall be in force and effect for four (4) years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed.



Meghan Bodwell
Market Representation Manager
Boston Regional Office

Ford Motor Company
111 Speen St., 2nd Floor
Framingham, MA 01701

January 3, 2024

Raffaele G. Iacovone
Don Allen Auto Service, Inc.
24 Polpis Road
Nantucket, MA - 02554

Dear Raffaele,

Ford Motor Company is in receipt of your application for the proposed acquisition of Don Allen Auto Service, Inc. located at 24 Polpis Road, Nantucket, MA 02554 (Penske Automotive Group to acquire 100% of equity from Penske Limited Investment Partnerships). Although we await certain clarifications to complete our evaluation of the proposed acquisition, based on our preliminary review, the proposal appears acceptable to Ford Motor Company as we approach the closing date of January 15, 2024.

Among other things, final approval will be contingent upon the following:

1. Ford's receipt of all acceptable outstanding documentation, currently we are only missing the Supplemental Standards Terms and Conditions and verification of funds transfer (Penske Automotive Group to Penske Limited Investment Partnership).

If you have any questions, please contact me at 774-285-1850.

Sincerely,

DocuSigned by:
A handwritten signature in cursive script that reads "Meghan Bodwell".

EDAA1B2915914B8...
Meghan Bodwell
Market Representation Manager
Boston Regional Office



Ford Motor Company

Boston Region

AMENDMENT TO

FORD SALES AND SERVICE AGREEMENT

Dated August 3, 1998

FORD TRUCK SALES AND SERVICE AGREEMENT

Dated N/A

FORD HEAVY DUTY TRUCK SALES AND SERVICE AGREEMENT

Dated N/A

LINCOLN SALES AND SERVICE AGREEMENT

Dated N/A

SUPPLEMENTAL AGREEMENT made as of the _____ day of _____, _____,

by and between _____ Don Allen Auto Service, Inc.

Corporation

Massachusetts

doing business as _____ Don Allen Auto Service, Inc.

and with a principal place of business at _____ 24 Polpis Road

(Street Address)

(P.O. Box)

Nantucket

Nantucket

MA

02554-2318

02554-2318

(City)

(County)

(State)

(Zip Code)

(P.O. Box Zip)

(hereafter called the "Dealer") and Ford Motor Company, a Delaware corporation with its principal place of business at Dearborn, Michigan (hereinafter called the "Company").

The parties hereto have previously entered into the above designated Agreements and now desire to make certain changes therein.

NOW, THEREFORE, in consideration of these premises, the parties hereto mutually agree that said Agreements be amended by changing Paragraph F to read as follows:

F. In view of the personal nature of this agreement and its objectives and purposes, the Company expressly reserves to itself the right to execute a Ford Sales and Service Agreement with individuals or other entities specifically selected and approved by the Company. Accordingly, this agreement and the rights and privileges conferred on the Dealer hereunder are not transferable, assignable or salable by the Dealer and no property right or interest, direct or indirect, is sold, conveyed or transferred to the Dealer under this agreement. This Agreement has been entered into by the Company with the Dealer in reliance (i) upon the representation and agreement that the following person(s), and only the following person(s), shall be the principal owners of the Dealer:

NAME	HOME ADDRESS	PERCENTAGE OF INTEREST	
		Equity	Voting
Penske Automotive Group, Inc.	2555 Telegraph Rd, Bloomfield Hills, MI 48302	100%	--

(ii) upon the representation and agreement that the following person(s), and only the following person(s), shall have full managerial authority for the operating management of the Dealer in the performance of this agreement:

NAME	HOME ADDRESS	TITLE
Raffaele G. Iacovone	8 Pine Tree Ln, Lincoln, RI 02865	Dealer Principal

and (iii) upon representation and agreement that the following person(s), and only the following person(s), shall be the remaining owners of the Dealer:

NAME	HOME ADDRESS	PERCENTAGE OF INTEREST	
		Equity	Voting

The Dealer shall give the Company prior notice of any proposed change in the said ownership or managerial authority, and immediate notice of the death or incapacity of any such person. No such change or notice, and no assignment of this agreement or of any right or interest herein, shall be effective against the Company unless and until embodied in an appropriate amendment to or assignment of this agreement, as the case may be, duly executed and delivered by the Company and by the Dealer. The Company shall not unreasonably withhold its consent to any such change. If the Company's restriction regarding amendment or assignment of these Agreements is illegal under a valid law of any jurisdiction where such change is to take place, this amendment will be modified to the minimum extent necessary to comply with such law if it was effective on the date of execution of these Agreements.

This Supplemental Agreement is subject to all the terms and conditions contained in said Agreements, except insofar as such terms and conditions may be inconsistent with the express terms hereof.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written and the Company is authorized to deliver the same to the Dealer by placing the Dealer's copy thereof in the United States Mail, duly stamped and addressed to the Dealer at his principal place of business, or by delivery to such place of business or to the Dealer in person.



Ford Motor Company

Don Allen Auto Service, Inc.
(Dealer's Trade Name)

By _____
Assistant Secretary

By *R. G. Iacovone*
Raffaele G. Iacovone
Dealer Principal

DocuSigned by:
Ann McDonough
5804E5F0C0CE4E0
Ann McDonough -Regional Manager



Ford Motor Company

Boston Region

Addendum To

FORD SALES AND SERVICE AGREEMENT

Dated August 3, 1998

FORD TRUCK SALES AND SERVICE AGREEMENT

Dated N/A

FORD HEAVY TRUCK SALES AND SERVICE AGREEMENT

Dated N/A

LINCOLN SALES AND SERVICE AGREEMENT

Dated N/A

The "Agreements" by and between Don Allen Auto Service, Inc.

Corporation in the state of Massachusetts doing business as

Don Allen Auto Service, Inc.

(the "Dealer") and Ford Motor Company, a Delaware Corporation (the "Company").

THE PARTIES AGREE that the following addendum to Paragraph (F) containing clause (i)(a) is annexed and made part of the Agreements:

F(i)(a) upon the representation and agreement that the following person(s) and/or entity(ies), and only the following person(s) and/or entity(ies), shall have ownership interests in the principal owner(s) referred to in clause (i) of this Paragraph F:

NAME OF PRINCIPAL OWNER(S) WHICH ARE PARTNERSHIPS OR CORPORATIONS (STATE OF INCORPORATION)	NAME AND ADDRESS OF PERSON(S) OR ENTITY(IES) HAVING OWNERSHIP INTEREST(S) IN PRINCIPAL OWNER(S) (INDICATE TITLE)	% OF OWNERSHIP INTEREST Equity Voting	
Penske Automotive Group, Inc. (a Delaware Corporation)	Publicly Traded Company 2555 Telegraph Rd, Bloomfield Hills, MI 48302	100%	--

The provisions of this paragraph F requiring notice to and consent by the Company to any changes in ownership shall apply to any change in the person(s) or entity(ies) having an ownership interest in the principal owner(s) set forth in this clause F(i)(a).

IN WITNESS WHEREOF, the Company and the Dealer duly executed this addendum as of the
_____ day of _____, _____.

FORD MOTOR COMPANY

By _____
Assistant Secretary

Don Allen Auto Service, Inc.
(Dealer's Trade Name)

By R. G. Iacono
Raffaele G. Iacono
Dealer Principal

DocuSigned by:

Ann McDonough

5804E5F0C0CE4E0... Regional Manager

Amendment

Agreement(s) by and between DON ALLEN AUTO SERVICE, INC.
(DEALER FIRM NAME)

D/B/A _____

a(n) Corporation, hereinafter called DEALER and FCA US LLC,
(INDIVIDUAL, PARTNERSHIP, CORPORATION, LLC OR LP)

a Delaware corporation, hereinafter called ("FCA US").

WHEREAS, DEALER and FCA US entered into DODGE TRUCK JEEP RAM
(FCA US VEHICLE LINE(S))

Dealer Agreement(s) dated, 06/14/2013,06/14/2013,06/14/2013 respectively; and

WHEREAS, DEALER has requested that FCA US approve an amendment to the Paragraph(s)

Management of said Dealer Agreement(s).
(MANAGEMENT AND/OR OWNERSHIP AS APPLICABLE)

NOW, THEREFORE, in consideration of the foregoing, DEALER and FCA US agree to amend the aforesaid Dealer Agreement(s) as follows and that the amendment(s) contained herein supersede all prior agreements of the parties hereto as to all herein amended Dealer Agreement(s) provisions:

DEALER'S Management:

FCA US has entered into this Agreement relying on the active, substantial and continuing personal participation in the management of DEALER'S organization by:

☐ No Change - List Person(s) now named in the current Agreement(s) or most recent Amendment.

☒ Amend to Read:

NAME	POSITION
<u>RAFFAELE G IACOVONE</u>	<u>Dealer Principal</u>
<u>ERIK EVENS</u>	<u>General Manager</u>

DEALER represents and warrants that at least one of the above-named individuals will be physically present at DEALER's facility (sometimes referred to as "Dealership Facilities") during most of its operating hours and will manage all of DEALER's business relating to the sale and service of FCA US products. DEALER shall not change the personnel holding the above described position(s) or the nature and extent of his/her/their management participation without the prior written approval of FCA US.

If DEALER is a corporation, partnership or limited liability company, DEALER represents and agrees that the persons named below own beneficially the capital stock, partnership interest or membership interest of DEALER in the percentages indicated below. DEALER warrants there will be no change affecting more than fifty (50%) percent of the ownership interest of DEALER, nor will there be any other change in the ownership interest of DEALER which may affect the managerial control of DEALER without FCA US's prior written approval.

☐ Amend to Read:

IN WITNESS WHEREOF, the parties hereto have signed this Agreement which is finally executed at, AUBURN HILLS, MI ,
on 12/13/2023

FCA US LLC

By RG Lacovone
(INDIVIDUAL AUTHORIZED TO SIGN)

By  _____
NATIONAL DEALER PLACEMENT MANAGER

Dealer Principal _____
(TITLE)

This Form 8-K was filed by Penske Automotive Group, Inc. with the SEC on 12/22/2023 disclosing the agreement to purchase Don Allen Auto Sales, Inc. and the terms of the sale and states that the Buy/Sell Agreement will be filed with our Form 10-K for the fiscal year ended 12/31/2023 (which is anticipated to be filed by the end of February, 2024).

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

FORM 8-K

CURRENT REPORT

Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

Date of Report (Date of Earliest Event Reported):

December 22, 2023

Penske Automotive Group, Inc.

(Exact name of registrant as specified in its charter)

Delaware

(State or other jurisdiction
of incorporation)

1-12297

(Commission
File Number)

22-3086739

(I.R.S. Employer
Identification No.)

2555 Telegraph Road,
Bloomfield Hills, Michigan

(Address of principal executive offices)

48302

(Zip Code)

Registrant's telephone number, including area code:

248-648-2500

Not Applicable

Former name or former address, if changed since last report

Securities registered pursuant to Section 12(b) of the Act:

Title of each class	Trading Symbol(s)	Name of each exchange on which registered
Voting Common Stock, par value \$0.0001 per share	PAG	New York Stock Exchange

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- ☐ Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
☐ Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
☐ Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
☐ Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

Indicate by check mark whether the registrant is an emerging growth company as defined in Rule 405 of the Securities Act of 1933 (§230.405 of this chapter) or Rule 12b-2 of the Securities Exchange Act of 1934 (§240.12b-2 of this chapter).

Emerging growth company ☐

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act. ☐

Item 1.01 Entry into a Material Definitive Agreement.

On December 22, 2023, Penske Automotive Group, Inc. (“we,” “us” or the “Company”) entered into a Stock Purchase Agreement (the “Purchase Agreement”) with Penske Investments Limited Partnership, a Nevada partnership owned by entities affiliated with our Chair and Chief Executive Officer Roger S. Penske (“PILP”), to acquire all of the issued and outstanding capital stock of Don Allen Auto Service, Inc., a Massachusetts corporation (the “Dealership Entity”), for a purchase price of \$12,340,000 in cash (the “Purchase Price”), subject to certain adjustments. The Dealership Entity owns Don Allen Ford Nantucket and Don Allen Chrysler Dodge Jeep Ram (the “Dealerships”) located in Nantucket, MA, as well as associated real property. Under the terms of the Purchase Agreement, the Purchase Price may be increased or decreased after the closing based on the finally determined net worth of the Dealership Entity as of the closing date compared to a net worth target based on the Dealership Entity’s historical assets and liabilities. The Company has retained a \$650,000 holdback from the Purchase Price to account for potential adjustments to the Purchase Price.

The closing of the transactions contemplated by the Purchase Agreement is subject to customary conditions, including (i) receipt of approval of the transactions by certain automotive manufacturers, (ii) receipt of certain governmental approvals and licenses and (iii) the absence of a material adverse change affecting the Dealerships or the Dealership Entity’s real property. The Purchase Agreement also contains certain termination rights of both the Company and PILP. We expect to close on the transactions contemplated by the Purchase Agreement in the first quarter of 2024.

The Purchase Agreement contains customary representations and warranties made by each of the Company and PILP. The Company and PILP have also agreed to various covenants in the Purchase Agreement, including covenants by PILP to conduct the operations of the Dealership Entity and the Dealerships in the ordinary course of business consistent with past practice prior to closing and customary non-solicitation and non-competition covenants. The Company and PILP have agreed to indemnify one another against certain incurred losses, subject to customary exceptions and limitations.

The foregoing description of the Purchase Agreement does not purport to be complete and is qualified in its entirety by reference to the full text of the Purchase Agreement, a copy of which will be filed with the Company’s Annual Report on Form 10-K for the fiscal year ended December 31, 2023 and is incorporated herein by reference.

Related Party Disclosure.

PILP is an investment entity owned by entities affiliated with our Chair and Chief Executive Officer, Roger S. Penske. The Company and PILP are also both affiliates of Penske Corporation and PTS (as defined below). The following disclosure provides a brief description of certain related party arrangements between us, Penske Corporation and PTS. For additional disclosure, see the “Related Party Transactions” section of our proxy statement filed on March 27, 2023, which is incorporated herein by reference.

Stockholders Agreement. Entities affiliated with Roger S. Penske are parties to a stockholders agreement described below. Mr. Penske is also Chair of the Board and Chief Executive Officer of Penske Corporation, and, through entities affiliated with Penske Corporation, our largest stockholder. The parties to the stockholders agreement are Mitsui & Co., Ltd., Mitsui & Co, (USA), Inc. (collectively, “Mitsui”), Penske Corporation and Penske Automotive Holdings Corp. (collectively the “Penske companies”).

Pursuant to the stockholders agreement, which expires March 26, 2030, in connection with any shareholder election of directors of the Company, the Penske companies agreed to vote their shares for two directors who are representatives of Mitsui as long as Mitsui owns in excess of 20% of our outstanding common stock, and for one director as long as Mitsui owns in excess of 10% of our outstanding common stock. Mitsui agreed to vote its shares for up to fourteen directors voted for by the Penske companies. In addition, the Penske companies agreed that if they transfer any of our shares of common stock, Mitsui would be entitled to “tag along” by transferring a pro rata amount of its shares upon similar terms and conditions, subject to certain limitations. We and Mitsui have agreed that Mitsui has a right to (1) an observer at all of our Board of Directors meetings so long as Mitsui owns at least 2.5% of our outstanding common stock, and (2) designate a senior executive so long as Mitsui owns at least 10% of our outstanding common stock.

Registration Rights Agreements. Both the Penske companies and Mitsui possess registration rights pursuant to which they are able on two remaining occasions each to register all or part of our common stock held by them, subject to

specified limitations. They are also entitled to request inclusion of all or any part of their common stock in any registration of securities by us on Forms S-1 or S-3 under the Securities Act of 1933, as amended.

Other Related Party Interests. Several of our directors and officers are affiliated with Penske Corporation or related entities. The Vice Chair of our Board of Directors, Greg Penske, is the son of our CEO, Roger S. Penske, and Greg Penske also serves as a director of Penske Corporation. Robert H. Kurnick, Jr., our President and a Director, is also the Vice Chair and a Director of Penske Corporation. Mr. Denker, our Executive Vice President – Human Resources, is the President of Penske Corporation. Mr. Eisenson, one of our directors, is a director of Penske Corporation. These employees or directors may receive salary, bonus or other compensation from Penske Corporation or its affiliates unrelated to their service to our Company.

Penske Transportation Solutions. We hold a 28.9% ownership interest in Penske Truck Leasing Co., L.P. (“PTL”). PTL is owned 41.1% by Penske Corporation, 28.9% by us, and 30.0% by Mitsui. Penske Transportation Solutions (“PTS”) is the universal brand name for PTL’s various business lines through which it is capable of meeting customers’ needs across the supply chain with a broad product offering that includes full-service truck leasing, truck rental and contract maintenance, along with logistic services such as dedicated contract carriage, distribution center management, freight management and dry van truckload carrier services.

The PTS partnership agreement, among other things, provides us with specified partner distribution and governance rights and restricts our ability to transfer our interest. In February 2023, we amended the PTS partnership agreement to augment PTS’s governance and implement an eleven member Advisory Board. We retain the right to appoint one Advisory Board member and acquired the right to an observer for any Board committees. Mr. Kurnick, our President, serves as our representative. Lisa Davis, one of our directors, was also appointed to the Advisory Board. We continue to have the right to pro rata quarterly distributions equal to at least 50% of PTS’s consolidated net income and have minority rights which require our and/or Mitsui’s consent for certain actions taken by PTS as specified in the partnership agreement.

We may transfer our directly owned interests with the unanimous consent of the other partners, or if we provide the remaining partners with a right of first offer to acquire our interests, except that we may transfer up to 9.02% of our interest to Penske Corporation without complying with the right of first offer to the remaining partner. We and Penske Corporation have previously agreed that (1) in the event of any transfer by Penske Corporation of their partnership interests to a third party, we will be entitled to “tag-along” by transferring a pro rata amount of our partnership interests on similar terms and conditions, and (2) Penske Corporation is entitled to a right of first refusal in the event of any transfer of our partnership interests, subject to the terms of the partnership agreement. Additionally, PTS has agreed to indemnify the general partner for any actions in connection with managing PTS, except those taken in bad faith or in violation of the partnership agreement.

The partnership agreement allows Penske Corporation to give notice to require PTS to begin to effect an initial public offering of equity securities, subject to certain limitations, as soon as practicable after the first anniversary of the initial notice, and, beginning in 2025, we and Mitsui continue to have a similar right to require PTS to begin an initial public offering of equity securities, subject to certain limitations, as soon as reasonably practicable.

Other Transactions. From time to time, we pay and/or receive fees from Penske Corporation and its affiliates for services rendered in the normal course of business, including payments to third parties by Penske Corporation on our behalf which we then reimburse to them, payments to third parties made by us on behalf of Penske Corporation which they then reimburse to us, shared office expenses, shared employee expenses and payments relating to the use of aircraft from Penske Jet, a division of Penske Corporation. These transactions are reviewed periodically by our Audit Committee and reflect the provider’s cost, or an amount mutually agreed upon by both parties. Aggregate payments relating to such transactions amounted to \$4.9 million paid by us in 2022.

We are party to a license agreement with an affiliate of Penske Corporation for a license of the “Penske Automotive” name. This agreement provides us with a perpetual license of the name “Penske Automotive” and related trade names so long as Penske Corporation and its affiliates own in excess of 20% of our outstanding common stock and we adhere to the other terms of the license agreement.

From time to time, we enter into arrangements with PTS and/or other Penske Corporation affiliates and third-party vendors in order to achieve the benefits of scale or synergy opportunities as between the companies. For example, we aggregate several Penske entities in connection with sourcing certain telecommunications services to achieve the benefits of scale.

Our officers, directors and their affiliates periodically purchase, lease or sell vehicles and parts from us or PTS at fair market value. This includes purchases and sales of trucks, logistics and other services and parts as between our subsidiaries and those of PTS (in 2022 principally consisting of purchases of \$43.4 million of trucks and parts by PTS from our Premier Truck Group ("PTG") subsidiaries, and purchases of \$2.0 million of used trucks and towing services by PTG from PTS).

We and Penske Corporation share a joint corporate office which we purchased in 2021. We subsequently entered into a ten-year lease with Penske Corporation for the office space it uses in the corporate building based on a triple net per square foot basis which is subject to change from year to year, which also includes one five-year option. In 2022, Penske Corporation paid us \$776,768 pursuant to that lease.

In January 2023, we signed an agreement with Dr. Ing. h.c. F. Porsche Aktiengesellschaft ("Porsche") to be a sponsor of the Porsche Penske Motorsport Program, a collaboration between Porsche and Penske Racing, with a three year term at a cost of approximately \$4.0 million per year. The agreement provides us the benefits of being a sponsor of the Porsche Penske Motorsport racing team in the IMSA WeatherTech SportsCar Championship and FIA World Endurance Championship, including certain marketing, branding and promotional rights. The agreement also provides us with the opportunity to share motorsport experiences with our customers, including through hospitality packages, Porsche driving experiences, and access to Porsche's global customer experience centers.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

Penske Automotive Group, Inc.

December 22, 2023

By: /s/ Shane M. Spradlin

Name: *Shane M. Spradlin*

Title: *Executive Vice President*



The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
Lafayette City Center
2 Avenue de Lafayette, Boston, MA 02111-1750
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: Don Allen Auto Service, Inc.

Address: 24 Polpis Road

City/State/Zip: Nantucket, MA 02554 Phone #: 508.680.0306

Are you an employer? Check the appropriate box:

1. ☒ I am an employer with 35 employees (full and/or part-time).*
2. ☐ I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
3. ☐ We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
4. ☐ We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

5. ☐ Retail
6. ☐ Restaurant/Bar/Eating Establishment
7. ☒ Office and/or Sales (incl. real estate, auto, etc.)
8. ☐ Non-profit
9. ☐ Entertainment
10. ☐ Manufacturing
11. ☐ Health Care
12. ☐ Other _____

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: Travelers Property & Casualty of America

Insurer's Address: 7 Tower Square

City/State/Zip: Hartford, Ct

Policy # or Self-ins. Lic. # UB7R69240B2 Expiration Date: 7/1/2025

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under § 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: Ronda G. Bombalewski

Date: 1/4/2024

Phone #: 248.648.2500

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (check one):

1. ☐ Board of Health
2. ☐ Building Department
3. ☐ City/Town Clerk
4. ☐ Licensing Board
5. ☐ Selectmen's Office
6. ☐ Other _____

Contact Person: _____ Phone #: _____



Agenda Item Summary

Agenda Item #	II. 2.
Date	2/12/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Application –Change of Manager – ***Nantucket Historical Association, Whaling Museum, 11, 13 and 15 Broad Street.***

Executive Summary

Nantucket Historical Association is requesting a Change of Manager for an Annual General On Premise All Alcoholic Beverages Liquor License for ***Whaling Museum*** at ***11, 13 and 15 Broad Street.***

The change will replace the current listed manager, Johanna Richard, with Niles Parker. NHA Executive Director.

Staff Recommendation

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

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

Background/Discussion

Per Chapter 250, Town of Nantucket, Rules and Regulations Governing Alcoholic Beverages:

The Board regards the manager of licensed premises as the principal representative of the licensee and, as such, having full authority and control of the licensed premises and of the conduct of all business taking place therein relative to alcoholic beverages, as referred to in Chapter 138 and the Regulations. The manager of the licensed premises must be a full-time employee or a corporate officer of the licensee, must be engaged exclusively in the management of the licensed premises, and must be a qualified seller or server of alcoholic beverages.

Requirements for Change of Manager Application:

- ABCC Manager Application
- Fingerprints through NPD
- CORI Authorization
- Vote of the Entity
- Proof of Citizenship (Manager must be U.S. citizen)



- Alcohol Servers Training Certificate (TIPs or similar approved MA certification)

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

N/A

Attachments

Change of Manager Application; Liquor License





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City /Town

05491-GP-0762

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee Nantucket Historical Association

DBA The Whaling Museum

Street Address 11, 13, and 15 Broad Street

Zip Code 02554

Manager Niles Parker

Granted under Special Legislation? Yes ☐ No ☐

\$12 General On-Premises

Annual

All Alcoholic Beverages

Type

(i.e. restaurant, package store)

Class

(Annual or Seasonal)

Category

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

If Yes, Chapter

of the Acts of (year)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

First and second floor, as well as the rooftop, of the Whaling Museum. The first floor has 5 rooms which include the lobby, Gosnell Hall, the Candle Factory, the Discovery Room and the Williams Forsyth Gallery. The second floor has 5 rooms which include the Candle Factory, the Nantucket Corner Gallery, the Scrimshaw Gallery, and the McCausland Gallery, as well as the Mezzanine.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date 2/5/24

Time

Advertised Yes ☐ No ☒ Date Published

Publication

Abutters Notified: Yes ☐ No ☒ Date of Notice

Date APPROVED by LLA

2/12/24

Decision of the LLA

Approves this Application

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

For Transfers ONLY:

Seller License Number:

Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



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

AMENDMENT-Change of Manager

☐ **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
Nantucket Historical Association	The Commonwealth of Massachusetts	05491-GP-0762

2. APPLICATION CONTACT

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

Name	Title	Email	Phone
Robin G London	Events Manger	rlondon@nha.org	508.228.1894 ext 116

3A. MANAGER INFORMATION

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

Proposed Manager Name	Niles Parker	Date of Birth		SSN	
Residential Address	Nantucket, MA 02554				
Email	nparker@nha.org	Phone	508.1894 ext.121		
Please indicate how many hours per week you intend to be on the licensed premises		40	Last-Approved License Manager		Johanna Richard

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.

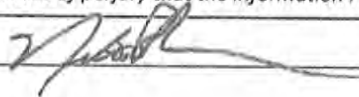
Start Date	End Date	Position	Employer	Supervisor Name
05.16.22		Executive Director	Nantucket Historical Association	

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  Date 11.8.2023

APPLICANT'S STATEMENT

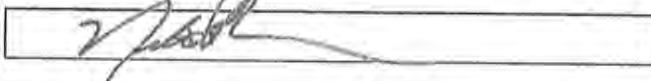
I, Niles Parker the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of Nantucket Historical Association
Name of the Entity/Corporation

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: 11.8.2023

Title:

Executive Director

ENTITY VOTE

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

For the following transactions (Check all that apply):

☒ Change of Manager

☐ Other

"VOTED: To authorize
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
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

Niles Parker

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

LICENSE #: 05491-GP-0762

LICENSE FEE: \$3,250.00

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

TO BE CONSUMED ON THE PREMISES

BUSINESS: Nantucket Historical Association

DBA: Whaling Museum

PREMISES: 11, 13, 15 Broad Street
Nantucket, MA 02554

MANAGER: ~~Johanna-Richard~~ Niles Parker

ON PREMISES DESCRIBED AS:

The premises to be licensed will include the first and second floor, as well as the rooftop, of the Whaling Museum. The first floor has 5 rooms which include the lobby, Gosnell Hall, the Candle Factory, the Discovery Room and the Williams Forsyth Gallery. The second floor has 5 rooms which include the Candle Factory, the Nantucket Corner Gallery, the Scrimshaw Gallery, and the McCausland Gallery, as well as the Mezzanine.

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 11th day of December 2023.



Dawn Hill Holdgate
Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 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.



Agenda Item Summary

Agenda Item #	II. 3
Date	2/12/2024

Staff

Amy Baxter, Licensing Administrator; Marina Dzvoniik, Events Coordinator

Subject

2024 Nantucket Wine and Food Festival; ABCC Charity Wine Fundraising Pouring Licenses

Executive Summary

Each year the Nantucket Wine and Food Festival must apply for an ABCC Charity Fundraising License.

There are 2 types of Charity Wine Fundraising Licenses: Charity Wine Auction License and Charity Wine Pouring License. Only a qualifying charity can obtain these licenses, which allow for the sale and consumption of **DONATED WINE ONLY**. The location of an event with these licenses is limited to an on-premises licensed establishment or the qualifying charity's headquarters or usual place of business (if zoned for wine sales).

If the event is hosted at a facility that holds an on-premises (§12) license, a letter from that licensee acknowledging the receipt of donated wine for the event is required.

A qualifying charity is:

- a Non-Profit Corporation organized in Massachusetts, and
- Currently registered with the Massachusetts Office of the Attorney General's, Public Charities Division.

Staff Recommendation

Select Board approval required for each location and licenses issued by ABCC. Each application is complete and all locations are active Section 12 Licenses. See attached descriptions and event lists for a summary.

Please note this is not a request for Town of Nantucket event permits. The complete event list and event permits will be presented to Select Board by April. No public property events or Public Hearings are anticipated for 2024.

Background/Discussion

N/A



Impact: Environmental ☐ Fiscal ☐ Community ☒ Other ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

N/A

Attachments

ABCC Certification Forms; Event Licensee Letters





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

NANTUCKET

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee	Nantucket Wine & Food Festival Charitable Foundation	DBA	Nantucket Wine and Food Festival
Street Address	12 Maclean Lane, Nantucket MA		Zip Code 02554
Manager	Nancy Bean		
Charity Wine Permit		Wines	
Type (i.e. restaurant, package store)	Class (Annual or Seasonal)	Category (i.e. Wines and Malts / All Alcohol)	
			Granted under Special Legislation? Yes ☐ No ☒
			If Yes, Chapter
			of the Acts of (year)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

Lemon Press Market, LLC DBA Lemon Press 04022-RS-0762

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	02/05/2024	Time	4:42 PM	
Advertised	Yes ☐ No ☒	Date Published		Publication	
Abutters Notified:	Yes ☐ No ☒	Date of Notice			
Date APPROVED by LLA	2/12/2024	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)	May 16-18, 2024				
For Transfers ONLY:					
Seller License Number:		Seller Name:			

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

NANTUCKET

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee	Nantucket Wine & Food Festival Charitable Foundation	DBA	Nantucket Wine and Food Festival
Street Address	12 Maclean Lane, Nantucket MA		Zip Code 02554
Manager	Nancy Bean		
Charity Wine Permit		Wines	
Type (i.e. restaurant, package store)	Class (Annual or Seasonal)	Category (i.e. Wines and Malts / All Alcohol)	
			Granted under Special Legislation? Yes ☐ No ☒
			If Yes, Chapter
			of the Acts of (year)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

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

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	02/05/2024	Time	4:25 PM	
Advertised	Yes ☐ No ☒	Date Published		Publication	
Abutters Notified:	Yes ☐ No ☒	Date of Notice			
Date APPROVED by LLA	2/12/2024	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)	May 16, 2024 (5:30pm-9:30pm) - the Harbor Gala				
For Transfers ONLY:					
Seller License Number:		Seller Name:			

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

NANTUCKET

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee	Nantucket Wine & Food Festival Charitable Foundation	DBA	Nantucket Wine and Food Festival
Street Address	12 Maclean Lane, Nantucket MA		Zip Code 02554
Manager	Nancy Bean		
Charity Wine Permit		Wines	
Type (i.e. restaurant, package store)	Class (Annual or Seasonal)	Category (i.e. Wines and Malts / All Alcohol)	
			Granted under Special Legislation? Yes ☐ No ☒
			If Yes, Chapter
			of the Acts of (year)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

Straight Wharf Restaurant CO., Inc DBA Straight Wharf Restaurant 00021-RS-0762

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	02/05/2024	Time	4:48 PM	
Advertised	Yes ☐ No ☒	Date Published		Publication	
Abutters Notified:	Yes ☐ No ☒	Date of Notice			
Date APPROVED by LLA	2/12/2024	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)	Seminar on May 16, 2024				
For Transfers ONLY:					
Seller License Number:		Seller Name:			

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

NANTUCKET

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee	Nantucket Wine & Food Festival Charitable Foundation	DBA	Nantucket Wine and Food Festival
Street Address	12 Maclean Lane, Nantucket MA		Zip Code 02554
Manager	Nancy Bean		
Charity Wine Permit		Wines	
Type (i.e. restaurant, package store)	Class (Annual or Seasonal)	Category (i.e. Wines and Malts / All Alcohol)	
			Granted under Special Legislation? Yes ☐ No ☒
			If Yes, Chapter
			of the Acts of (year)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

Nantucket Hotel 00202-HT-0762

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	02/05/2024	Time	3:52 PM	
Advertised	Yes ☐ No ☒	Date Published		Publication	
Abutters Notified:	Yes ☐ No ☒	Date of Notice			
Date APPROVED by LLA	02/12/2024	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)	educational seminars and special events scheduled to be held May 16-18, 2024				
For Transfers ONLY:					
Seller License Number:		Seller Name:			

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

NANTUCKET

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee	Nantucket Wine & Food Festival Charitable Foundation	DBA	Nantucket Wine and Food Festival
Street Address	12 Maclean Lane, Nantucket MA		Zip Code 02554
Manager	Nancy Bean		
Charity Wine Permit		Wines	
Type (i.e. restaurant, package store)	Class (Annual or Seasonal)	Category (i.e. Wines and Malts / All Alcohol)	
			Granted under Special Legislation? Yes ☐ No ☒
			If Yes, Chapter
			of the Acts of (year)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

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

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	02/05/2024	Time	4:25 PM	
Advertised	Yes ☐ No ☒	Date Published		Publication	
Abutters Notified:	Yes ☐ No ☒	Date of Notice			
Date APPROVED by LLA	2/12/2024	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)	Seminars and special events: May 16-19, 2024				
For Transfers ONLY:					
Seller License Number:		Seller Name:			

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

NANTUCKET

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee	Nantucket Wine & Food Festival Charitable Foundation	DBA	Nantucket Wine and Food Festival
Street Address	12 Maclean Lane, Nantucket MA		Zip Code 02554
Manager	Nancy Bean		
Charity Wine Permit		Wines	
Type (i.e. restaurant, package store)	Class (Annual or Seasonal)	Category (i.e. Wines and Malts / All Alcohol)	
			Granted under Special Legislation? Yes ☐ No ☒
			If Yes, Chapter
			of the Acts of (year)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

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

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	02/05/2024	Time	4:25 PM	
Advertised	Yes ☐ No ☒	Date Published		Publication	
Abutters Notified:	Yes ☐ No ☒	Date of Notice			
Date APPROVED by LLA	02/12/2024	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)	Seminars and special events: May 17, 2024				
For Transfers ONLY:					
Seller License Number:		Seller Name:			

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

NANTUCKET

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee	Nantucket Wine & Food Festival Charitable Foundation	DBA	Nantucket Wine and Food Festival
Street Address	12 Maclean Lane, Nantucket MA		Zip Code 02554
Manager	Nancy Bean		
Charity Wine Permit		Wines	
Type (i.e. restaurant, package store)	Class (Annual or Seasonal)	Category (i.e. Wines and Malts / All Alcohol)	
			Granted under Special Legislation? Yes ☐ No ☒
			If Yes, Chapter
			of the Acts of (year)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	02/05/2024	Time	4:26 PM	
Advertised	Yes ☐ No ☒	Date Published		Publication	
Abutters Notified:	Yes ☐ No ☒	Date of Notice			
Date APPROVED by LLA	2/12/2024	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)	May 15, 2024 (5:00pm-8:00pm) - Welcome Reception				
For Transfers ONLY:					
Seller License Number:		Seller Name:			

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

NANTUCKET

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee	Nantucket Wine & Food Festival Charitable Foundation	DBA	Nantucket Wine and Food Festival
Street Address	12 Maclean Lane, Nantucket MA		Zip Code 02554
Manager	Nancy Bean		
Charity Wine Permit		Wines	
Type (i.e. restaurant, package store)	Class (Annual or Seasonal)	Category (i.e. Wines and Malts / All Alcohol)	
			Granted under Special Legislation? Yes ☐ No ☒
			If Yes, Chapter
			of the Acts of (year)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

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

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	02/05/2024	Time	4:25 PM	
Advertised	Yes ☐ No ☒	Date Published		Publication	
Abutters Notified:	Yes ☐ No ☒	Date of Notice			
Date APPROVED by LLA	2/12/2024	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)	May 18, 2024 (11:00am-5:00pm); May 19, 2024 (1:00pm -4:00pm) - The Grand Tastings - 3 sessions				
For Transfers ONLY:					
Seller License Number:		Seller Name:			

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

LEMON PRESS

February 1, 2024

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

Members of the Board:

17

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

This application is being made with regard to the Seminars & Special Events scheduled to be held at the Lemon Press from 2:00 PM May 16, 2024 to 12:00 PM, May 18, 2024 to raise funds to support the charitable purposes of Nantucket Wine & Food Festival Charitable Foundation. These events and others planned as part of the 2024 Nantucket Wine & Food Festival are vital to raise much-needed revenue for charities serving the Nantucket Island community. As you know, the Nantucket Wine & Food Festival events also attract many visitors and provide much-needed revenue to the Nantucket business community.

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

Thank you for your consideration of this request.

Sincerely,



Lemon Press
Owner/MD
Rachel Afshari



February 1, 2024

Nantucket Board of Selectmen
16 Broad Street
Nantucket, MA 02554

Members of the Board:

Nantucket Wine & Food Festival Charitable Foundation and The Nantucket Hotel & Resort are joint applicants for a temporary license for the sale of wine to be consumed on the premises of The Nantucket Hotel & Resort pursuant to Section 4 of Chapter 450 of the Acts of 1998. This application is being made with regard to seminars and special events scheduled to be held at The Nantucket Hotel & Resort on May 16-18, 2024.

Our co-applicant, The Nantucket Hotel & Resort, holds a license pursuant to M.G.L.c.138, sect. 12 for the sale of alcoholic beverages to be consumed on its premises.

The purpose of these events is to raise funds to support the charitable purposes of Nantucket Wine & Food Festival Charitable Foundation. These events and others planned as part of the 2024 Nantucket Wine & Food Festival are vital to raise much-needed revenue for charities serving the Nantucket Island community. As you know, the Nantucket Wine & Food Festival events also attract many visitors and provide much-needed revenue to the Nantucket business community.

We respectfully request your approval of the temporary license for seminars and special events to be held at The Nantucket Hotel & Resort on May 16-18, 2024.

Thank you for your consideration of this request.

Sincerely,

Nancy Bean
Executive Director,
Nantucket Wine & Food Festival



February 1, 2024

Nantucket Board of Selectmen
16 Broad Street
Nantucket, MA 02554

Members of the Board:

Nantucket Wine & Food Festival Charitable Foundation and the Straight Wharf Restaurant are joint applicants for a temporary license for the sale of wine to be consumed on the premises of the Lemon Press Upstairs pursuant to Section 4 of Chapter 450 of the Acts of 1998. This application is being made with regard to seminars and events scheduled to be held at the Straight Wharf Restaurant on May 16, 2024.

Our co-applicant, the Straight Wharf Restaurant, holds a license pursuant to M.G.L.c.138, sect. 12 for the sale of alcoholic beverages to be consumed on its premises.

The purpose of these events is to raise funds to support the charitable purposes of Nantucket Wine & Food Festival Charitable Foundation. These events and others planned as part of the 2024 Nantucket Wine & Food Festival are vital to raise much-needed revenue for charities serving the Nantucket Island community. As you know, the Nantucket Wine & Food Festival events also attract many visitors and provide much-needed revenue to the Nantucket business community.

We respectfully request your approval of the temporary license for seminars and events to be held at the Straight Wharf Restaurant on May 16, 2024.

Thank you for your consideration of this request.

Sincerely,

Nancy Bean
Executive Director,
Nantucket Wine & Food Festival



February 1, 2024

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

WHITE ELEPHANT
HOTELS RESORTS RESTAURANTS MARINAS

Members of the Board:

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

This application is being made with regard to the Grey Lady Welcome Reception scheduled to be held at the White Elephant on May 15, 2024 from 5:00pm-8:00pm to raise funds to support the charitable purposes of Nantucket Wine & Food Festival Charitable Foundation. These events and others planned as part of the 2024 Nantucket Wine & Food Festival are vital to raise much-needed revenue for charities serving the Nantucket Island community. As you know, the Nantucket Wine & Food Festival events also attract many visitors and provide much-needed revenue to the Nantucket business community.

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

Thank you for your consideration of this request.

Sincerely,



Jon Heneke, CFO
White Elephant



February 1, 2024

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

WHITE ELEPHANTSM
HOTELS RESORTS RESTAURANTS MARINAS

Members of the Board:

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

This application is being made with regard to the Harbor Gala scheduled to be held at the White Elephant from 5:30-9:30 PM, May 16, 2024, to raise funds to support the charitable purposes of Nantucket Wine & Food Festival Charitable Foundation. These events and others planned as part of the 2024 Nantucket Wine & Food Festival are vital to raise much-needed revenue for charities serving the Nantucket Island community. As you know, the Nantucket Wine & Food Festival events also attract many visitors and provide much-needed revenue to the Nantucket business community.

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

Thank you for your consideration of this request.

Sincerely,



Jon Heneke, CFO
White Elephant



February 1, 2024

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

WHITE ELEPHANT
HOTELS RESORTS RESTAURANTS MARINAS

Members of the Board:

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

This application is being made with regard to the Grand Tastings scheduled to be held at the White Elephant from 11:00 AM, May 18, 2024 to 4:00 PM, May 19, 2024 to raise funds to support the charitable purposes of Nantucket Wine & Food Festival Charitable Foundation. These events and others planned as part of the 2024 Nantucket Wine & Food Festival are vital to raise much-needed revenue for charities serving the Nantucket Island community. As you know, the Nantucket Wine & Food Festival events also attract many visitors and provide much-needed revenue to the Nantucket business community.

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

Thank you for your consideration of this request.

Sincerely,



Jon Heneke, CFO
White Elephant

February 1, 2024



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

WHITE ELEPHANT

HOTELS RESORTS RESTAURANTS MARINAS

Members of the Board:

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

This application is being made with regard to the Seminars and Special Events scheduled to be held at the White Elephant on May 17, 2024, to raise funds to support the charitable purposes of Nantucket Wine & Food Festival Charitable Foundation. These events and others planned as part of the 2024 Nantucket Wine & Food Festival are vital to raise much-needed revenue for charities serving the Nantucket Island community. As you know, the Nantucket Wine & Food Festival events also attract many visitors and provide much-needed revenue to the Nantucket business community.

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

Thank you for your consideration of this request.

Sincerely,



Jon Heneke, CFO
White Elephant



February 1, 2024

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

WHITE ELEPHANT™
HOTELS RESORTS RESTAURANTS MARINAS

Members of the Board:

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

This application is being made with regard to the Seminars & Special Events scheduled to be held at the White Elephant Village Ballroom from 11:00 AM, May 16, 2024 to 2:00 PM, May 19, 2024 to raise funds to support the charitable purposes of Nantucket Wine & Food Festival Charitable Foundation. These events and others planned as part of the 2024 Nantucket Wine & Food Festival are vital to raise much-needed revenue for charities serving the Nantucket Island community. As you know, the Nantucket Wine & Food Festival events also attract many visitors and provide much-needed revenue to the Nantucket business community.

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

Thank you for your consideration of this request.

Sincerely,



Jon Heneke, CFO
White Elephant

LH Manager Northeast, LLC
10 Hussy Street
Nantucket, MA 02554

January 24, 2023.

Amy Baxter
Licensing & Permitting Office
4 Fairgrounds Road
Nantucket, MA 02554

RE: Surrender of Liq. License: 07476-RS-0762

Dear Amy:

This Letter of surrender will serve as the parties' statement of their intent to discontinue using liquor license 07476-RS-0762 at 12 Federal Street, Nantucket. LH Manager Northeast, LLC no longer operates The Pearl & Boarding House property and would like to shed liability and control of this license.

Best wishes,

DocuSigned by:
 1/24/2024
EAAB24D227DD4CD

Signature & Date

Christopher Perre General Counsel

Name & Title



Agenda Item Summary

Agenda Item #	III. 2.
Date	2/12/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Fees – Extended Closures

Executive Summary

Licensing request for Select Board to consider application of Extended Closure Fees for all Annual Liquor Licenses closed for more than 60 consecutive days as approved by vote of the Select Board On October 9, 2019. The fee increase was suspended due to the Pandemic from 2020 – 2022. The License Fee increase resumed in 2022. No extended closure fees have been applied since the increase was approved.

Staff Recommendation

See attached list of requested closures as of 2/5/24. Recommendation for discussion on number of closures and considerations as follows:

1. Extended Closure Fee brings the Licensee to the same level as a Seasonal Fee which is higher than Annuals.
2. The fee structure attempts to benefit those who stay open through the off-season.
3. The emphasis is on establishments that are open to the public and less so on private clubs and event facilities.
4. We are attempting to work within the confines of the Liquor Laws while not forcing most restaurants to go Seasonal. Administration wishes to allow flexibility in business operations to account for fluctuations in business opportunities and staffing.

Background/Discussion

As a point of reference, see below for goals of 2019 Fee Increase to include fees for extended closures.

2019 Hearing on Fee Increase - Goals for Increase in Liquor License Fees:

1. Increase in Administration Fees to account for processing time and Hearing fees as is consistent across the Commonwealth.
2. Create New License Fee of up to \$1000 for year one of any New License (does not include a transfer). Standard License Fee upon renewal.
3. Increase Seasonal Fees at a higher rate to the benefit of Annual Licensees that remain open in the off-season.



4. Address the long closure requests from Annual establishments in the off-season. Allow for the need for breaks and difficulties retaining staff, decrease in business, etc. while benefitting the establishments that remain open. Create fees for 30-45 days; 46-60 days. Beyond 60 days is a Seasonal Fee unless extreme circumstances require the closure.
5. Define the off-season; extended closure process.
6. Create standard fee across all On-Premise Categories (Restaurant/Innholder/Club)
7. Create Veterans Club Category with no increase in fees to include qualifying low membership fee clubs (i.e. Anglers Club).

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☒

Board/Commission Recommendation

N/A

Public Outreach

N/A

Attachments

Annual Extended Closure request list; 2019 SB Memo on Fee Increase and Public Notice



ANNUAL LIQUOR EXTENDED CLOSURES

DBA	TYPE	Extended Closure	# Days	Licenses
Bartlett’s Ocean View Farm	Package Store	December 19, 2023 → January 11, 2024	23	CV, Liquor
Pip and Anchor	Package Store	December 24, 2023 → January 10, 2024	17	CV, Liquor
The Beet (Misogi Noodle Bar)	Restaurant	December 4, 2023 → April 20, 2024	138	CV, Liquor, NL-ENT, Sidewalk Dining
Or The Whale	Restaurant	December 4, 2023 → April 17, 2024	135	CV, Liquor, NL-ENT
Dune	Restaurant	December 4, 2023 → April 15, 2024	133	CV, Liquor, Sidewalk Dining
Lola 41	Restaurant	December 16, 2023 → April 1, 2024	117	CV, LIVE-ENT, Liquor
The Club Car	Restaurant	January 1, 2024 → April 15, 2024	106	CV, LIVE-ENT, Liquor, Sidewalk Dining
The Gaslight	Restaurant	December 31, 2023 → March 21, 2024	81	CV, LIVE-ENT, Liquor, Nightclub
Pi Pizza	Restaurant	December 30, 2023 → March 15, 2024	76	CV, Liquor
Sea Grille	Restaurant	January 7, 2024 → March 13, 2024	66	CV, Caterer’s Liquor, Liquor
Faregrounds	Restaurant	January 1, 2024 → February 25, 2024	56	CV, LIVE-ENT, Liquor
Town/Queequegs	Restaurant	December 16, 2023 → February 8, 2024	53	CV, Liquor, NL-ENT
Nautilus	Restaurant	February 19, 2024 → April 4, 2024	45	CV, Liquor, NL-ENT
Via Mare	Restaurant	January 1, 2024 → January 31, 2024	31	CV, Innholder, Liquor, NL-ENT
Nantucket Tap Room	Restaurant	March 5, 2024 → April 1, 2024	27	CV, LIVE-ENT, Liquor
White Heron Theatre Co.	General On Premises	December 3, 2023 → April 24, 2024	143	LIVE-ENT, Liquor
Nantaco	General On Premises	January 1, 2024 → April 1, 2024	91	CV, Caterer’s Liquor, Liquor, MFU, NL-ENT, Sidewalk Dining
The Chicken Box	General On Premises	February 12, 2024 → February 29, 2024	17	LIVE-ENT, Liquor, Nightclub
Nantucket Hotel, Breeze Bar	Innholder	January 15, 2024 → March 8, 2024	53	CV, Innholder, LIVE-ENT, Liquor
Greydon House	Innholder	January 8, 2024 → January 29, 2024	21	CV, Innholder, Liquor, NL-ENT
Nantucket Yacht Club	Club	January 1, 2024 → May 1, 2024	121	CV, LIVE-ENT, Liquor
Nantucket Culinary Center	General On Premises			CV, LIVE-ENT, Liquor, NL-ENT
Born and Bread	Package Store			CV, Liquor
Hatch’s Package Store	Package Store			Liquor, Transportation
Murray’s Beverage Store	Package Store			Liquor
Nantucket Meat and Fish Market	Package Store			CV, Liquor
Nantucket Trading Post	Package Store			Liquor, Take-Out Only
Nantucket Vineyard	Farmer - Winery			Liquor
Nantucket Wine and Spirits	Package Store			Liquor
Old South Liquors	Package Store			Liquor
The Islander	Package Store			Liquor
45 Surfside	Restaurant			CV, Liquor, NL-ENT
Backyard BBQ	Restaurant			CV, LIVE-ENT, Liquor, Sidewalk Dining
Charlie Noble	Restaurant			CV, LIVE-ENT, Liquor
Crosswinds	Restaurant			CV, LIVE-ENT, Liquor
Fusaros	Restaurant			CV, Liquor
Island Kitchen	Restaurant			CV, Caterer’s Liquor, LIVE-ENT, Liquor, MFU
Kitty Murtaghs	Restaurant			CV, LIVE-ENT, Liquor
Nantucket Dreamland	Restaurant			LIVE-ENT, Liquor
Pizzeria Gemelle	Restaurant			CV, Liquor, NL-ENT
Sankaty Head Golf Club	Club			CV, LIVE-ENT, Liquor
The Brotherhood of Thieves	Restaurant			CV, LIVE-ENT, Liquor
The Muse	Restaurant			AAD, CV, LIVE-ENT, Liquor, Nightclub
Triple Eight Distillery	Farmer - Distiller			Liquor
Sophie T’s Pizza	Restaurant			CV, Liquor, NL-ENT
American Legion Post 82	Veterans Club			CV, LIVE-ENT, Liquor
Anglers Club	Veterans Club			CV, LIVE-ENT, Liquor
Maddequet Admiralty	Veterans Club			LIVE-ENT, Liquor
VFW Post 8608	Veterans Club			CV, LIVE-ENT, Liquor
Cisco Brewers	Farmer - Brewer			LIVE-ENT, Liquor
Faraway Hotel - Sister Ship	Innholder			CV, Innholder, Liquor, NL-ENT
Hotel Pippa	Innholder			CV, Innholder, Liquor, NL-ENT
Nantucket Inn	Innholder			CV, LIVE-ENT, Liquor
Great Harbor 56 Union	Club			Liquor, NL-ENT
Great Harbor Yacht Club	Club			CV, LIVE-ENT, Liquor
Miacomet Golf	Club			CV, LIVE-ENT, Liquor
Nantucket Golf Club	Club			CV, LIVE-ENT, Liquor
Whaling Museum	General On Premises			LIVE-ENT, Liquor

**TOWN/COUNTY OF NANTUCKET
TOWN ADMINISTRATION OFFICE**



MEMO

TO: Amy Baxter, Licensing Administrator
FROM: Erika Mooney, Operations Administrator *E Mooney*
CC: Police Chief William Pittman
DATE: October 22, 2019
RE: Amendments to Ch. 250, Town of Nantucket Rules and Regulations Governing Alcoholic Beverages, § XIII, Filing Fees and Annual License Fees

At its October 9, 2019 meeting, the Select Board voted to approve the following amendments to Chapter 250, Town of Nantucket Rules and Regulations Governing Alcoholic Beverages, § XIII, Filing Fees and Annual License Fees:

- Keep annual fee increase as proposed
- Increase seasonal fee \$1,000 over current
- New License fee \$2,000
- Closure fee would be the seasonal fee of category for 60+ days (cumulative); closure up to 60 days is the same as it has been (request permission from Town Administration in writing)
- New application/hearing fee of \$200
- Modification Fee of \$100

Please be sure to advertise the amendments in the Inquirer & Mirror for one week noting an effective date.

PUBLIC NOTICE

The Select Board at its meeting on Wednesday, October 9, 2019 adopted the following liquor license fee schedule. The new fee schedule is in effect for all 2020 Annual and Seasonal liquor license renewals, new and transferred liquor licenses and any liquor licenses pending approval by the ABCC as of November 15, 2019.

<u>LICENSE CATEGORY</u>	<u>CURRENT FEE</u>	<u>NEW FEE</u>
SEASONAL:		
All-Alcohol Restaurant	\$2,900.00	\$3,900.00
All-Alcohol Inn	\$2,900.00	\$3,900.00
All-Alcohol Club	\$2,900.00	\$3,900.00
All-Alcohol Package Store	\$2,150.00	\$3,150.00
Wine/Malt Restaurant	\$1,600.00	\$2,600.00
Wine/Malt Inn	\$1,600.00	\$2,600.00
Wine/Malt Club	\$1,200.00	\$2,600.00
Wine/Malt Package Store	\$1,000.00	\$2,000.00
ANNUAL:		
All-Alcohol Restaurant	\$2,750.00	\$3,250.00
All-Alcohol Inn	\$2,750.00	\$3,250.00
All-Alcohol General-On-Premises	\$2,750.00	\$3,250.00
All-Alcohol Club	\$1,000.00	\$3,250.00
All-Alcohol Package Store	\$2,000.00	\$2,500.00
All-Alcohol Veterans Club (NEW)	N/A	\$1,000.00
Wine/Malt Restaurant	\$1,500.00	\$2,000.00
Wine/Malt Inn	\$1,500.00	\$2,000.00
Wine/Malt Club	\$ 825.00	\$2,000.00
Wine/Malt Package Store	\$ 800.00	\$1,500.00
Wine/Malt Veterans Club (NEW)	N/A	\$ 825.00
Farmer-Brewer	\$1,500.00	\$2,000.00
Farmer-Winery	\$1,500.00	\$2,000.00
Farmer-Distiller	\$2,750.00	\$3,250.00
ADMINISTRATION FEES:		
New Liquor License Application	\$ 20.00	\$ 200.00
Liquor License Modification Application	\$ 20.00	\$ 100.00
NEW Liquor License 1 st Year Fee (+ License Fee for approved category)	N/A	\$2,000.00

SELECT BOARD



Agenda Item Summary

Agenda Item #	III. 3
Date	2/12/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Annual Renewal of Sidewalk Dining Permits– Public Property Fees

Executive Summary

In March of 2023, downtown core restaurants that were allowed sidewalk seating under Pandemic related conditions applied for permanent Alteration to their Liquor Licenses and executed License Agreements with the Town of Nantucket for use of the public space. Those Sidewalk permits must be renewed on an annual basis.

Staff Recommendation

1. Select Board to review agreement terms and conditions as developed in 2023 and consider renewal of permits and 2024 License agreements.
2. Discuss review of 2023 season and any concerns or feedback on the program and specific locations.
3. Vote on terms and conditions with or without amendments. Vote on location renewals. Any amendments to space or set-up at any location would also require an Alteration of Premises with ABCC.
4. Approved locations will be required to sign the License Agreement, pay associated fees and provide insurance coverage to receive sidewalk permit.

Background/Discussion

Each location up for renewal was approved by Select Board and ABCC in 2023.. Please note that renewal does not automatically issue the permit. A signed license agreement, proof of insurance and fees are required. The Renewals are as follows:

BROAD STREET

1. Ethos Nantucket, 18 Broad Street
 - a. 4 Tables; 16 Seats

SOUTH WATER STREET

1. Rose & Crown, 23 South Water Street
 - a. 6 Tables; 20 Seats
2. Nantaco, 21 South Water Street



- a. 3 Tables; 12 Seats
 - b. Liquor Service ends at 8:00 pm. Take-out only after 8pm.
- 3. The Beet (Application to change dba to Misogi Noodle Bar), 9 South Water Street
 - a. 4 Tables, 8 Seats

MAIN STREET

- 1. The Club Car, One Main Street
 - a. 5 Tables; 10 seats
 - b. Tables contiguous to building and licensed premises. Does not require approval of alcoholic beverages across a Public Way.
- 2. Lemon Press, 41 Main Street
 - a. 5 Tables; 20 seats
 - b. Limited to Dinner Service Only beginning @ 5pm

STRAIGHT WHARF

- 1. Backyard BBQ, 20 Straight Wharf
 - a. 4 Tables; 16 seats

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

N/A

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

N/A

Attachments

Sidewalk Seating Terms and Conditions; Sidewalk Dining Fees; ABCC Outdoor Dining Guidelines





Town & County of NANTUCKET, MA

2024 REVOCABLE LICENSE AGREEMENT FOR SIDEWALK SEATING LICENSE

This confirms the terms of the 2024 Revocable License Agreement between Restaurant, LLC., dba **The Nantucket Restaurant**, located at **Nantucket Street**, Nantucket Massachusetts 02554. (hereafter the "Sidewalk Seating Licensee"), and the Town of Nantucket, Broad Street, Nantucket, Massachusetts 02554 (hereafter, the "Town"), as follows:

The Town grants a revocable license to the Sidewalk Seating Licensee (the "Revocable License") to use the portion of Town property described in the Sidewalk Seating Licensee's Application for a Sidewalk Seating Common Victualler's License ("Application"), for the purposes and on the premises set forth in that Application (the "Property"). The purpose of this Revocable License is to facilitate the Sidewalk Seating Licensee's use of Town property for outside seating, service of food and/or alcoholic beverages, and transit by staff and others between portions of the licensed premises, including the outdoor seating area and other portions of the licensed premises.

This Revocable License is subject to the Sidewalk Seating Licensee's compliance with all applicable law and terms of the Sidewalk Seating Licensee's Town and State licenses, including, but not limited to, the Town's Sidewalk Dining Program Terms and Conditions (Exhibit A) Conditions and Guidelines; the Town's Prepared Food Regulations; in the case of liquor licensees, the ABCC's "Guidelines for Extension of Premises to Patio and Outside Areas" and the Town's Regulations Governing the Sales of Alcoholic Beverages; and the Sidewalk Seating Licensee's Common Victualler, Liquor, and Entertainment Licenses.

The hours in which this Revocable License may be exercised are limited to the Town-approved hours of operation under the Sidewalk Seating License. This Revocable License is valid from April 1, 2024 until December 31, 2024 unless earlier suspended by the Town.

The Sidewalk Seating Licensee certifies that it has, and will maintain during the term of this Revocable License Agreement, all Town- and ABCC-required general liability and liquor liability insurance, and that the Town is named as an additional insured on all such policies. The Sidewalk Seating Licensee absolves the Town and its officials, officers, employees, agents and representatives (collectively, the "Town") from all liability in connection with this Revocable License Agreement and the Sidewalk Seating Licensee's exercise and use of it. To the greatest extent permitted by law, the Sidewalk Seating Licensee agrees to defend, indemnify and hold harmless the Town of and from any and all claims, liabilities and actions for damages or other relief, whether sounding in contract, tort, or otherwise, on account of or in any way arising out of and/or relating to the Sidewalk Seating License and the Sidewalk Seating Licensee's use of the Property, including but not limited to incidents involving the Town's negligence.

The duty to defend shall immediately accrue and be owing upon the utterance of such a claim by any person or entity regardless of merit and shall not be dependent upon a finding of negligence or any other finding of fact at trial. The duty to defend shall be absolute and will include and shall not be defeated or in any way undermined by the utterance of claims not covered by this agreement.

The undersigned represent and warrant that they have the right, capacity and all necessary authority to execute and deliver this Revocable License Agreement on behalf of the respective party for whom they have signed.

Town of Nantucket:

Sidewalk Seating Licensee:

Town Manager or Designee

License Manager or Designee

Date

Date

EXHIBIT "A"

SIDEWALK DINING LICENSE CONDITIONS AND AGREEMENT

- **Hours of Operation:** No outdoor sidewalk seating area shall be in use beyond 8am to 10pm daily.
- **Entertainment:** No Entertainment allowed on sidewalk seating areas.
- **Maintenance of Public Right of Way:** Restaurant owners are fully responsible for licensed area as follows:
 - Food service personnel must constantly monitor the dining area for waste paper, garbage and other trash. Placement clips, cup holders and other such devices must be utilized to prevent blowing paper.
 - A minimum of 48" but 60" preferred of sidewalk clearance must be maintained to always ensure ADA accessibility and a clear pedestrian path.
- **Sidewalk Dining Furniture and Accessories:**
 - Outdoor seating areas must be easy to assemble on site and dismantle for storage or in case of emergency hazard situations.
 - All outdoor furniture, plantings, and amenities will be of a high quality and add to the appearance and vibrancy of the public way. Areas that are determined to be in poor condition or of poor-quality materials that detract from the public way will be asked to upgrade or remove the outdoor dining area.
- **Proof of Consent by Third Parties:**
 - Restaurants with proposed outdoor sidewalk seating on private property of third parties must submit proof of consent by the third party to for such use, such as a lease or other agreement.
- **Signage and Advertising Restrictions**
 - While modest enhancement of outdoor seating areas is encouraged (e.g. with flower planters), signs and corporate logos (including that of the restaurant utilizing the outdoor dining space) may not be displayed in the outdoor seating area. No promotional signage or logos shall be allowed on any outdoor dining elements (umbrellas, enclosures, etc.).
- **Heaters:** Fire Department permit required for any proposed propane heating lamps
- **Liability:**
 - Restaurants with outdoor seating on public property must provide certificate of liability insurance naming the Town of Nantucket as an additionally insured party in the amount of \$500,000/\$1 million providing coverage during the license period.
 - Restaurants serving alcohol must provide proof that the Licensee's Liquor Liability Insurance policy covers the proposed outdoor seating area and that the Town is listed as additional insured.

PUBLIC SIDEWALK USE FEES

No Alcohol Service	\$500.00	*April 1 - Stroll *Common Victualler required (No-take-out only) *Must fit within storefront and NOT extend to abutters. *Maximum 3 tables (4-top max) *Removed for closures more than 3 consecutive days.
Beer & Wine License	\$1000.00	*April 1 - Stroll *Common Victualler required (No-take-out only) *Must fit within storefront and NOT extend to abutters. *Maximum 3 tables or 12 seats *Removed for closures more than 3 consecutive days.
Beer & Wine License ++4 Tables (4-top max)	\$1500.00	*April 1 - Stroll *Common Victualler required (No-take-out only) *Must fit within storefront unless written approval received from Abutters. *Minimum 4 tables/16+ seats Maximum tbd based on storefront & location *Removed for closures more than 3 consecutive days.
All Alcohol License	\$2000.00	*April 1 - Stroll *Common Victualler required (No-take-out only) *Must fit within storefront and NOT extend to abutters. *Maximum 3 tables (4-top max) *Removed for closures more than 3 consecutive days.
All Alcohol License ++4 Tables (4-top max)	\$2500.00	*April 1 - Stroll *Common Victualler required (No-take-out only) *Must fit within storefront unless written approval received from Abutters. *Minimum 4 tables/16+ seats Maximum tbd based on storefront & location *Removed for closures more than 3 consecutive days.



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)



Agenda Item Summary

Agenda Item #	III. 4.
Date	2/12/2024

Staff

Amy Baxter, Licensing Administrator

Subject

License Renewals – Seasonal Liquor

Executive Summary

Acting as the Licensing Authority for the Town of Nantucket, the Select Board must vote on the estimated Seasonal Population of Nantucket as of July 10, 2024. The estimated population is the basis for the set Seasonal Package Store License quota as explained in attached document. Please review the proposed estimate data and corresponding Mass General Law below and attached.

Staff Recommendation

Recommendation to keep the Seasonal estimate at 45,000 and the Seasonal quota at no more than 9 Licenses. The increase in summer population in 2021-2 was a post-lockdown spike that may or may not continue at that rate. The Select Board may choose to keep the estimate conservative in relation to how many package stores are needed to serve the size and population of the island.

Background/Discussion

CONSIDERATIONS:

1. **Nantucket Data Platform Report as of 2017 and Updated 2021**: This report is the most comprehensive and most recent estimate of the island's population that is backed by actual data. The report is compiled using sources that include cell phone data, street list, ferry and air travel statistics.

The Select Board has relied on this information to set the Seasonal Population estimate since 2019. In previous years an estimate of 65,000 was submitted to the ABCC without a vote or supporting data.

The 2017 report (attached) estimates population between July and August to be 41,420 – 45,500. The update in 2021 estimated the island's peak summer population as high as 65,220 (with an average population of 58,000).

The proposed estimate is no more than 45,000 as it has been for 5 years. This gives Nantucket a Quota limit of nine (9) Seasonal Off-Premise (Package Store) Licenses. Nantucket currently has nine (9) active Seasonal Package Store Licenses with two (2) license being transferred to new



ownership. There are no new Package Store licenses available – a transfer of an existing license is the only option. Additional Licenses would be added for every increase of 5,000.

2. **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.

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

Board/Commission Recommendation

N/A

Public Outreach

N/A

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

N/A

Attachments

ABCC Seasonal Population Form for Signature; Nantucket Seasonal and Annual Quota Summary; Nantucket Data Platform Report



COMMONWEALTH OF MASSACHUSETTS
ALCOHOLIC BEVERAGES CONTROL COMMISSION

95 Fourth Street, Suite 3, Chelsea, MA 02150

2024 Seasonal Population Increase Estimation Form

Municipality:

Nantucket

Date:

02/12/24

Alcoholic Beverages Control Commission
c/o Licensing Department
95 Fourth Street, Suite 3
Chelsea, MA 02150

To Whom It May Concern:

Acting under authority contained in M.G.L. Ch. 138, s17, as amended, our Board at a meeting held on

February 12, 2024

estimated that the temporary increased resident population

of Nantucket

, as of July 10, 2024 will be 45,000.

This estimate was made and voted upon by us at a meeting called for the purpose, after due notice to each of the members of the time, place and purpose of said meeting, and after investigation and ascertainment by us of all the facts and after cooperative discussion and deliberation. The estimate is true to the best of our knowledge and belief. The above statements are made under the pains and penalties of perjury.

Very truly yours,

Local Licensing Authorities



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 2024 Population Estimate is recommended to be 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.

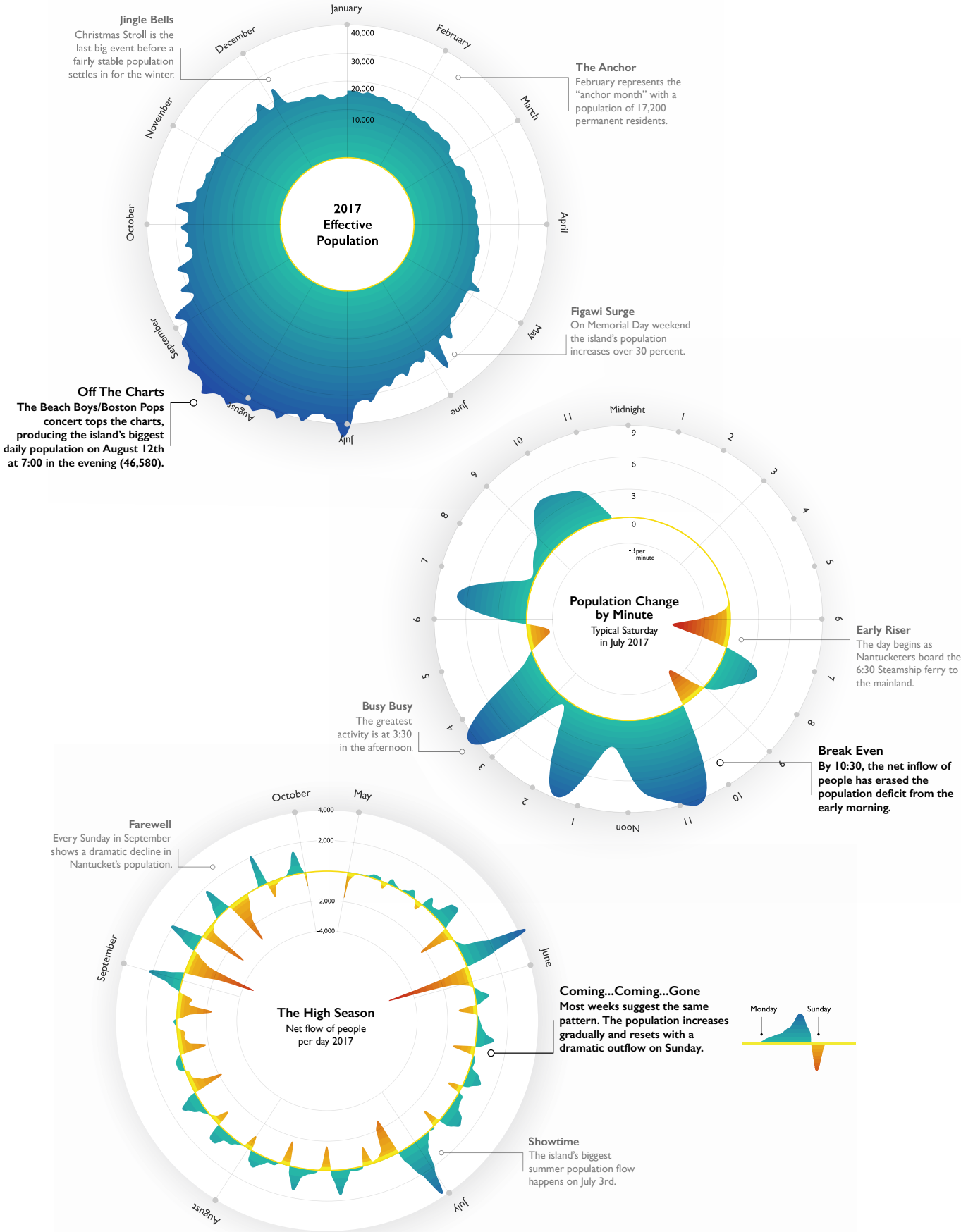
The LLA may issue off-premises seasonal licenses based on that estimate at the rate of one license for each 5,000 persons (or fraction thereof) and can be issued effective April 1st to November 30th until January 15th, or any portion thereof, as set by the LLA.

SEASONAL PACKAGE STORE LICENSES

ESTIMATED POPULATION of 45,000

Quota:	9 Licenses
Total Licenses in 2023:	9 Licenses
Available Licenses in 2024:	0

- | | |
|-------------------------|-----------------------|
| • 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 |
| • Foggy Nantucket | 147 Orange Street |



Appendix - All Five Groups

Table C-A. Average Daily Weekday Population 2017

	Daytime Population	Permanent Resident	Commuters	Seasonal Residents	Seasonal Workers	Visitors
January	19,000	17,160	365	-	-	1,475
February	18,010	17,160	365	-	-	485
March	18,220	17,160	365	-	-	695
April	20,020	17,160	365	-	463	2,032
May	23,640	17,160	365	-	2,141	3,974
June	29,320	17,160	365	640	4,990	6,165
July	39,950	17,160	365	6,210	6,601	9,614
August	42,430	17,160	365	6,100	6,593	12,212
September	30,570	17,160	365	2,220	4,110	6,715
October	25,760	17,160	365	-	2,412	5,823
November	22,090	17,160	365	-	875	3,690
December	19,590	17,160	365	-	453	1,612

Average Daily Weekday Population by Month for 2017

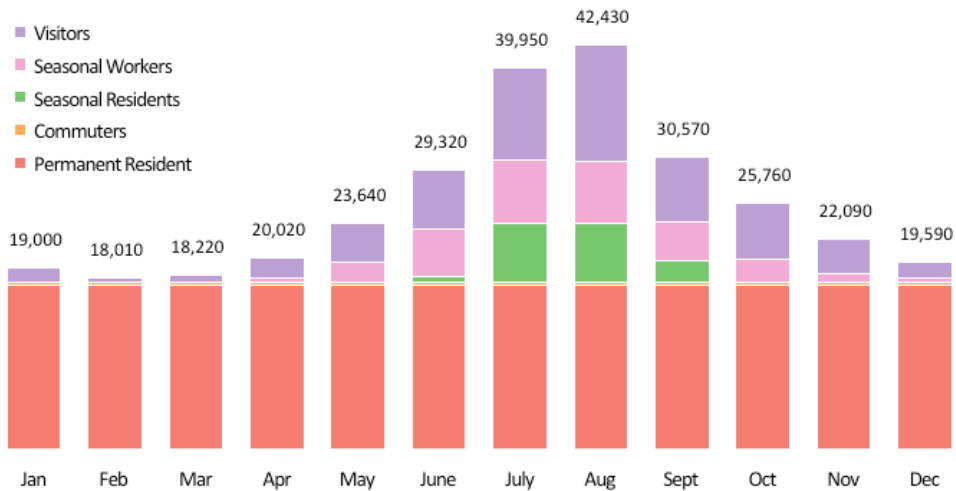
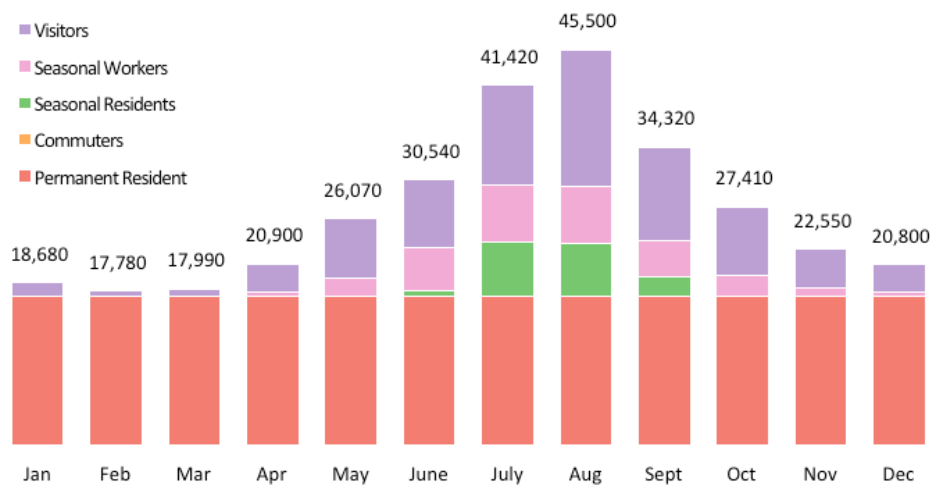


Table C-B. Average Daily Weekend Population 2017

	Daytime Population	Permanent Resident	Commuters	Seasonal Residents	Seasonal Workers	Visitors
January	18,680	17,160	-	-	-	1,520
February	17,780	17,160	-	-	-	620
March	17,990	17,160	-	-	-	830
April	20,900	17,160	-	-	463	3,277
May	26,070	17,160	-	-	2,141	6,769
June	30,540	17,160	-	640	4,990	7,750
July	41,420	17,160	-	6,210	6,601	11,449
August	45,500	17,160	-	6,100	6,593	15,647
September	34,320	17,160	-	2,220	4,110	10,830
October	27,410	17,160	-	-	2,412	7,838
November	22,550	17,160	-	-	875	4,515
December	20,800	17,160	-	-	453	3,187

Average Daily Weekend Population by Month for 2017



StreetLight to recognize Nantucket as the place where their mobile device usually spends the night. This causes a two- to three-week delay in their detection. For this reason, seasonal residents who arrive in late May or early June might not show up in the data until July.

The estimates also omit tenants who rent rooms or cottages from permanent residents for several weeks or months, and they fail to capture second-home owners who use their residences between October and April. The NDP will test several new methodologies for counting seasonal residents in the coming months.

TWO KINDS OF WORKERS

Many jobs on Nantucket pay far better than a similar job would on the mainland. The reason is Nantucket Sound, which makes it much harder for employers to persuade people to report for work. The island's high cost of living and geographic isolation creates two distinct population segments: commuting workers and seasonal workers.

Commuting workers live on the mainland year-round. Some of them spend several hours commuting every day, while others find local housing on weeknights that is often provided by employers. Many commuting workers are plumbers, electricians, and other types of skilled construction workers.

Seasonal workers usually stay on Nantucket from April through September, filling thousands of temporary jobs in hospitality, landscaping, and retail. Some seasonal workers also stay in employer-provided housing, but many of them find lodging on their own.

Although commuting workers are far less numerous than seasonal workers, both groups are essential to the island's economic and social life. They also add to the demand for public services, because anyone can dial 911 or seek care at the hospital's emergency room. The NDP's preliminary analysis of ferry passenger patterns identified about 365 year-round commuting workers who use the ferry. The team knows anecdotally that a smaller number of workers commute by air taxi or chartered aircraft, but this group remains uncounted for now.

Estimating the numbers of commuting and seasonal workers poses knotty challenges, but two federal data sources offer partial insights. The Bureau of Labor Statistics (BLS) provides monthly employment data for most industries on Nantucket, and the Bureau of Economic Analysis (BEA) reports annually on all Nantucket workers by industry.

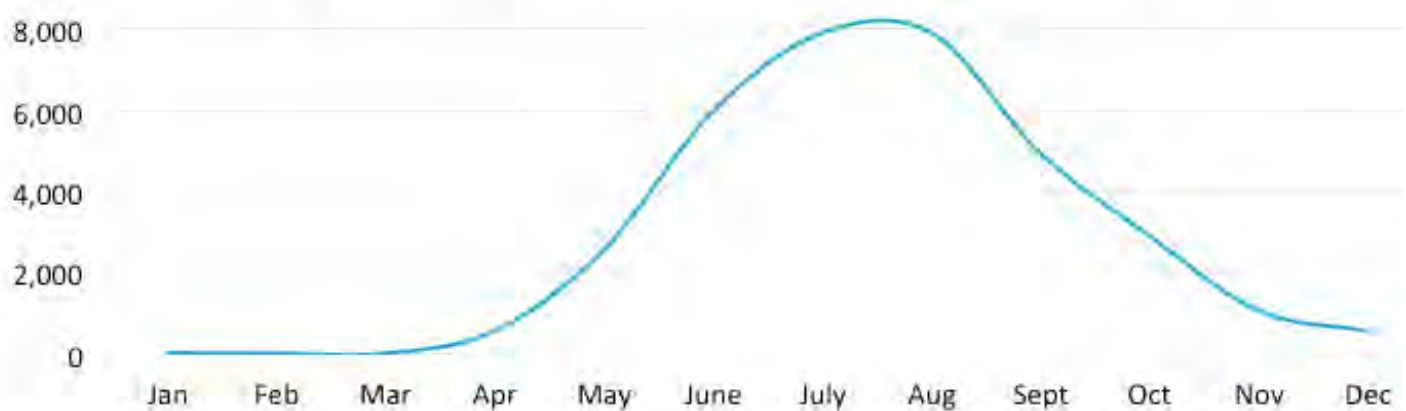
The NDP's method for analyzing these datasets is straightforward. The BLS shows the total number of jobs available on the island month by month, along with the size of the work force and the number who are unemployed. The NDP estimates the island's permanent labor force at 9,754, which is also their count of the total number of permanent residents between the ages of 18 and 65. Subtracting that rough estimate of the permanent labor force and the provisional estimate of 365 commuting workers from the total number of jobs leaves the remainder, which is the number of seasonal jobs (and, presumably, job holders). The data show the

number of seasonal jobs increasing rapidly from May (2,570 workers) to June (5,990), peaking in July (7,920) and August (7,910), then declining through September (4,930) and October (2,890).

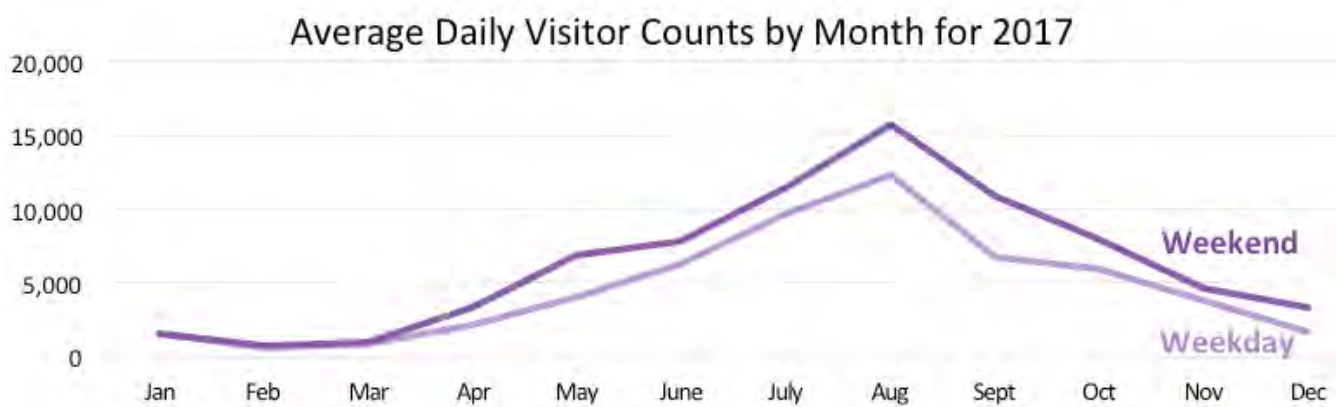
The BLS and BEA data are reliable and easy to understand, but they do not fully capture the complexities of Nantucket's work force. Many of Nantucket's seasonal workers hold multiple jobs and spend nearly every waking hour at work. Yet BLS and BEA data do not distinguish part-time workers from full-time workers and multiple job holders. Federal data also exclude holders of J1 visas, a non-immigrant category issued to scholars, professors, and visitors participating in programs promoting cultural exchange and job training. Many seasonal workers come from overseas and need work visas.

The NDP is interviewing commuting and seasonal workers to better understand their patterns of coming and going, the jobs they hold, and their living arrangements while on Nantucket. The interviews will allow the NDP to do a better job of using StreetLight and other sources to parse the data and distinguish seasonal and commuting workers from visitors.

Number of Seasonal Jobs in Nantucket in 2017



Seasonal workers show up earlier and leave later than seasonal residents.



The gap between weekday and weekend populations is greatest in May and September.

THE VALUE OF VISITOR PROFILES

Visitors are vacationers or business travelers who stay on Nantucket for one day to 10 days. Some stay at an inn or hotel, while others are guests or short-term tenants at private homes. Their spending contributes enormously to Nantucket's economy, yet as a group they are not well understood.

Local business owners and government workers would love to know how many visitors to expect on a given day (sunny or rainy); how many are here for just a day, for a weekend, or an entire week; where they go when they are on the island; and where they live. Nantucket's decision-makers invest millions of dollars based on the answers to questions like these: Which local media on the mainland will offer the best return to a Nantucket advertiser? When should a tour company offer a four-hour program for day-trippers, and which weeks have enough tourists to offer a two-day or one-week program? A solid visitor profile would take the guesswork out of these decisions.

The NDP draws upon StreetLight data to answer questions about visitors. Comparing StreetLight's distribution patterns with counts of passenger arrivals and departures on high-speed ferries and aircraft allows the NDP to estimate the number of people who come to the island. StreetLight also gives the NDP a good idea of where visitors come from, and also where they go while they are on the island. The NDP's visitor profile can say with high confidence that on a typical July Saturday on Siasconset beach, visitors will outnumber permanent and seasonal residents by two to one. The profile also reveals that visitors prefer the beach in Madaket over Surfside.

The chart on page 11 three shows the number of average daily visitors to Nantucket by month. Weekend populations are consistently higher than weekday populations. They are lowest in February (with 620 weekend visitors on an average day) and March (830) and rise consistently in April (3,280), May (6,770), June (7,750), July (11,450), and August (15,650). The number of weekend visitors drops steeply in September (10,830) and continues to fall through October (7,840), November (4,510), December (3,190), and January (1,520).

The NDP's visitor profile may turn out to be the most useful part of its effective population study. The most exciting aspect of the NDP's visitor data is its ability to chart population changes from day to day, to understand their origins and demographics, and to track visitor movements around the island. It should not surprise anyone on Nantucket that Memorial Day and Labor Day are important population milestones. But it may be useful to know that some weekend days in September and May approach visitor totals found in June, July, and August. And it will certainly be important to know the percentage of visitors to a Nantucket beach, commercial block, or museum who come from Boston, New York, and other places.

The NDP can also create demographic profiles of visitors by combining information from various sources. Its data on visitors is robust enough to answer many different kinds of questions. The team will talk to islanders in the coming months to gather questions and test them in the data, so the community can better understand Nantucket's economic life.

EBB AND FLOW

Nantucket's population ebbs and flows like the tides, reflecting a mix of diverse lifestyles. It is both a high-end seasonal resort community and a miniature port of entry that has traditionally welcomed foreign newcomers seeking brighter futures for their families. The Nantucket Data Platform's effective population study is evidence-based documentation of this dynamic community. It confirms some points of conventional wisdom while challenging others. Even more insights will come as the team refines its methods.

The survey shows that for seven months of the year (October to April), the island's weekday and weekend populations are within 6% of each other—and that in January, February, and March, the weekend populations are actually lower than they are on weekdays, as islanders spend their weekends on the mainland. The biggest bulges in weekend populations occur in September and May, when the populations are 12 and 10% higher than on weekdays.

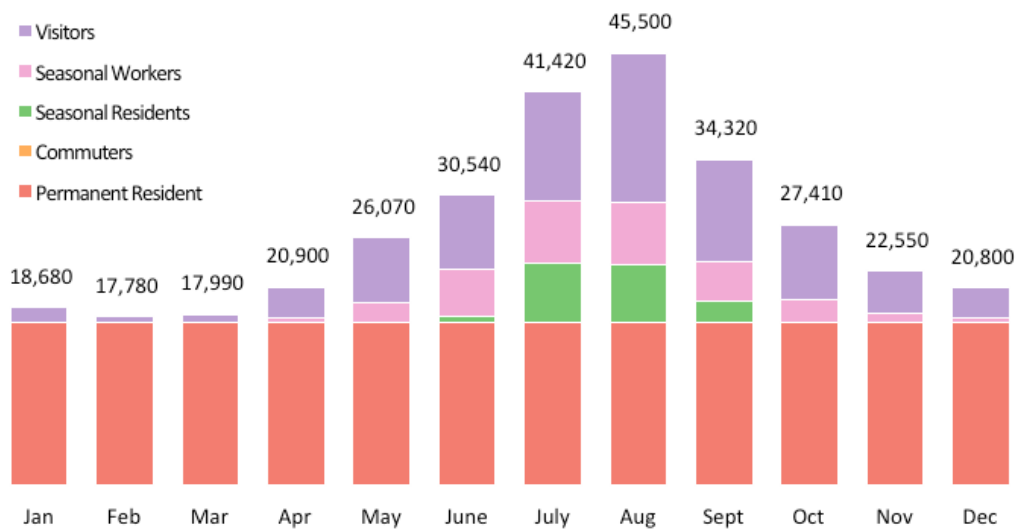
The island's weekend population is lowest in February and March (17,780). It is highest in July and August (41,420 and 45,500), when temporary residents outnumber permanent ones by 2.5 to one. When the island's population is peaking on an August weekend, just 38% of people on the island are permanent residents. Another 34% are visitors, 14% are seasonal workers, and 14% are seasonal residents. But they are all Nantucketers.

Nantucket's decision-makers are eager for this data and the insights it offers. During the year the NDP team spent producing this study, they were encouraged by the ideas, comments, and enthusiasm of islanders. Now the NDP is entering a new stage, as it goes beyond these population estimates to become a broader community resource. It is time for the community to start using this exciting new tool.

The mission of the Nantucket Data Platform is to bring the benefits of big data to a small island. And it is a small island—so if you have ideas or questions, we're eager to hear from you.

info@nantucketdataplatfrom.com

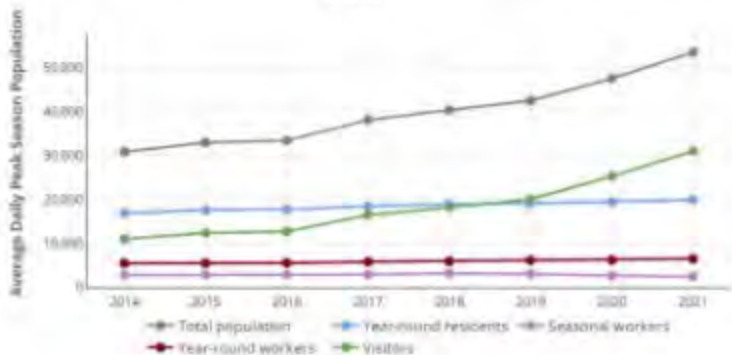
Average Daily Weekend Population by Month for 2017



In August, temporary residents outnumber permanent ones by more than two to one.

Insights: Increasing Population and Possible Constraints

Average Daily Population and Workforce Size - Peak Season



In 2014, the average daily population during peak season (May-September) was 30,760. In 2021 it was 53,400.

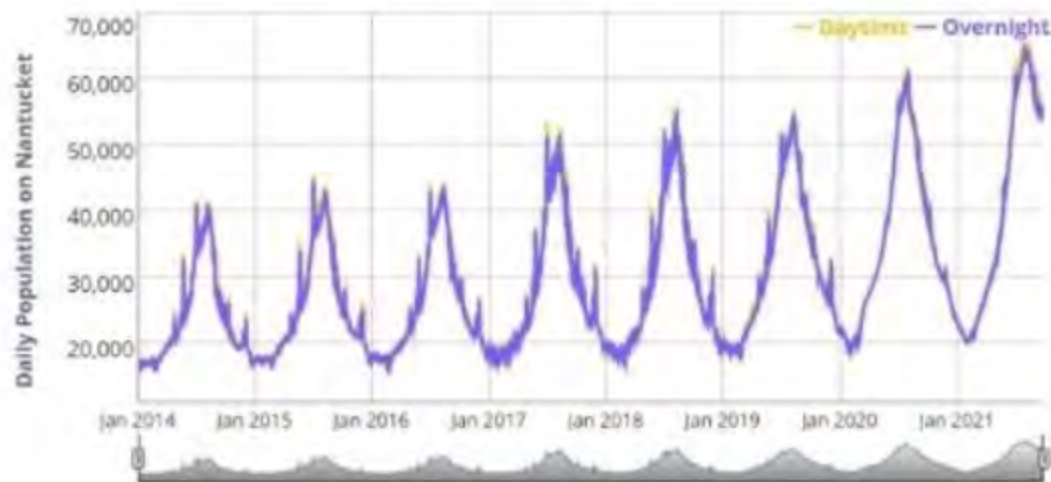
A 73.6% increase.

Community Data Platforms

ANALYTICS AND VISUALIZATION SOFTWARE

Insights: Increasing Population and Possible Constraints

Daily Peak Population (2014-2021)



Since 2014, we've seen a 57% increase in the peak daytime population and a 69% increase in the average summer population (June-Aug)



Agenda Item Summary

Agenda Item #	IV. 1 & 2.
Date	2/12/2024

Staff

Amy Baxter, Licensing Administrator

Subject

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

Executive Summary

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

The Licenses under review in separate Public Hearings are:

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

The Licenses of the former operator, LH Manager Northeast, LLC have been surrendered and will officially be non-renewed by vote of the Select Board in March.

Staff Recommendation

Comments and Consideration:

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

The appropriateness of a liquor license at a particular location

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

The number of existing dispensaries in Town

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

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

- No public comments were received by Licensing as of 2-7-24.



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

- The Pearl and Boarding House property is in the heart of the Historic District. The application before the Select Board seeks the same licenses and conditions applied to the former operator.
- No noise complaints on record with NPD in past 5 years.

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

- The Applicant has been the Liquor License Manager at The Pearl for the last year and has managed other operations on the island.

Background/Discussion

The property at 12 Federal Street was sold in 2021. There were no licenses issued and no operations at the location in 2022. LH Manager Northeast, LLC was approved by the Select Board as the new operators in March of 2023.

Due to various business decisions and a shift in management priorities between the operator and the owners of the property, a decision was made to assign management of the license and operations to Abigail Ayre and Jon Boys, LLC. Abigail was the Liquor License manager under the previous operator and will continue under her LLC. Abigail is an excellent manager and there have never been any compliance or other issues under her management. Licensing fully supports the application.

The applicant is requesting the same type and category of licenses that existed with the previous operators. No alterations to the premises.

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

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

N/A

Board/Commission Recommendation

N/A

Public Outreach

Advertise in local paper; abutters notified

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

N/A

Attachments

New Liquor License ABCC Application and Floor Plans; ABCC Summary Form; Surrender Letter; Determination Letter; Draft CV, Liquor and Entertainment Licenses





LIQUOR LICENSE PUBLIC HEARING PROCESS

1. Select Board Chair opens the public hearing and may outline the procedure to be followed.
2. The Licensing Administrator reviews the pending application. The applicant addresses the Board and answers questions.
3. Public comment is taken.
 - If applicable, read into record any written objections received from school, church or hospital located within 500 feet.
4. The chair invites questions from the Board and closes the public hearing.
5. The Board makes a decision to approve or deny.
6. Pursuant to MGL c. 138, §23 and Ballarin v. Licensing Board of Boston, denials must be based on reasonable grounds; ABCC and courts prefer findings based on:
 - 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
7. If an approved application is within 500ft of a school or church (as determined by the Abutter's list from the Town Assessor's Office), the Board must also vote to make a determination that the liquor license is not detrimental to the activities of the school/church.
8. A written decision is required to be sent to the applicant. No need for reasons if the application is simply approved, but if there is a denial or conditions are imposed, the reasoning for this is required to be in the decision. Therefore, the Board should vote on basis for denial or conditions as well [concerns with traffic, another licensee located adjacent to property, limiting hours, etc.].
9. DENIALS: Upon delivery of a denial decision, the applicant has 5 business days to appeal the decision to the ABCC. If no appeal is made, the applicant may re-apply in one year from date of denial.
10. APPROVALS: Final approved applications are sent to the ABCC within 3 business days of the Select Board decision. The ABCC review and approval period can take up to 2 months.

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.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.

PUBLIC HEARING NOTICE

The Select Board will hold a public hearing on Monday, February 12, 2024 at 5:30 PM to consider a New Common Victualler with Seasonal All Alcoholic Beverages Restaurant License and Non-Live Entertainment License for Jon Boys LLC, dba The Pearl and Boarding House, located at 12 Federal Street, Nantucket, MA 02554, Abigail Ayre, Manager. The hearing will be held remotely 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



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

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

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

APPLICANT INFORMATION

Name of Licensee Jon Boys, LLC

DBA The Pearl and Boarding House

Street Address 12 Federal Street Nantucket, MA

Zip Code 02554

Manager Abigail Ayre

Granted under
Special Legislation? Yes ☐ No ☒

\$12 Restaurant

Seasonal

All Alcoholic Beverages

Type
(i.e. restaurant, package store)

Class
(Annual or Seasonal)

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

If Yes, Chapter
of the Acts of (year)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

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

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date 02/12/2024

Time

Advertised Yes ☒ No ☐ Date Published

02/01/2024

Publication

Inquirer & Mirror

Abutters Notified: Yes ☒ No ☐ Date of Notice

01/25/2024

Date APPROVED by LLA

02/12/2024

Decision of the LLA

Approves this Application

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

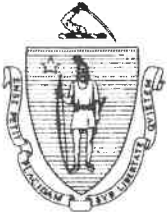
For Transfers ONLY:

Seller License Number:

Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



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

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM**

APPLICATION FOR A NEW LICENSE

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL
LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE
PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

N/A

ENTITY/ LICENSEE NAME

Jon Boys, LLC

ADDRESS

12 Federal Street

CITY/TOWN

Nantucket

STATE

MA

ZIP CODE

02554

For the following transactions (Check all that apply):

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

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS
TRANSMITTAL FORM ALONG WITH
COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358



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

APPLICATION FOR A NEW LICENSE

Municipality

Nantucket, MA

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES

TYPE

CATEGORY

CLASS

On-Premises-10

§12 Restaurant

All Alcoholic Beverages

Seasonal

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

Application for New Seasonal All Alcoholic Beverages License.

Is this license application pursuant to special legislation?



Yes



No

Chapter

Acts of

2. BUSINESS ENTITY INFORMATION

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

Entity Name

Jon Boys, LLC

FEIN

DBA

The Pearl and Boarding House

Manager of Record

Abigail Ayre

Street Address

12 Federal Street, Nantucket, MA 02554

Phone

Email

a.ayre@pearlnantucket.com

Alternative Phone

N/A

Website

pearlnantucket.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.

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

Total Square Footage: 7,000

Number of Entrances: 3

Seating Capacity: 217

Number of Floors: 4

Number of Exits: 3

Occupancy Number: 250

4. APPLICATION CONTACT

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

Name:

Dennis A. Quilty, Esq.

Phone:

Title:

dquilty@mqmlp.com

Email:

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	LLC	Date of Incorporation	6/23/2023
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
Abigail Ayre	Wantucket, MA 02554		

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Member (Member-Managed)	100%	☐ Yes ☒ No	☒ Yes ☐ No	☒ Yes ☐ No

Name of Principal	Residential Address	SSN	DOB

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

Name of Principal	Residential Address	SSN	DOB

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

Name of Principal	Residential Address	SSN	DOB

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

Name of Principal	Residential Address	SSN	DOB

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

Additional pages attached? ☐ Yes ☒ No

CRIMINAL HISTORY

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

☐ Yes ☒ No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

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

Name	License Type	License Name	Municipality

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

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

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

Name	License Type	License Name	Municipality

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

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

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

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

7. OCCUPANCY OF PREMISES

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

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

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name 12 Federal Street Opco, LLC

Landlord Phone N/A

Landlord Email N/A

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

Lease Beginning Date Upon ABCC approval

Rent per Month

Lease Ending Date Upon termination

Rent per Year

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

☐ Yes ☒ No

APPLICATION FOR A NEW LICENSE

8. FINANCIAL DISCLOSURE

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

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

SOURCE OF CASH CONTRIBUTION

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

Name of Contributor	Amount of Contribution
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.

There are no costs associated with this application (existing restaurant seeking a new seasonal license).

9. PLEDGE INFORMATION

Please provide signed pledge documentation.

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

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

To whom is the pledge being made? N/A

10. MANAGER APPLICATION

A. MANAGER INFORMATION

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

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

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

B. CITIZENSHIP/BACKGROUND INFORMATION

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

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

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

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

Date	Municipality	Charge	Disposition
N/A			

C. EMPLOYMENT INFORMATION

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

Start Date	End Date	Position	Employer	Supervisor Name
1/2023	Present	Manager of Record	The Pearl and Boarding House	
4/2019	12/2022	General Manager	The Nautilus & Gaslight	
11/2017	3/2019	Manager & Assisant G.M.	Loco Tacqueria & Fat Baby	
3/2015	10/2017	Maitre'd & Floor Manager	Row 34	

D. PRIOR DISCIPLINARY ACTION

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

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

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

Manager's Signature Date

11. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?
If yes, please fill out section 11.

☐ Yes ☒ No

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

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

11A. MANAGEMENT ENTITY

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

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

CRIMINAL HISTORY

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

☐ Yes ☐ No

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

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

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

Name	License Type	License Name	Municipality

11C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

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

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

Name	License Type	License Name	Municipality

11D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

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

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

Licensee Name	License Type	Municipality	Date(s) of Agreement

11E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

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

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

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

11F. TERMS OF AGREEMENT

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

Yes ☐ No ☐

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

Yes ☐ No ☐

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

Yes ☐ No ☐

d. Management Term Begin Date

e. Management Term End Date

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

☐ \$ per month/year (indicate amount)

☐ % of alcohol sales (indicate percentage)

☐ % of overall sales (indicate percentage)

☐ other (please explain)

ABCC Licensee Officer/LLC Manager

Signature:

Title:

Date:

Management Agreement Entity Officer/LLC Manager

Signature:

Title:

Date:

APPLICANT'S STATEMENT

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

of Jon Boys, 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: Abigail Ayre

Date: 11/18/2024

Title: Managing LLC Member

ENTITY VOTE

The Board of Directors or LLC Managers of

Jon Boys, LLC

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket, MA

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

1/15/2024

Date of Meeting

For the following transactions (Check all that apply):

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

"VOTED: To authorize

Abigail Ayre

Name of Person

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

"VOTED: To appoint

Abigail Ayre

Name of Liquor License Manager

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

A true copy attest,

For Corporations ONLY

A true copy attest,

Alma

Corporate Officer /LLC Manager Signature

Abigail Ayre

(Print Name)

Corporation Clerk's Signature

(Print Name)

**The Commonwealth of Massachusetts, William Francis Galvin
Corporations Division**

One Ashburton Place - Floor 17, Boston MA 02108-1512 | Phone: 617-727-9640

Certificate of Organization

(General Laws, Chapter 156C, Section 12)

Filing Fee: \$500.00

Identification Number: 001665888 (number will be assigned)

1. The exact name of the limited liability company is:

JON BOYS LLC

2. The address in the Commonwealth where the records will be maintained:

Number and street: 1 GARDNERS COURT

Address 2:

City or town: NANTUCKET State: MA Zip code: 02554

Country: UNITED STATES

3. The general character of business (if the limited liability company is organized to render professional service, this form must be filed by fax, mail or in person):

HOSPITALITY MANAGEMENT COMPANY BASED IN NANTUCKET, MA.

4. The latest date of dissolution, if specified: (mm/dd/yyyy)

5. The name and address of the Resident Agent:

Agent name: ABIGAIL AYRE

Number and street: 1 GARDNERS COURT

Address 2:

City or town: NANTUCKET State: MA Zip code: 02554

I ABIGAIL AYRE,

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	Name	Address
-------	------	---------

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Name	Address
SOC SIGNATORY	ABIGAIL AYRE	1 GARDNERS COURT 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	Name	Address
REAL PROPERTY	ABIGAIL AYRE	1 GARDNERS COURT NANTUCKET, MA 02554 USA

9. Additional matters:

10. This certificate is effective at the time and on the date approved by the Division, unless a later effective date not more than ninety (90) days from the date of filing is specified:

Later Effective Date (mm/dd/yyyy):

Time (HH:MM)

SIGNED UNDER THE PENALTIES OF PERJURY, this 20 Day of June, 2023,

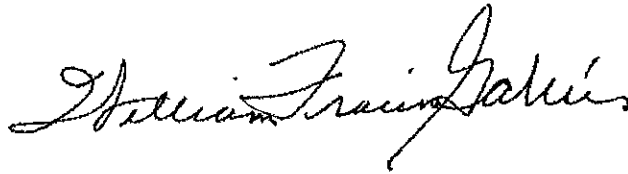
CHEYENNE MOSELEY, ASST. SECRETARY, LEGALZOOM.COM, INC.

, Signature of Authorized Signatory.

THE COMMONWEALTH OF MASSACHUSETTS

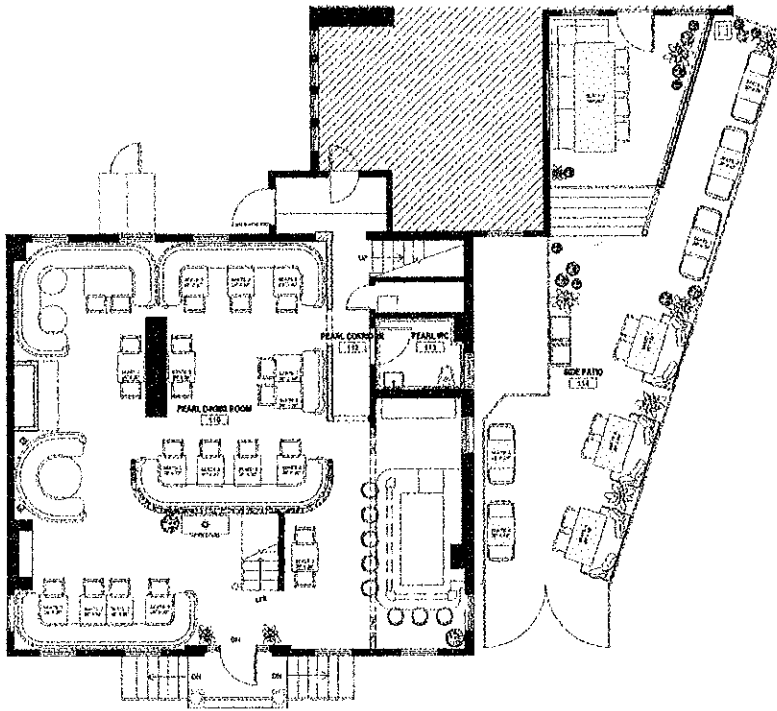
I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are deemed to have been filed with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

June 20, 2023 04:05 PM

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

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



HOME
STUDIOS

168 7TH ST, STE. 208
BROOKLYN, NY 11215
WWW.HOMESTUDIOS.NYC

12 FEDERAL

PROJECT # 12
FEDERAL
12 FEDERAL DT
NANTUCKET, MA 02554

100% ID SET

11.02.2022

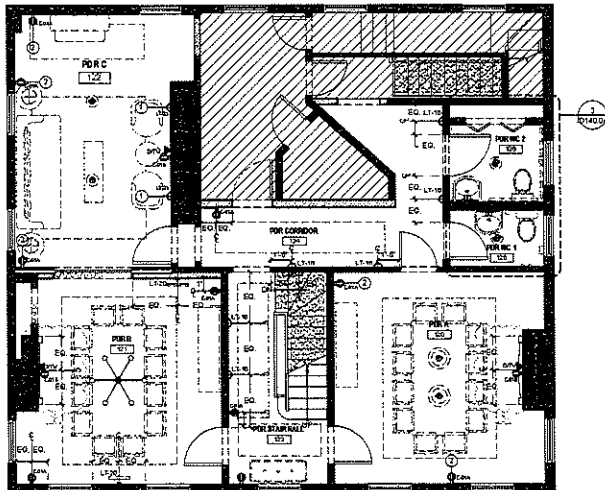
100% ID - BIDDING SET 03.28.2022

DATE:	11.02.2022
BY:	DATE:
REVISION 1	10.09.2022
REVISION 2	11.02.2022
REVISION 3	12.02.2022

TITLE
ELECTRICAL
PLAN

SHEET:
ID130.03

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

LICENSE #: **07476-RS-0762**

LICENSE FEE: **\$3900.00**

**THE LICENSING BOARD for the
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS A
COMMON VICTUALLER
SEASONAL RETAIL RESTAURANT LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES
TO BE CONSUMED ON THE PREMISES**

Jon Boys, LLC

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

ON PREMISES DESCRIBED AS:

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

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

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 and Chapter 140 of the Massachusetts General Laws, as amended and any rules or regulations made thereunder by the licensing authorities, including, but not limited to Chapter 207 of the Town of Nantucket Rules and Regulations Governing Alcoholic Beverages.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this day of , 20xx.

Chair, Select Board

THIS LICENSE IS VALID APRIL xx, 2024 – JANUARY 15, 2025

**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** ◀

Jon Boys, LLC

BUSINESS: ~~LH Manager Northeast, LLC~~

DBA: **THE PEARL & BOARDING HOUSE**

PREMISES: 12 Federal Street

Nantucket, MA 02554

MANAGER: Abigail Ayre

LICENSED PREMISES DESCRIBED AS:

Both Restaurants and Bar Area.

Approved Entertainment:

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

Conditions of License:

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

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

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signature on this xx day of xx, 202x.

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.



Town & County of
NANTUCKET, MA

At the Select Board meeting held Monday, February 12, 2024, the Board approved the application for a New Common Victualler with Seasonal All Alcoholic Beverages Restaurant License and Non-Live Entertainment License for Jon Boys, LLC dba The Pearl and Boarding House, located at 12 Federal Street, Nantucket, MA 02554, Abigail Ayre, Manager. The Board determined that this new liquor license is not detrimental to the spiritual activities of St. Mary's Roman Catholic Church, 3 Federal Street, Nantucket, MA 02554. St. Mary's Roman Catholic Church is located within 500 feet of the licensed premises of The Pearl and Boarding House.

Dawn Hill Holdgate, Chair

Brooke Mohr, Vice Chair

Matt Fee

Thomas M. Dixon

Malcolm W. MacNab



Agenda Item Summary

Agenda Item #	IV. 3.
Date	2/12/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Multiple Amendments Application – ***The Fat Noodle, LLC dba Misogi Noodle Bar, 9 South Water Street, License #04909-RS-0762***

Executive Summary

The Fat Noodle, LLC is applying for Multiple Amendments for a ***Seasonal Restaurant All Alcoholic Beverages*** Liquor License for ***DBA Misogi Noodle Bar*** at ***9 South Water Street***.

The Application requests the following amendments:

Change of License Class from Annual to Seasonal.

Change of Corporate Name from Keeping The Beet, LLC to The Fat Noodle, LLC.

Alteration of Premises: Addition of an interior bar with 7 seats.

Staff Recommendation

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

Requirements for Multiple Amendments as listed above of Liquor License Premises:

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

Background/Discussion

The applicant is requesting multiple amendments to the license currently issued to Keeping The Beet, LLC dba The Beet located at 9 South Water Street.



The applicant, Felino Samson is the current Liquor License Manager and will continue with the new LLC. The main change is removal of 2 LLC members with beneficial interest in the License, leaving Felino Samson as the sole owner of the business with a newly registered LLC. The sole alteration to the operation will come with addition of a bar with 7 seats – replacing a service area in the interior premises.

Final inspection of the premises will be required before issuing of Final 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** ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

Advertise in local paper & abutter notificatoin

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

N/A

Attachments

ABCC Multiple Amendments Application and Supporting Documents; Draft License





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City /Town

04909-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 The Fat Noodle, LLC

DBA Misogi Noodle Bar

Street Address 9 S. Water Street Nantucket, MA

Zip Code 02554

Manager Felino Samson

Granted under
Special Legislation? Yes ☐ No ☒

\$12 Restaurant

Seasonal

All Alcoholic Beverages

Type
(i.e. restaurant, package store)

Class
(Annual or Seasonal)

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

If Yes, Chapter
of the Acts of (year)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

First floor has 4 rooms, 1. Dining area with 9 tables and a 7 seat bar. 2. Kitchen and dishwasher area. 3. A shared hallway, common area. 4. Handicapped accessible bathroom. Second floor is used for storage and food preparation.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date 1/19/2024

Time

Advertised Yes ☒ No ☐ Date Published

2/1/2024

Publication

Inquirer & Mirror

Abutters Notified: Yes ☒ No ☐ Date of Notice

2/2/2024

Date APPROVED by LLA

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

PUBLIC HEARING NOTICE

The Select Board will hold a public hearing on Monday, February 12, 2024 at 11:00 AM to consider a Multiple Amendment application for a Change of Ownership Interest and Classification with an Alteration of Premises for The Fat Noodle, LLC dba Misogi Noodle Bar, located at 9 South Water Street, Nantucket, MA 02554, Felino Samson, Manager. The hearing will be held via Zoom Webinar. Please see meeting posting for remote participation and viewing links. For further information, please email licensing@police.nantucket-ma.gov.



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

The Fat Noodle LLC

Nantucket, Ma

04909RS0762

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.

An asian full service restaurant and take out service, with a seven seat bar. Serving lunch and dinner.

APPLICATION CONTACT

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

Name

Title

Email

Phone

Felino Samson

Manager/Owner

felinosamson@gmail.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:

Keeping The Beet LLC

Requested New Corporate Name:

The Fat Noodle LLC

☒ **Change of DBA**

Last-Approved DBA:

The Beet

Requested New DBA:

Misogi Noodle Bar

☐ **Change of Corporate Structure**

LLC, Corporation, Sole
Proprietor, etc

Last-Approved Corporate Structure

Requested New Corporate Structure

4. AMENDMENT-Pledge Information

☐ **Pledge of License**

☐ **Pledge of Inventory**

☐ **Pledge of Stock**

To whom is the pledge being made:

5. AMENDMENT-Change of Manager

☐ Change of License Manager

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

Last-Approved License Manager

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

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

6. AMENDMENT-Change of Officers, Stock or Ownership Interest

☐ **Change of Officers/Directors** ☒ **Change of Ownership Interest (LLC Managers/LLP Partners, Trustees)** ☐ **Change of Stock (E.g. New Stockholder/ Transfer or Issuance of Stock)**

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
Felino Samson			

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

Name of Principal	Residential Address	SSN	DOB

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

Name of Principal	Residential Address	SSN	DOB

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

Name of Principal	Residential Address	SSN	DOB

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

Name of Principal	Residential Address	SSN	DOB

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

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

MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement? Please provide a copy of the management agreement.

☐ Yes ☒ No

6. AMENDMENT-Change of Officers, Stock or Ownership Interest

6B. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

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
Felino Samson	Manager	40 %
Name of Principal	Title/Position	Percentage of Ownership
Amy Young	Manager	40%
Name of Principal	Title/Position	Percentage of Ownership
Sol Kumin	Investor	20%
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership
Name of Principal	Title/Position	Percentage of Ownership

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 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
Felino Samson	All Alcohol	Third World Productions LLC	Boston/Suffolk

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. 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.

Change the existing Counter to add a 7 seat bar.

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.

First Floor has 4 rooms, 1. dining area with 9 tables and a 7 seat bar. 2. kitchen and dishwasher area. 3. A shared hallway, common area. 4. Handicapped accessible bathroom.
Second Floor is used for storage and Food Preparation.

Total Sq. Footage	1169.51	Seating Capacity	29	Occupancy Number	31
Number of Entrances	2	Number of Exits	2	Number of Floors	2

☐ **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

Lease

Landlord Name Frances Macdonald

Landlord Phone 508 280 5237

Landlord Email fcmaccorp@yahoo.com

Landlord Address P.O. box 662 Bellevue Id. 83313

Lease Beginning Date 1/01/2024

Rent per Month

Lease Ending Date 1/01/2029

Rent per Year

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

☐ Yes ☒ No

8. AMENDMENT-Management Agreement

Management Agreement: (must fill out all pages in section 8)

Are you requesting approval to utilize a management company through a management agreement?
If yes, please fill out section 8.

Yes No

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

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

8A. MANAGEMENT ENTITY

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

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

CRIMINAL HISTORY

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

Yes No

8B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 8A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

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

Name	License Type	License Name	Municipality

8. AMENDMENT-Management Agreement

8C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 8A, 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

8D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 8A, 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

8E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 8B, 8C or 8D 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

8F. 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:

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):

Keeping the Beet LLC will be dissolved.No transfer of ownership required.

Addition of the Bar Top. \$8,000.

Equipment and Furnishing purchase price of

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
Felino Samson	
Total	\$00,000.

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.
Cape Cod 5		Business Term Loan	☐ Yes ☒ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

FINANCIAL INFORMATION

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

Bank Statement is provided for cash contribution by Felino Samson.

A Bank letter from Cape Cod 5 Bank as signed financing documentation.

APPLICANT'S STATEMENT

I, Felino Samson the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of The Fat Noodle 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:

Felino Samson

Date: 1/19/2024

Title:

Manager/Owner

ADDITIONAL INFORMATION

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

ENTITY VOTE

The Board of Directors or LLC Managers of The Fat Noodle 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 02/12/2024
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 Felino Samson
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 Felino Samson
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,

Felino Samson
Corporate Officer /LLC Manager Signature

Corporate Clerk's Signature

FELINO SAMSON
(Print Name)

(Print Name)

ADDENDUM A

6. Change of Officers, Stock or Ownership Interest (Continued...)

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

Entity Name

The Fat Noodle LLC

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

100%

Name of Principal

Felino Samson

Residential Address

28 Sesapana Rd

SSN

DOB

Title and or Position

Manager/Owner

Percentage of Ownership

100%

Director/ LLC Manager

☒ Yes ☐ No

US Citizen

☒ Yes ☐ No

MA Resident

☒ Yes ☐ No

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership

Director/ LLC Manager

☐ Yes ☐ No

US Citizen

☐ Yes ☐ No

MA Resident

☐ Yes ☐ No

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership

Director/ LLC Manager

☐ Yes ☐ No

US Citizen

☐ Yes ☐ No

MA Resident

☐ Yes ☐ No

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership

Director/ LLC Manager

☐ Yes ☐ No

US Citizen

☐ Yes ☐ No

MA Resident

☐ Yes ☐ No

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership

Director/ LLC Manager

☐ Yes ☐ No

US Citizen

☐ Yes ☐ No

MA Resident

☐ Yes ☐ No

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership

Director/ LLC Manager

☐ Yes ☐ No

US Citizen

☐ Yes ☐ No

MA Resident

☐ Yes ☐ No

Name of Principal

Residential Address

SSN

DOB

Title and or Position

Percentage of Ownership

Director/ LLC Manager

☐ Yes ☐ No

US Citizen

☐ Yes ☐ No

MA Resident

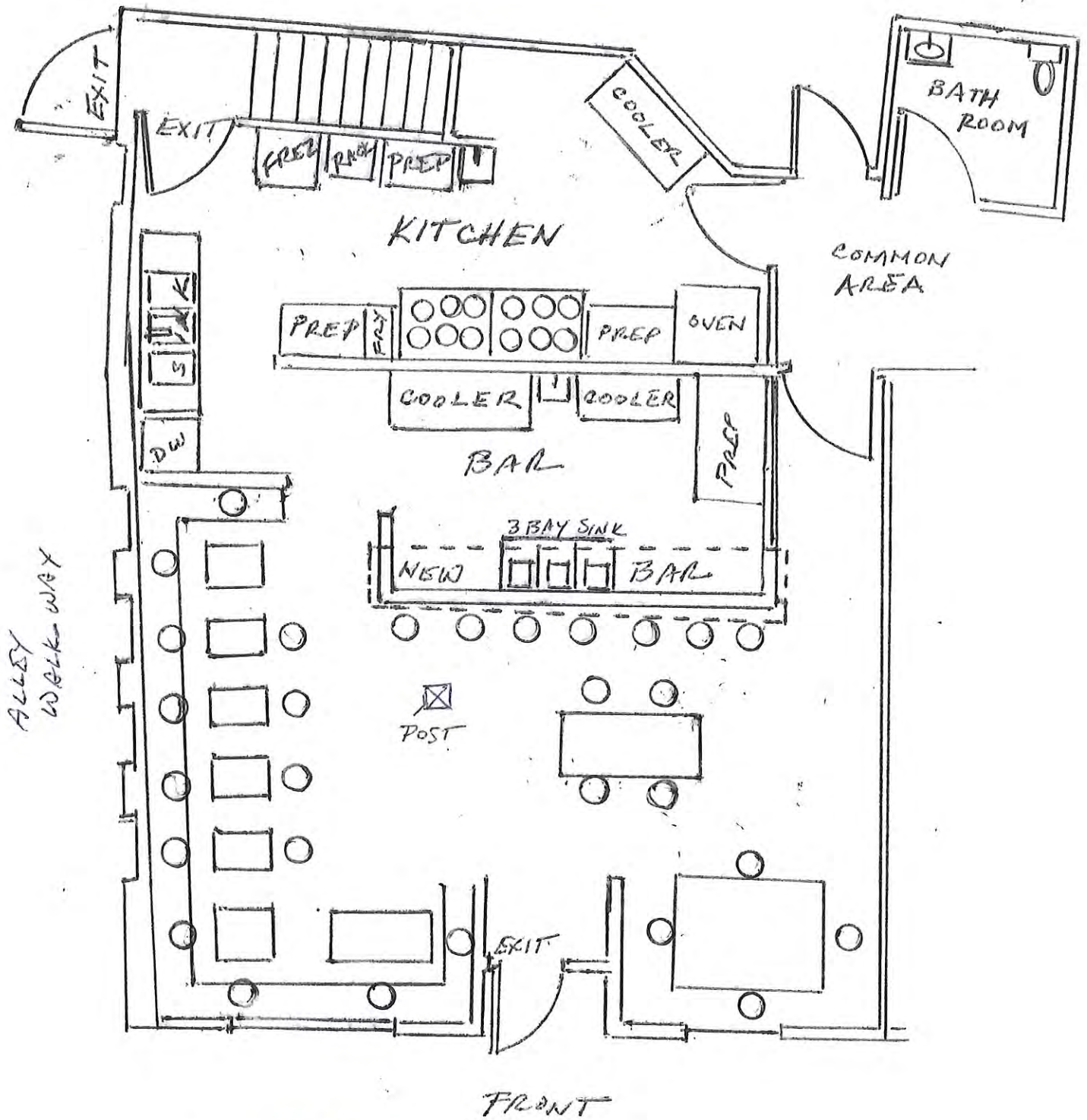
☐ Yes ☐ No

CRIMINAL HISTORY

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

☐ Yes ☒ No

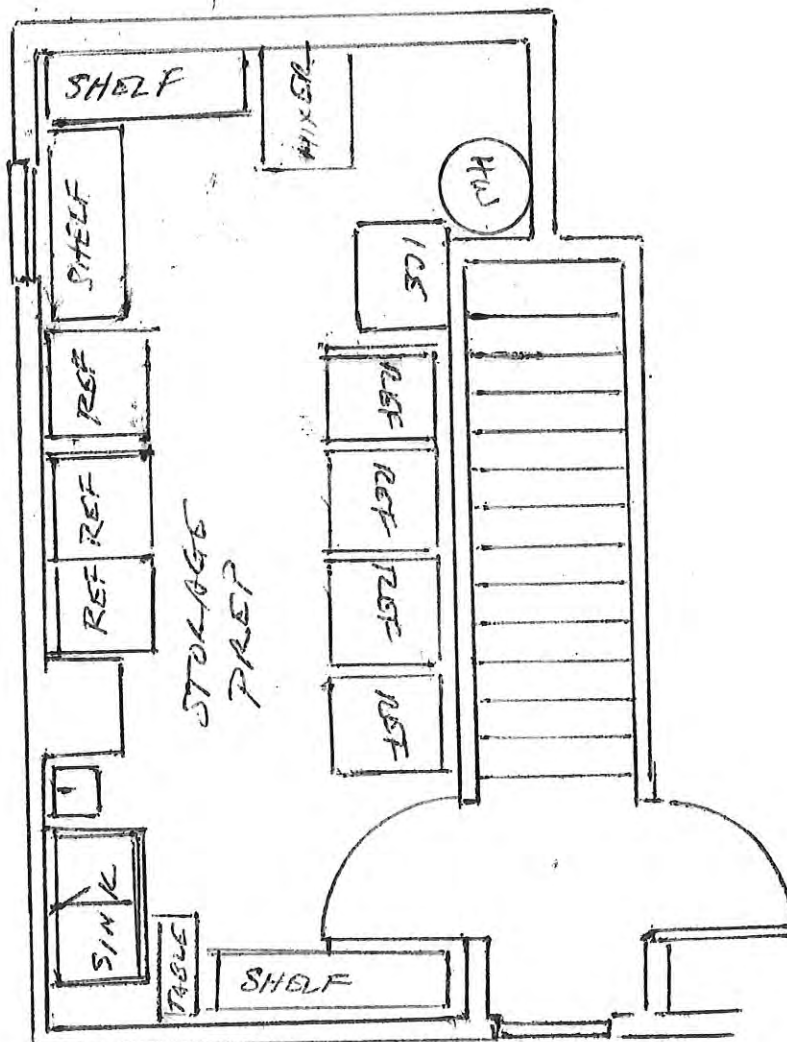
MISOBI NOODLE BAR



1 ST FLOOR
1169.51 SQ. F

MISOGI NOODLE BAR

SECOND FLOOR



LICENSE #: 04909-RS-0762

LICENSE FEE: \$3,250.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS A
COMMON VICTUALLER
ANNUAL RETAIL RESTAURANT LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES
TO BE CONSUMED ON THE PREMISES

The Fat Noodle, LLC
Misogi Noodle Bar

BUSINESS: ~~Keeping the Beet, LLC~~
DBA: ~~The Beet~~
PREMISES: 9 South Water Street
Nantucket, MA 02554
MANAGER: Felino Samson

ON PREMISES DESCRIBED AS:

~~First floor is for table service and take out service. Second floor is for storage.~~

First Floor has 4 rooms , 1 Dining Area with 9 tables and a 7 seat bar, kitchen and dishwasher area, common area and accessible bathroom. Second floor for storage and food preparation.

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

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

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

Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 202x

**Unless earlier suspended, cancelled, or revoked*

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



Town & County of
NANTUCKET, MA

At the Select Board meeting held Monday, February 12, 2024 the Board approved the application for Multiple Amendments including Change of Ownership Interest and Classification with an Alteration of Premises for The Fat Noodle, LLC dba Misogi Noodle Bar, located at 9 South Water Street, Nantucket, MA 02554, Felino Samson, Manger. 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 Misogi Noodle Bar.

Dawn Hill Holdgate, Chair

Brooke Mohr, Vice Chair

Matt Fee

Thomas M. Dixon

Malcolm W. MacNab



Agenda Item Summary

Agenda Item #	IV. 4.
Date	2/12/24

Staff

Katie Cabral

Subject

Utility Petition -Nantucket Electric Company – Monohansett Rd

Executive Summary

National Grid proposes to install approximately 450' of 3" conduit, underground, from existing pad 11-32 to proposed pad 1 from Webster Rd to 38 Monohansett Rd.

Staff Recommendation

n/a

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 (30863771)
TYPE: Petition for Manhole and Duct Location
SITE ADDRESS: 38 Monohansett Rd to Webster Rd
HEARING DATE: February 12, 2024

COMMENTS

NPD: No Issues. – Deputy Gibson
FIRE: No Issues. -Chief Cranson
PLANNING: No Issues. -Holly Backus
DPW: Full length of Conduit should be encased in concrete. -Drew Patnode
SEWER: No Issues. – David Gray
WWCo: Need to have water marked out prior to digging. -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.**

ORDER FOR MANHOLE AND DUCT LOCATION

Date 10/27/2023

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 27th day of October, 2023.

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

NANTUCKET ELECTRIC COMPANY

Plan No. 30863771

Street Name Monohansett Road

Description of Work Beginning at a point approximately 20 feet North of the centerline of the intersection of Monohansett Road and continuing approximately 450 feet in an East direction. Install underground facilities on Monohansett Road. National Grid petitions to install 450' of (2) 3" conduits from existing pad 11-32 to proposed pad 1.

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

Held on the _____ day of _____ 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



10-25-2023

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: 2023.10.25 08:01:11 -04'00'

UNDERGROUND PETITION

LEGEND



Proposed Transformer



Proposed Conduit



Existing Transformer

Job Description:

National Grid is petitioning for 450' of (2) 3" conduits
from existing pad 11-32 to proposed pad 1

Date: 10/6/23

Drawn By: Tim L

DRAWING NOT TO SCALE. DISTANCES ARE APPROXIMATE

nationalgrid

Work Order: 30863771

To the Town/City of:

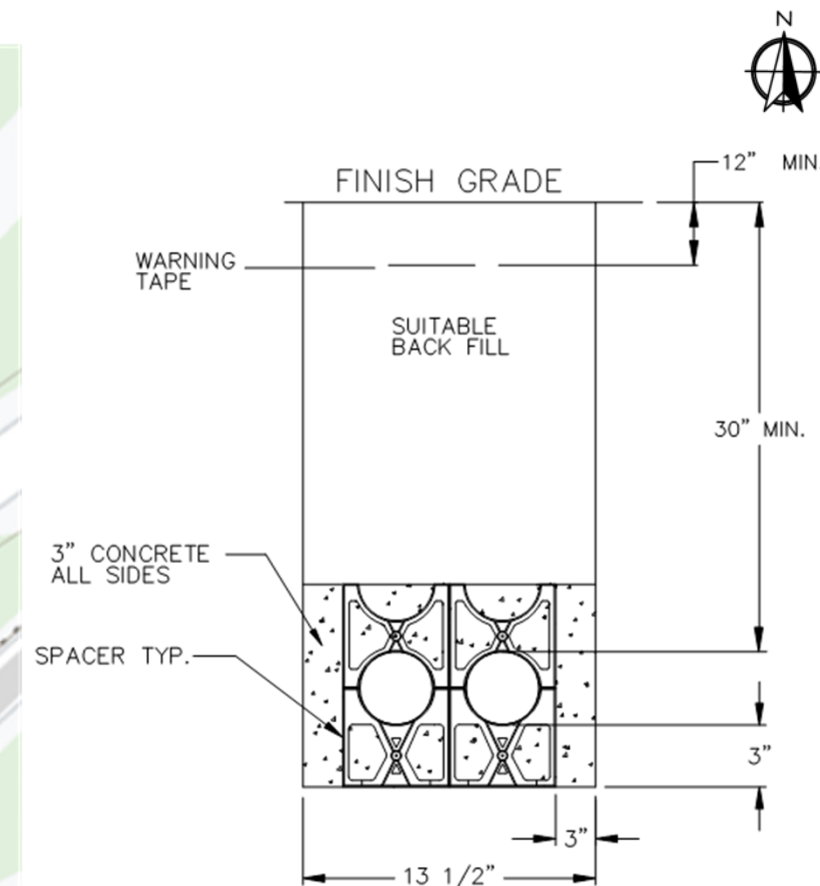
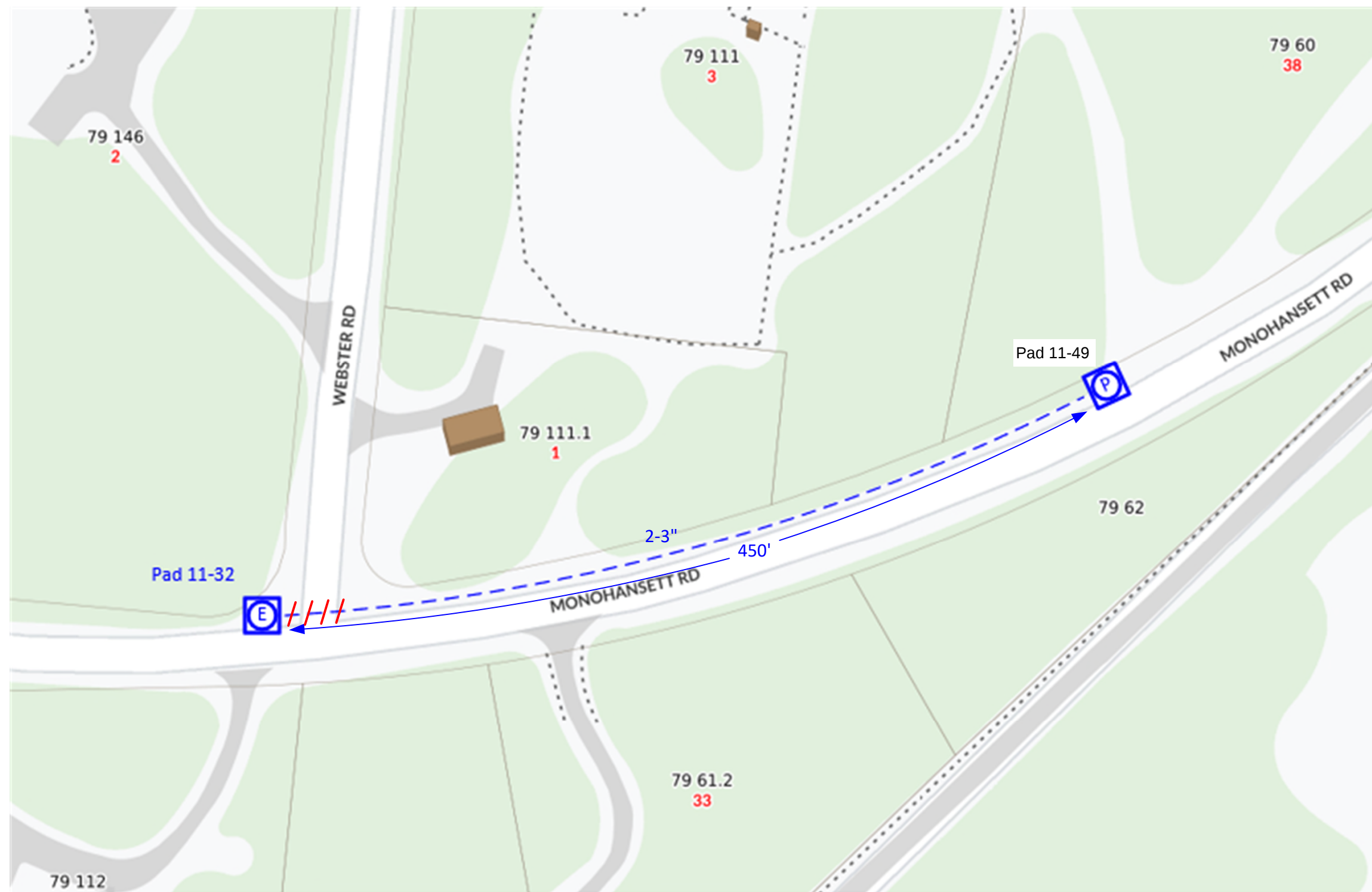
Nantucket

Location:

Monohansett Rd

Petition for Proposed:

- Conduit and Transformer



****DUCT TO BE CONCRETE ENCASED ACROSS WEBSTER RD****
****MINIMUM SCHEDULE 40 PVC REQUIRED****
****WARNING TAPE REQUIRED IN TRENCH****
****BOLLARDS TO BE PLACED AT TRENCH INSPECTORS DISCRETION****

Contact Operations Supervisor, Steve Holdgate 508-916-1578
 or Joe Tormay 508-680-3304
 Before starting civil work and inspections.
 Please visit website for underground construction specifications
 And approved suppliers at
<http://www.nationalgridus.com/electricalspecifications>
 URD Bulletin No. 759A / UCD Bulletin No. 759B

Exhibit "A" - Not to Scale
 The exact location of said
 facilities to be established by
 and upon the installation and
 erection of the facilities thereof.

TRENCH SKETCH

Legend

-  Proposed Transformer
-  Existing Transformer
-  Proposed 2-3" Conduit

38 Monohansett Rd, Nantucket

Date: 10/1/23
 Designer: TL
 WR: 30863771

Notes:
 Sheet 1 of 1



Abutters Listing

MBLU	Lot	Lot Cut	Name Line 1	Name Line 2	Address Line 1	City	State	Zip	Location
79	60		38 MONOHANSETT LLC		300 A STREET	BOSTON	MA	02110	38 MONOHANSETT RD
79	61		HUBER-SHEEHAN REV TRUST		PO BOX 2286	NANTUCKET	MA	02584	31 MONOHANSETT RD
79	61	2	HUBER-SHEEHAN REV TRUST		PO BOX 2286	NANTUCKET	MA	02584	33 MONOHANSETT RD
79	62		NANTUCKET TOWN OF		16 BROAD ST	NANTUCKET	MA	02554	MONOHANSETT RD
79	111		BAKER LEANNE A		3 WEBSTER RD	NANTUCKET	MA	02554	3 WEBSTER RD
79	111	1	MULCAHY ANDREW J		PO BOX 7568	SIASCONSET	MA	02564	1 WEBSTER RD
79	112		MACKAY PETER J & ALISON R TRS		PO BOX 2443	NANTUCKET	MA	02584	25 MONOHANSETT RD
79	146		HALLIWELL JOHN L TR	HALLIWELL REV TRUST 1993	495 CENTER ISLAND DRIVE	GOLDEN BEACH	FL	33160	2 WEBSTER RD
Count :	8								



Agenda Item Summary

Agenda Item #	IV. 5.
Date	2/12/24

Staff

Katie Cabral

Subject

Utility Petition - Nantucket Electric Company – Old South Rd

Executive Summary

National Grid proposes to install approximately 125' of 3" conduit, underground, from existing handhole 43-1 to proposed handhole 43-3 on Old South Rd in front of 5 Pine Crest Drive.

Staff Recommendation

n/a

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 (30862439)
TYPE: Petition for Manhole and Duct Location
SITE ADDRESS: Old South Rd at 5 Pine Crest Dr
HEARING DATE: February 12, 2024

COMMENTS

NPD: No Issues. – Deputy Gibson
FIRE: No Issues. -Chief Cranson
PLANNING: No Issues. -Holly Backus
DPW: No Issues. – Drew Patnode
SEWER: Contact Sewer Department to mark out lines prior to work. – David Gray
WWCo: Contact Wannacomet Water to mark out water lines prior to 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 10/31/2023

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 Old South Road

Description of Work Beginning at a point approximately 20 feet North of the centerline of the intersection of Old South Road and continuing approximately 125 feet in an East direction. Install underground facilities on Old South Road. National Grid petitions to install 125 feet of (1) 3" conduit from existing handhole 43-1 to proposed handhole 43-3.

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. 30862439

NANTUCKET ELECTRIC COMPANY

BY: Robert Leonida

Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATION

Date 10/31/2023

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 31st day of October, 2023.

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

NANTUCKET ELECTRIC COMPANY

Plan No. 30862439

Street Name Old South Road

Description of Work Beginning at a point approximately 20 feet North of the centerline of the intersection of Old South Road and continuing approximately 125 feet in an East direction. Install underground facilities on Old South Road. National Grid petitions to install 125 feet of (1) 3" conduit from existing handhole 43-1 to proposed handhole 43-3.

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

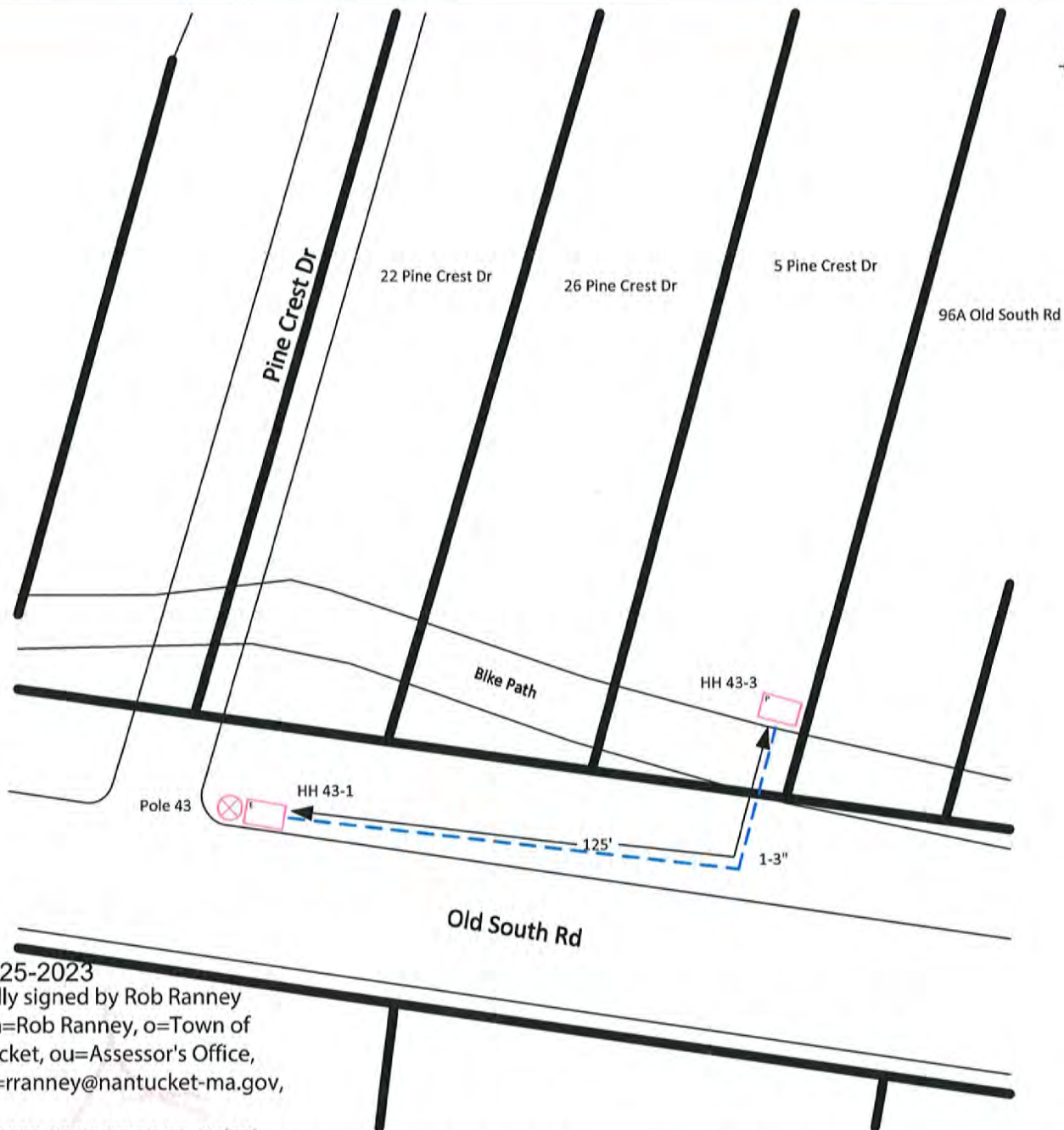
Nantucket, Massachusetts

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, Brook _____ Page _____

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

Attest: _____
Town Clerk



10-25-2023
 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: 2023.10.25 08:59:22 -04'00'

UNDERGROUND PETITION

LEGEND Existing Pole Proposed Conduit Property Line Handhole		nationalgrid Work Order: 30862439	
Job Description: - National Grid is petitioning for approximately 125' Of 1 - 3" conduit and 1 new handhole.		To the Town/City of: Nantucket	Location: 96 Old South Rd
Date: 10/24/23 Drawn By: Tim L DRAWING NOT TO SCALE. DISTANCES ARE APPROXIMATE		Petition for Proposed: - Conduit and Handhole	



Agenda Item Summary

Agenda Item #	IV. 6.
Date	2/12/24

Staff

Katie Cabral

Subject

Utility Petition- Verizon New England, Inc. & Nantucket Electric Company- W York Ln

Executive Summary

This joint petition proposes to relocate (1) JO pole 283/4 on the Easterly side of West York Lane approximately 24' south of the current location, & place (1) JO pole 283/4.5. This is being requested by the homeowner at 12 W York Lane to accommodate their new driveway design.

Staff Recommendation

n/a

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: Verizon New England Inc. & Nantucket Electric Company
TYPE: Petition for Joint or Identical Pole Locations
SITE ADDRESS: West York Ln
HEARING DATE: February 12, 2024

COMMENTS

NPD: No Issues. – Deputy Gibson
FIRE: No Issues. -Chief Cranson
PLANNING: No Issues. -Holly Backus
DPW: No Issues. – Drew Patnode
SEWER: Please contact sewer department to mark out sewer line. Use caution when digging as there are unknown lateral locations. – David Gray
WWCo: Please contact WWCo to mark out water line prior to 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 JOINT OR IDENTICAL POLE LOCATIONS

November 15, 2023

To the Select Board

in **NANTUCKET**, Massachusetts

VERIZON NEW ENGLAND, INC. and **NANTUCKET ELECTRIC COMPANY** request permission to locate poles, wires, cables and fixtures including the necessary anchors, guys and other such sustaining and protecting fixtures to be owned and used in common by your petitioners, along and across the following public way or ways:

Relocate one (1) JO pole 283/4, on the easterly side of W York Lane approximately twenty-four (24) feet south of the current pole's existing location; and approximately sixty-six (66) feet north of existing pole, 283/3. The new location will also be approximately three hundred seventy-six (376) feet south of the centerline of York Street.

Place one (1) JO pole 283/5, on the easterly side of W York Lane approximately thirty (30) feet north of the current location of pole 283/4. The new location will also be approximately three hundred twenty-two (322) feet south of the centerline of York Street.

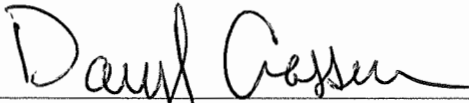
This installation and relocation is being requested by the homeowner at 12 W York Lane to accommodate their new driveway design.

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VZ N.E. Inc. Plan No. **MA2023-47** Dated **October 26, 2023**.

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

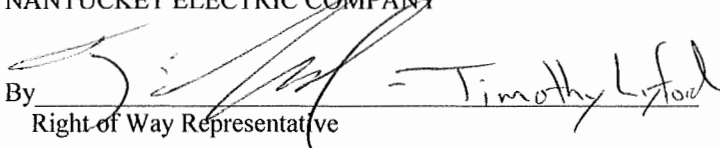
Your petitioners agree that space shall be reserved and maintained for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.

VERIZON NEW ENGLAND INC.

By 
Daryl Crossman - Manager - Rights of Way

Dated this 15 day of Nov, 2023

NANTUCKET ELECTRIC COMPANY

By 
Right of Way Representative

Dated this 24 day of November, 2023

VZ N.E. INC. No. MA2023-47 MUNICIPALITY NANTUCKET

DATED 10/26/2023

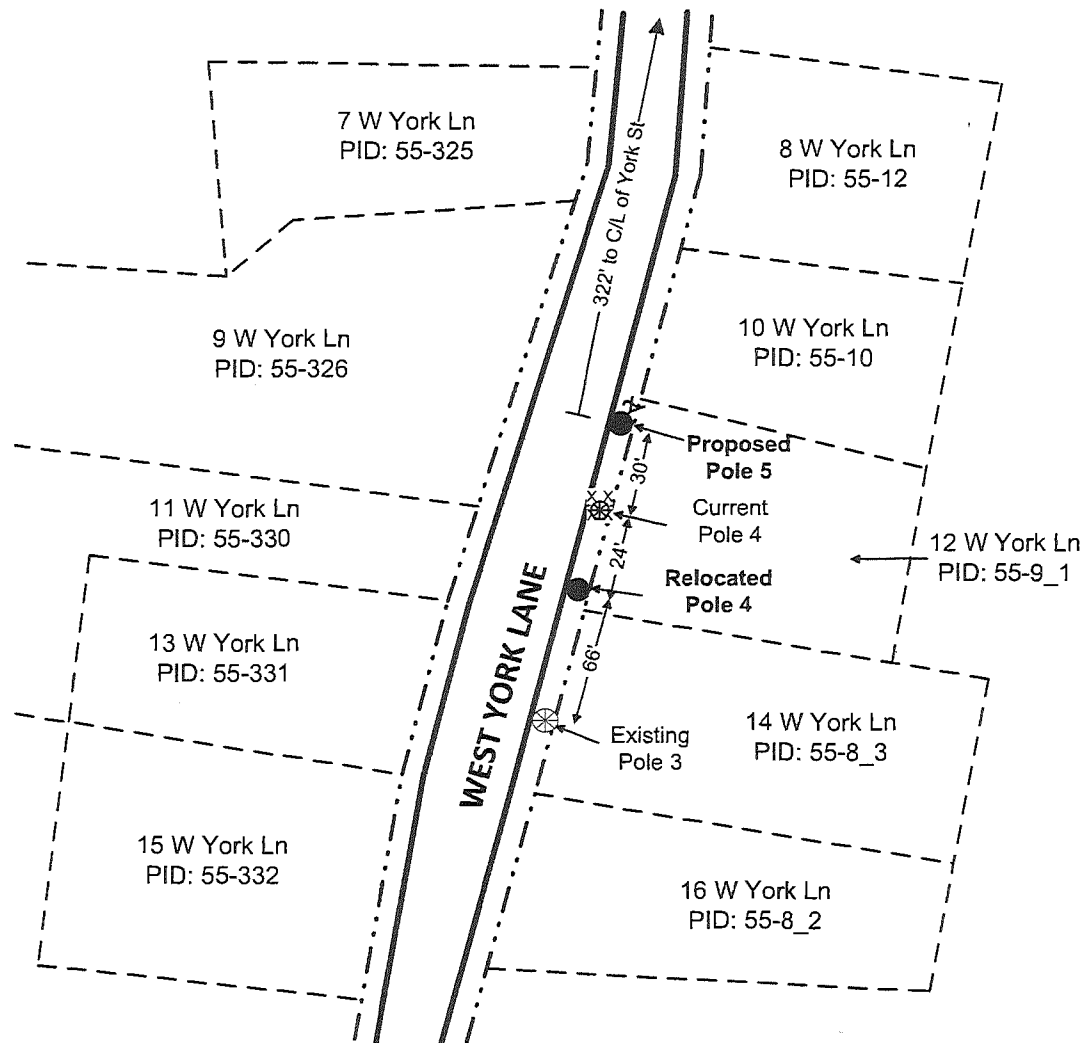
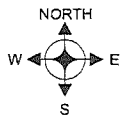
NOT TO SCALE

PLAN FOR PLACEMENT AND RELOCATION OF POLES ON W YORK LN

TO ACCOMPANY PETITION OF
VERIZON NEW ENGLAND INC. AND
NANTUCKET ELECTRIC COMPANY

LEGEND:

- PROPERTY LINE
- - - - - EDGE OF PAVEMENT
- ===== EDGE OF ROADWAY
- - - - - C/L - - - - - CENTERLINE OF ROADWAY
- ⊗ EXISTING POLE
- ⊗⊗ EXISTING POLE TO BE REMOVED
- PROPOSED POLE
- ⌵ POLE ANCHOR



ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

By the Select Board of NANTUCKET, Massachusetts.

Notice having been given and a public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that VERIZON NEW ENGLAND INC. and NANTUCKET ELECTRIC COMPANY be, and they are hereby granted joint or identical locations for and permission to erect and maintain poles and their respective wires and cables to be placed thereon, together with anchors, guys and other such sustaining and protecting fixtures as said Companies may deem necessary, in public way or ways hereinafter referred to, as requested in petition of said Companies dated the 26th day of October, 2023.

Relocate one (1) JO pole 283/4, on the easterly side of W York Lane approximately twenty-four (24) feet south of the current pole's existing location; and approximately sixty-six (66) feet north of existing pole, 283/3. The new location will also be approximately three hundred seventy-six (376) feet south of the centerline of York Street.

Place one (1) JO pole 283/4.5, on the easterly side of W York Lane approximately thirty (30) feet north of the current location of pole 283/4. The new location will also be approximately three hundred twenty-two (322) feet south of the centerline of York Street.

This installation and relocation is being requested by the homeowner at 12 W York Lane to accommodate their new driveway design.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonably straight and shall be set substantially at the points indicated upon the plan marked-VZ N. E. Inc. No. **MA2023-47** in a package Dated **October 26, 2023** - filed with said petition.

The following are the public ways or parts of ways along which the poles above referred to may be erected, and the number of poles, which may be erected thereon under this order:

W York Lane
One Jointly-Owned pole to be relocated
One Jointly-Owned pole to be placed

Also that permission be and hereby is granted to each of said Companies to lay and maintain underground laterals, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each may desire for distributing purposes.

I hereby certify that the foregoing order was adopted at a meeting of the Select Board of the Town of NANTUCKET, Massachusetts held on the _____ day of _____ 2024.

Select Board's Clerk

We hereby certify that on _____ 2024, at _____ o'clock _____ m., at the _____ a public hearing was held on the petition of the VERIZON NEW ENGLAND INC. and NANTUCKET ELECTRIC COMPANY for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we 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 Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

Select Board of the Town of NANTUCKET, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Select Board of the Town of **NANTUCKET**, Massachusetts, on the _____ day of _____ 2024, 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

ABUTTERS LIST

PARCEL ID: 55-325
7 W York Ln

Shelby C Campbell
3 W York Ln
Nantucket, MA 02554

PARCEL ID: 55-331
13 W York Ln

Shelby Rae Campbell
13 W York Ln
Nantucket, MA 02554

PARCEL ID: 55-12
8 W York Ln

Stillwaters Nominee Trust
Wayland Daniel Snell Trust, et al
PO Box 297
Nantucket, MA 02554

PARCEL ID: 55-8_3
14 W York Ln

Patricia L McGrady
14 W York Ln
Nantucket, MA 02554

PARCEL ID: 55-326
9 W York Ln

Laura & Abrar Qureshi
24 Hallett Hill Rd
Weston, MA 02493

PARCEL ID: 55-332
15 W York Ln

Kosciuk Realty Trust
Aimee Rose Lees, Trustee
15 W York Ln
Nantucket, MA 02554

PARCEL ID: 55-10
10 W York Ln

Jean & Frank Emerling
44 Punch Bowl Dr
Falmouth, MA 02540

PARCEL ID: 55-8_2
16 W York Ln

Jacob Ian Martinson, et al
14 W York Ln
Nantucket, MA 02554

PARCEL ID: 55-330
11 W York Ln

Ronna & Michael Galvin
11 W York Ln
Nantucket, MA 02554

PARCEL ID: 55-9_1
12 W York Ln

Old Gray Barn Trust
Keith M Yankow, Trustee
3 Sparks Ave
Nantucket, MA 02554
