

SELECT BOARD

Minutes of the meeting of March 11, 2024. The meeting took place by remote participation via Zoom Webinar. Select Board Members present were Dawn Holdgate, Thomas Dixon and Matt Fee. Brooke Mohr joined later in the meeting as noted. Dr. Malcolm MacNab was absent. Also present was Licensing Administrator Amy Baxter and Operations Administrator Erika Mooney.

I. CALL TO ORDER

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

II. LICENSING AND PETITIONS – LICENSE HOLDER REQUESTS

1. Request for Renewal of Pedicab License for NanTukTuk, Michael Gormley, Manager as Based on 2023 Season. Ms. Baxter reviewed the request, noting it is based on the 2023 pilot pedicab season only, and does not include any requested changes to the Pedicab regulations.

Ms. Mohr joined the meeting at 11:03 AM.

Mr. Fee disclosed that NanTukTuk owner Michael Gormley worked for him last season but feels that won't impact his decision-making ability on this request. He asked about charging fees for using the pedicab. Ms. Baxter said that is part of the proposed changes to the Pedicab regulations which will be heard at a regular Select Board meeting. Ms. Mohr asked if there have been any complaints. Ms. Baxter said none that she is aware of, adding that Peter Burke from the Chamber of Commerce is in favor of the pedicab license renewal. Mr. Fee moved approval; seconded by Ms. Mohr; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; so voted.

III. LICENSING AND PETITIONS – DEPARTMENTAL REQUESTS

1. Request for Renewal of Seasonal Liquor Licenses. Ms. Baxter reviewed the request, noting that seasonal liquor licenses run from April 1 through January 15. She said there was one non-renewal, The Pearl; that Foggy Nantucket can't occupy its licensed premises and is looking for another location to run out of, at which time they will apply for a license amendment to change the location, which they have six months to do; and that the license for Epernay will be renewed as they await for the license transfer (later in this agenda, to be approved. Mr. Fee moved approval of the seasonal licenses as presented and the non-renewal of The Pearl; seconded by Ms. Mohr; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; so voted.

2. Nantucket Island Chamber of Commerce:

a) Request for Approval and Execution of Massachusetts Department of Transportation (MassDOT) Event Notification Form for Daffodil Parade and Sconset Tailgate Picnic to be Held Saturday, April 27, 2024; b) Annual Request for Waiver of Chapter 54(1)(c) (Alcoholic Beverages) of the Code of the Town of Nantucket for Daffodil Festival Tailgate Picnic in Sconset. Ms. Baxter reviewed the two Chamber of Commerce requests, which have been annual requests for a number of years. Mr. Burke and Bianca Brown of the Chamber were present to answer any questions. Mr. Fee moved approval of items a and b because the amount of commercialization has been reduced; seconded by Mr. Dixon; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; so voted. Ms. Brown noted that there will be some non-profit sponsorship.

IV. LICENSING AND PETITIONS - PUBLIC HEARINGS

1. Public Hearing to Consider Application for Transfer of Seasonal All Alcoholic Beverages Package Store License from A.C.D.C. Promotions, LLC, dba Epernay, Jennifer L. Benzie, Manager to E&B Holdings, Inc. dba Epernay, Elizabeth Pereira, Manager, for Premises Located at 1 North Beach Street. Chair Holdgate opened the hearing. Ms. Baxter reviewed the application for a liquor license transfer, noting that Epernay has been in business for approximately 16 years. She added that a pledge of license is also required for this license transfer.

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

Ms. Mohr moved approval as presented with a pledge of license; seconded by Mr. Dixon; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; so voted.

2. Public Hearing to Consider Application for New Seasonal All-Alcoholic Beverages General-On-Premises License for The Theatre Workshop, Inc. dba Theatre Workshop of Nantucket, Bethany Oliver, Manager, for Premises Located at 62 Centre Street; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138. Chair Holdgate opened the hearing. Ms. Mohr recused herself from this matter as she is a board member of the First Congregational Church, the landlord of Theatre Workshop. Ms. Baxter reviewed the request, explaining that until now, Theatre Workshop has been applying for one-day pouring permits. She noted other establishments that hold General-on-Premises licenses. Ms. Baxter said that the First Congregational Church submitted a letter of support and there have been no noise complaints at that location over the past five years. Ms. Baxter requested that the Board consider waiving the new license application fee as Theatre Workshop is a local non-profit organization. Mr. Fee asked if the new license application fee has been waived for other non-profits. Ms. Baxter said no, that the fee was not in place when White Heron Theater applied.

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

Mr. Dixon moved approval as presented and to waive the new license application fee; seconded by Mr. Fee; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; so voted.

3. Public Hearing to Consider Application for Multiple Amendments for Annual Wine and Malt Beverages General-On-Premises License for NANTACO ACK, LLC, dba Nantaco, Cynthia Milazzo, Manager, for Premises Located at 21 South Water Street. Including Change of Classification from Annual to Seasonal, Wine and Malt Beverages to All-Alcoholic Beverages, Additional Sidewalk Seating and Extension of Service Hours from 8:00 PM to 10:00 PM; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138. Chair Holdgate opened the hearing. The applicant was not present. Ms. Baxter reviewed the application, noting that a dedicated server for outside table service will be required and that no alcohol can be taken from the counter. She said regarding the outside service hours, the statute allows service until 11:00 PM, but all other sidewalk dining licensees are only allowed until 10:00 PM. Chair Holdgate voiced concern about table service and people walking off with alcohol. Mr. Dixon asked if extended table service can be reduced if the expansion doesn't end up "working out". Ms. Baxter answered affirmatively. Mr. Fee spoke on adding more to an already congested sidewalk. He asked if patrons can be

required to be seated to be served alcohol and if there is an on-site bathroom. Ms. Baxter said the Alcoholic Beverages Control Commission (ABCC) requires an on-site bathroom for restaurant licenses but Nantaco doesn't have an on-site bathroom; therefore they needed a General-on-Premises license. Mr. Fee said he feels Nantaco should have a bathroom. Ms. Mohr voiced her concerns regarding increasing outdoor space for this applicant, saying she is not in favor as she feels the sidewalk is already too congested as it is the juncture with the Rose and Crown and overflow from the Juice Bar line. Ms. Mohr also voiced mixed feelings over the request for all-alcoholic beverages. Chair Holdgate agreed with Ms. Mohr and Mr. Fee about the seating since there is no bathroom and the applicant is relying on public bathrooms for its patrons. She said she is inclined to approve the other requests. Nantaco owner Lee Milazzo spoke in favor of the expanded outdoor seating, saying when the four allowed tables are full, patrons sit on the Town-owned benches and eat, leaving their trash. Ms. Mohr said she felt that was not a persuasive argument for an extra table. Mr. Milazzo said Nantaco is a "struggling" seasonal business and the seating is needed.

Mr. Fee moved to close the hearing; seconded by Ms. Mohr; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; so voted.

Ms. Mohr moved approval of the change of classification from annual to seasonal, wine and malt beverages to all-alcoholic beverages and extension of service hours from 8:00 PM to 10:00 PM and to determine that the premises licensed to sell alcoholic beverages is not detrimental to the spiritual activities of a church pursuant to Section 16C of MGL Chapter 138; seconded by Mr. Fee. Mr. Dixon expressed concerns and said he is torn on the request for additional sidewalk seating. Ms. Mohr asked if it would be possible to come back later in the season to request additional sidewalk seating. Ms. Baxter said yes. Chair Holdgate said she is voting against the motion as she feels two additional seats, vs the four requested, could be allowed and won't impede the sidewalk as much. On the motion, by roll call vote: Chair Holdgate – No; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; so voted. Chair Holdgate said the issue of expanded sidewalk dining can be revisited later in the summer.

Ms. Mooney pointed out that the Board didn't vote to make a determination for Theatre Workshop. Mr. Fee moved to determine that the premises licensed to sell alcoholic beverages at 62 Centre Street is not detrimental to the spiritual activities of a church pursuant to Section 16C of MGL Chapter 138; seconded by Mr. Dixon; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; so voted.

V. ADJOURNMENT

Mr. Dixon moved to adjourn at 11:57 AM; seconded by Ms. Mohr; by roll call vote: Chair Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; so voted.

Approved the 20th day of March 2024.

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

List of documents used at the meeting:

- II. 1. AIS re: NanTukTuk; Chapter 316 (Pedicabs) of the Town Regulations; Pedicab Service Area Map; Pedicab License Renewal application; NanTukTuk certificate of insurance; photos
- III. 1. AIS re: Seasonal Liquor License renewals; ABCC Seasonal Renewal Certification form; seasonal liquor license list for 2024 renewals; copy of sample renewal package for licensees
- III. 2a. & 2b. AIS re: Chamber of Commerce Daffodil Festival; MassDOT Event Notification form; Chamber letter requesting one-day waiver of Chapter 54 Section 1C; Daffodil Festival 2024 event description; 2024 Special Event Permit application; maps for Downtown and Sconset Street Closures; 2024 Daffodil Festival Prade Route map
- IV. 1. AIS re: Epernay; public hearing notice; ABCC application and floor plans; ABCC Summary Form; draft liquor license; quota summary
- IV. 2. AIS re: Theatre Workshop; ABCC application and floor plans; public hearing notice; ABCC Summary Form; Determination Letter; draft liquor license; copy of current entertainment license
- IV. 3. AIS re: Nantaco; ABCC application; draft liquor license; public hearing notice; photos; Sidewalk Dining Agreement and Conditions; Determination Letter