

SELECT BOARD

Minutes of the meeting of April 8, 2024. The meeting took place by remote participation via Zoom Webinar. Select Board Members present were Dawn Holdgate, Thomas Dixon, Matt Fee, Dr. Malcolm MacNab and Brooke Mohr. Also present were Licensing Administrator Amy Baxter and Operations Administrator Erika Mooney.

I. CALL TO ORDER

Vice Chair Mohr called the meeting to order at 11:02 AM and called roll of Board members and staff. Chair Holdgate arrived immediately thereafter.

Chair Holdgate and Dr. MacNab experienced audio issues. Chair Holdgate resolved hers; Dr. MacNab left the meeting at 11:03 AM and returned at 11:06 AM.

II. ANNOUNCEMENTS

1. Pandemic-era Policies to Include To-Go Cocktails and Outdoor Dining Expansions Expire April 1, 2024.

Ms. Baxter reviewed an email she sent out to local establishments announcing that the pandemic-era policy of cocktails-to-go and outdoor dining expansion expired at midnight on Monday, April 1, 2024 and that all on-premise locations that sold alcoholic beverages with to-go food orders must cease those operations immediately and only sell and serve liquor for on-premise consumption. Additionally, the ability to locally approve outdoor dining expansions has ended and any remaining spaces that were allowed during COVID must be officially added to premises through an alteration of premises. Mr. Fee asked if outdoor dining is still allowed. Ms. Baxter said yes if the establishment applied for an alteration of premises.

III. LICENSING AND PETITIONS – LICENSE HOLDER REQUESTS

1. Request for Approval of Application for Change of Manager for Annual All-Alcoholic Beverages Hotel

License for LH Manager Northeast, LLC dba Faraway Hotel from MarcAnthony Crimi, Manager to LeighAnne McDonald, Manager for Premises Located at 11 India Street. Ms. Baxter reviewed the request for change of manager for Faraway Hotel. Mr. Fee moved approval; seconded by Ms. Mohr, by roll call vote: Ms. Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

2. Request for Approval of Application for Change of Manager Seasonal All-Alcoholic Beverages Hotel

License for LH Manager Northeast, LLC dba Beachside at Nantucket from MarcAnthony Crimi, Manager to William Daly, Manager for Premises Located at 30 North Beach Street. Ms. Baxter reviewed the request for change of manager for Beachside at Nantucket and gave a brief update on renovations to the site. Mr. Fee moved approval; seconded by Dr. MacNab, by roll call vote: Ms. Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

IV. LICENSING AND PETITIONS – DEPARTMENTAL REQUESTS

1. Review of Nantucket Wine and Food Festival Charitable Giving Plan as Requested by the Select Board.

Ms. Baxter noted that at its February 12, 2024 meeting, the Select Board voted to approve charity wine permits for the Nantucket Wine and Food Festival on the condition that the Wine Festival group provide information on the total income it takes in and what percentage of that is for charitable contributions. Nancy Bean of the Wine Festival reviewed the information on its charitable giving as found in the Board's packet, noting they are "very engaged in supporting the Nantucket community." Ms. Bean answered questions from Board members. Mr. Fee asked how income is derived for the Wine Festival's charitable arm. Ms. Bean explained that when events are held at establishments that have a liquor license, they must get charitable

wine tasting partnership permits which requires 51% of the ticket price for wine to go to charity. She estimated that the Wine Festival gave \$60,000 to \$90,000 to charity pre-COVID, and they are slowly rebuilding its giving following no events during COVID. Mr. Fee asked how much the Wine Festival's for-profit arm makes. Ms. Bean said she feels the Wine Festival's profitability is proprietary and she is uncomfortable sharing that detail. Mr. Dixon asked what "tweaks" the Wine Festival has made over the years regarding its charitable giving. Ms. Bean said they don't advertise the charitable giving aspect of Wine Festival enough. Chair Holdgate explained that when people see the impacts of an event such as Wine Festival, it is better to understand the benefits to the community. The Board thanked Ms. Bean for her report.

V. LICENSING AND PETITIONS - PUBLIC HEARINGS

1. Public Hearing to Consider Application for Public Assembly Permit for Nantucket Historical Association's Tony Sarg Community Day, to be Held on August 5, 2024 at Children's Beach (Rain Date August 6, 2024).

Ms. Holdgate opened the hearing. Ms. Baxter reviewed the application, noting it has been reviewed and approved by the Parks and Recreation Commission. Jocelyn Wong of the Nantucket Historical Association (NHA) gave a brief history of Tony Sarg and his sea monster balloon, noting they plan to recreate the sea monster to scale at Children's Beach. She reviewed plans for the event.

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

Ms. Mohr moved approval; seconded by Mr. Fee. Dr. MacNab got his audio working and disclosed that he and his wife are employed by the NHA and as such he recused himself from the vote. By roll call vote: Ms. Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; so voted.

Mr. Fee noted that some doors at the old Skipper Restaurant were painted by Tony Sarg and were donated when the Skipper was demolished. Ms. Mohr thanked the NHA for creating a family friendly event for the community.

2. Public Hearing to Consider Application for New Common Victualler with Seasonal All-Alcoholic Beverages Restaurant License for One Sparks Ave, LLC T/A Rotary Fish, Robert K. Blair, Manager, for Premises Located at One Sparks Avenue. Ms. Holdgate opened the hearing. Ms. Baxter reviewed the application. She explained that the previous license at this location was seasonal for wine and malt beverages and this application would be for all-alcoholic beverages. Ms. Baxter noted that there are currently 110 liquor license, when she started the job there were 87 and if approved, this would make it 111. Chair Holdgate said that parking can be an issue at that location; she noted that the previous owner had valet service and she asked if the Planning Board requires it. Attorney Rick Beaudette, representing the applicant, said valet parking is not required but said they will have parking management. He added that regarding alcohol service, there will be no bar service, only table service similar to Surfside Restaurant. Erika Mooney, former abutter, reviewed issues over the years with parking and bicycles and abutter access.

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

Mr. Fee asked how the Town ensures issues don't arise at this location. Ms. Mohr asked if the Board can condition the license for alcohol service for active food service only, to eliminate people lingering to drink.

Ms. Baxter said she feels seated liquor service is reasonable. Mr. Beaudette said this is a reasonable concern but the operation of “fast casual” dining doesn’t entice lingering. Dunadil Daryoush of Rotary Fish said that the establishment will be a restaurant where people can have a cocktail with their meal, not a bar with food. Chair Holdgate spoke in favor of approval as long a patron is seated in order to have alcohol service and conditioned with parking management, especially with takeout customers.

Mr. Fee moved approval based on Surfside Restaurant conditions and parking management; seconded by Dr. MacNab; by roll call vote: Ms. Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Ms. Mohr asked for a future agenda item on the growth of the number of liquor licenses on Nantucket. Chair Holdgate asked if the Alcoholic Beverages Control Commission (ABCC) would add pre-packaged alcoholic beverages such as seltzers in the wine and malt beverages liquor category.

3. Public Hearing to Consider Application for New Entertainment License for One Sparks Ave, LLC T/A Rotary Fish, Robert K. Blair, Manager, for Premises Located at One Sparks Avenue. Ms. Holdgate opened the hearing. Ms. Baxter reviewed the application, noting it will include streaming and pre-recorded background music until 10:00 PM outside.

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

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

4. Public Hearing to Consider Application for Multiple Amendments to Seasonal All-Alcoholic Beverages Package Store License for Fish Stix, LLC dba Fresh Nantucket, Charles Merritt, Proposed Manager, for Premises Located at 5 Salem Street, Including Change of Manager from Joshua Harde, Change in Ownership Interest and Change of DBA from Harpoon Liquors to Fresh Nantucket. Ms. Holdgate opened the hearing. Ms. Baxter reviewed the application and explained the manager listed in the public hearing advertisement is different from the application.

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

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

5. Public Hearing to Consider Application for Alteration of Premises Amendment for Annual All-Alcoholic Beverages Restaurant License for Kitty Murtaugh’s, LLC dba Kitty Murtaugh’s, Caroline Montgomery, Manager, for Premises Located at 4 West Creek Road to Add an Outdoor Seated Bar to Patio. Ms. Holdgate opened the hearing. Ms. Baxter reviewed the application, noting in 2023 Kitty’s came before the Select Board to permanently allow a service bar on its outdoor patio that had been allowed under COVID allowances, which would only be used when the basement dining room was not in use. She said that in August 2023, she was tipped off that a large outside seated bar was constructed at the restaurant. Ms. Baxter said she talked to the applicant and they were surprised that the full service bar was not allowed and

Ms. Baxter said she felt bad so she put off any action. Ms. Baxter clarified that this is not a compliance hearing and that she has been doing training and it has been made clear that she works for the Town and not the restaurants. She admitted that she should have brought this matter before the Board in August 2023. Ms. Baxter said the patio now has a 21-seat full-service bar and she asked the Select Board if it voted for a service bar or a seated bar last March. Ms. Mooney reviewed the 2023 Select Board vote for a service bar only and that it was clear it was not to be a seated outside bar. Attorney Mike Wilson reviewed the request and asked the Select Board to “honor” the applicant’s request. Ms. Mohr said the allowable seating is irrelevant and that the minutes are clear that the Board only approved a service bar, not a 21-seat outside bar. Ms. Wilson said the Board should go by the number of seats regardless if they are at a seated bar or at a table. Ms. Baxter said the Board has other considerations and didn’t vote for a seated bar.

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

Mr. Fee asked about the hours of operation for outside. Kitty’s owner John Keane said the plan submitted last year said “service bar/bar”; he asked for outside service until 11:00 PM, noting he has communicated with his neighbors. Ms. Mohr stated that the Board may have been given a plan that said “service bar/bar” but the minutes are clear that it was supposed to be a service bar only and a large, seated bar was not approved. She said she felt this was problematic and voting to amend the license sets a precedent. Ms. Mohr added that the responsibility lies with the applicant to make sure they are in compliance and that this is a non-compliance situation and she is not comfortable saying it is okay. Chair Holdgate said she doesn’t mind having seats on a bar but alcohol service has to be contingent on having seats. Mr. Keane spoke on occupancy and hours. Mr. Dixon asked if there is a mandated time when patrons have to move inside. Ms. Baxter responded that it has to be one or the other. When the patio is in use, the basement seating has to be closed, and vice versa. Some discussion followed on what the Board is voting on. It was reiterated that this is not a compliance hearing and the Board has to vote on whether to allow a 21-seat bar as constructed. Some discussion on precedent followed.

Mr. Fee moved approval of the 21-seat outside bar with seated service, a one-year review, service is to stop at 10:00 PM and the patio closed by 11:00 PM; seconded by Dr. MacNab; by roll call vote: Ms. Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – No; so voted.

6. Public Hearing to Consider Application for Modification of Entertainment License for Kitty Murtaugh’s, LLC dba Kitty Murtaugh’s, Caroline Montgomery, Manager, for Premises Located at 4 West Creek Road to Add Streaming/Pre-Recorded Music, Two Televisions and Occasional Lightly Amplified Live Music to Outdoor Patio from Noon to 9:00 PM and Amend Interior Entertainment to Extend Time from 9:30 PM to 1:00 AM. Ms. Holdgate opened the hearing.

Dr. MacNab left the meeting at 12:43 PM.

Ms. Baxter reviewed the application, noting the application expanded from what was advertised. Ms. Holdgate spoke against live music outside and asked what “lightly amplified” means. Mr. Wilson said the live music can be kept inside. Mr. Keane said the intent is to offer entertainment for special occasions. Ms. Baxter said the applicant could consider a one-day entertainment license with abutter notification and Select Board approval.

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

Mr. Fee moved approval for background music and televisions not facing the street and no live music outside, outside entertainment to end at 10:00 PM and to extend the interior entertainment from 9:30 PM to 1:00 AM; seconded by Ms. Mohr; by roll call vote: Ms. Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; so voted.

VI. ADJOURNMENT

Ms. Mohr moved to adjourn at 12:53 PM; seconded by Mr. Fee; by roll call vote: Ms. Holdgate – Yes; Mr. Dixon – Yes; Mr. Fee – Yes; Ms. Mohr – Yes; so voted.

Approved the 1st day of May 2024.

SELECT BOARD
APRIL 8, 2024 – 11:00 AM
REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

- II. 1. Email from Licensing Administrator re: Pandemic-era Policies
- III. 1. AIS re: Faraway Hotel; Faraway Hotel change of manager application
- III. 2. AIS re: Beachside at Nantucket; Beachside at Nantucket change of manager application
- IV. 1. AIS re: Nantucket Wine & Food Fest; NWFF charitable giving report; NWFF 2024 events list
- V. 1. AIS re: Nantucket Historical Assn; NHA public assembly permit application
- V. 2 & 3. AIS re: Rotary Fish; Rotary Fish CV, liquor & Entertainment licenses applications
- V. 4. AIS re: Fresh Nantucket; Fresh Nantucket liquor amendment application
- V. 5 & 6. AIS re: Kitty Murtaugh's; Liquor & Entertainment licenses applications