

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 APRIL 8, 2024 - 11:00 AM REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK FOR VIEWING ONLY:
<https://youtube.com/live/USvE3EVA8Pk>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_RqGHuf0Tc2AyX11UQV-kQ

I. CALL TO ORDER

II. ANNOUNCEMENTS

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

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.
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.

IV. LICENSING AND PETITIONS - DEPARTMENTAL REQUESTS

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

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).

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.
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.
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.
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.
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.

VI. ADJOURNMENT

Baxter, Amy

From: Baxter, Amy
Sent: Tuesday, April 2, 2024 9:28 AM
To: Licensing
Subject: To-Go-Cocktails Expires

All,

The Pandemic era policy of Cocktails-to-Go and Outdoor Dining Expansion expired at midnight Monday, April 1, 2024. 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. Please remove any online ordering of take-out orders with alcohol as well. The discussion on a permanent adoption of this policy continues on Beacon Hill but until The Governor signs it into law it is not allowed. I've been told it could be next week, July or never so stay tuned.

Also, the ability to locally approve outdoor dining expansions has ended. Any remaining spaces that were allowed during COVID must be 'officially' added to your premises through an Alteration of Premises. Any applications for this year should be received by April 26th to make it on the May 13th Select Board Meeting. The application process can be reviewed here: [ALTERATION OF PREMISES](#)

Please let us know any questions.

Thank you,

Amy C. Baxter
Licensing Administrator
Nantucket Police Department

Licensing and Permits Office
Public Safety Facility, Lobby Permits Window
Monday – Friday 8am – 4pm
4 Fairgrounds Road, Nantucket, MA 02554
508-325-4100, x5917 or x5832
licensing@police.nantucket-ma.gov

This electronic message and any attached files contain information from the Town of Nantucket and The Nantucket Police Department that may be privileged and/or confidential. The information is intended for the recipient named above, and use by any other person is not authorized. If you are not the intended recipient, any disclosure, distribution, copying, or use of this information is strictly prohibited. If you have received this message in error, please notify the sender by e-mail immediately. Also, please be advised that the Secretary of State's office has determined that most e-mails sent to and from municipal officials are considered to be public records and consequently may be subject to public disclosure.



Agenda Item Summary

Agenda Item #	III. 1.
Date	4/8/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Application –Change of Manager – **LH Manager Northeast, LLC, dba Faraway Hotel, 11 India Street.**

Executive Summary

LH Manager Northeast, LLC is requesting a Change of Manager for an Annual Hotel All Alcoholic Beverages Liquor License for **Faraway Hotel** at **11 India Street.**

The change will replace the current listed manager, MarcAnthony Crimi, with LeighAnne McDonald.

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; Faraway Liquor License





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City /Town

06179-HT-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 LH Manager Northeast, LLC

DBA Faraway Hotel

Street Address 11 India Street

Zip Code 02554

Manager LeighAnne McDonald

Granted under
Special Legislation? Yes ☐ No ☐

\$12 Hotel

Annual

All Alcoholic Beverages

If Yes, Chapter

of the Acts of (year)

Type

(i.e. restaurant, package store)

Class

(Annual or Seasonal)

Category

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

DESCRIPTION OF PREMISES

Complete description of the licensed premises

Hotel with 2,000 square foot restaurant space in one room on the ground floor with dining areas, bar and covered outdoor patio. Hotel has 58 guest rooms having room service for food and beverages.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:

Date

04/01/2024

Time

Advertised

Yes ☐ No ☒

Date Published

Publication

Abutters Notified:

Yes ☐ No ☒

Date of Notice

Date APPROVED by LLA

04/08/2024

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

AMENDMENT-Change of Manager

☒ **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name

Municipality

ABCC License Number

LH Manager Northeast, LLC DBA Faraway Hotel

Nantucket

06179-HT-0762

2. APPLICATION CONTACT

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

Name

Title

Email

Phone

Jonathan Lacdao

Hotel Senior Asset Manager

jonathan.lacdao@life-house.com

3A. MANAGER INFORMATION

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

Proposed Manager Name LeighAnne McDonald

Date of Birth

SSN

Residential Address

3 Powderhouse Ln Nantucket, MA 02554

Email

leighanne.mcdonald@farawayhotels.com

Phone

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

60

Last-Approved License Manager

MarcAnthony Crimi

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
11/19	2/22	Director of Guest Services	Nantucket Hotel & Resort	Carlos Castrello
04/14	2/19	General Manager	Union Street Inn	Ken Withrow

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

LeighAnne McDonald
LeighAnne McDonald

Date

4/1/24

APPLICANT'S STATEMENT

I, LeighAnne McDonald the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of LH Manager, LLC DBA Faraway Hotel
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:

LeighAnne McDonald

Date:

4/1/24

Title:

General Manager

LICENSE #: 06179-HT-0762

LICENSE FEE: \$3,250.00

THE LICENSING BOARD *for the*
TOWN OF NANTUCKET, MASSACHUSETTS
HEREBY GRANTS AN
COMMON VICTUALLER
ANNUAL RETAIL INNHOLDER LICENSE
TO EXPOSE, KEEP FOR SALE, AND TO SELL
ALL ALCOHOLIC BEVERAGES

TO BE CONSUMED ON THE PREMISES

BUSINESS: LH Manager Northeast,
LLC

DBA: Faraway Hotel

PREMISES: 11 India St
Nantucket, MA 02554

MANAGER: ~~MarcAnthony Crimi~~
LeighAnne McDonald

LICENSED PREMISES DESCRIBED AS:

Hotel with 2,000 square foot restaurant space in one room on the ground floor with dining areas, bar and covered outdoor patio. Hotel has 58 guest rooms having room service for food and beverages.

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 1:00 AM** 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 202.

Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 202

**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 #	III. 2.
Date	4/8/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Application –Change of Manager – **LH Manager Northeast, LLC, dba Beachside at Nantucket, 30 North Beach Street.**

Executive Summary

LH Manager Northeast, LLC is requesting a Change of Manager for an Annual Hotel All Alcoholic Beverages Liquor License for **Beachside at Nantucket** at **30 North Beach Street**.

The change will replace the current listed manager, MarcAnthony Crimi, with William Daly.

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)



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; Beachside Liquor License





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City /Town

07260-HT-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	LH Manager Northeast, LLC	DBA	Beachside at Nantucket
Street Address	30 N. Beach Street		Zip Code 02554
Manager	William Daly		Granted under Special Legislation? Yes ☐ No ☐
\$12 Hotel	Seasonal	All Alcoholic Beverages	If Yes, Chapter
Type (i.e. restaurant, package store)	Class (Annual or Seasonal)	Category (i.e. Wines and Malts / All Alcohol)	of the Acts of (year)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

In one large room in main lobby (1,200sf) with seating for up to 60 persons, 1 main door from front entrance and 3 doors to pool area; outdoor pool area (2,919sf) with seating areas, tables and loungers for up to 55 persons; guest room buildings complete with mini bars and private porches with up to 4 seats on each porch (34 guest rooms total); guest suites outdoor deck (500sf) with seating for up to 15 person

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	04/01/2024	Time		
Advertised	Yes ☐ No ☒	Date Published		Publication	
Abutters Notified:	Yes ☐ No ☒	Date of Notice			
Date APPROVED by LLA	04/08/2024	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

LICENSE #: 07260-HT-0762

LICENSE FEE: \$3,900.00

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

BUSINESS: LH Manager Northeast LLC

DBA: BEACHSIDE AT NANTUCKET

PREMISES: 30 N. Beach Street
Nantucket, MA 02554

MANAGER: ~~MarcAnthony-Crimi~~

William Daly

ON PREMISES DESCRIBED AS:

In one large room in main lobby (1,200sf) with seating for up to 60 persons, 1 main door from front entrance and 3 doors to pool area; outdoor pool area (2,919sf) with seating areas, tables and loungers for up to 55 persons; guest room buildings complete with mini bars and private porches with up to 4 seats on each porch (34 guest rooms total); guest suites outdoor deck (500sf) with seating for up to 15 persons.

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 outdoor/pool area alcohol service is permitted after 8:00PM.** Special events require additional permitting. Any restrictions apply as are on file with the local licensing authority. In accordance with Article 40 ATM 2001, Chapter 86.1 Board of Health Regulations Prohibit Smoking in Certain Places within the Town of Nantucket.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the Massachusetts General Laws, as amended and any rules or regulations made thereunder by the licensing authorities, including, but not limited to Chapter 250 of the Town of Nantucket Rules and Regulations Governing Alcoholic Beverages.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed his official signature on this day of, 2024.

Chair, Select Board

THIS LICENSE IS VALID APRIL 1, 202x – JANUARY 15, 202x

**Unless earlier suspended, cancelled, or revoked*



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

AMENDMENT-Change of Manager

☒ **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name

Municipality

ABCC License Number

LH Manager Northeast LLC

Nantucket

00132-HT-0762

2. APPLICATION CONTACT

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

Name

Title

Email

Phone

William Daly

F&B General Manager

william.daly@farawayhotels.com

3A. MANAGER INFORMATION

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

Proposed Manager Name

William Daly

Date of Birth

SSN

Residential Address

11 Waydale Rd, Nantucket MA 02554

Email

william.daly@farawayhotels.com

Phone

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

40

Last-Approved License Manager

MarcAnthony Crimi

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
03/13/2023	Present	F&B General Manager	Life House LLC	Jonathan Lacdao
09/23/2009	03/12/2000	General Manager	Quality Branded	Kevin Dillon

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

4/3/24

APPLICANT'S STATEMENT

I, William H. Daly the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of LH Manager Northeast LLC
Name of the Entity/Corporation

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

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

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

Signature:



Date:

4/3/24

Title:

F&B General Manager



Agenda Item Summary

Agenda Item #	IV. 1.
Date	4/8/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Event Report – *The Nantucket Wine and Food Festival*

Executive Summary

The Nantucket Wine and Food Festival has submitted a report on its charitable giving on Nantucket as requested by the Select Board.

Staff Recommendation

Review submitted report and ask questions of the Festival representatives to clarify Charitable giving efforts on Nantucket. Provide guidance for any additions and or/expectations the Board would like to see for the future.

Background/Discussion

At the February 2024 Select Board Licensing Meeting, The Board reviewed and approved multiple Charity Wine Permits submitted by The Nantucket Wine and Food Festival Charitable Foundation. At the time of application Board members inquired about the Charitable giving and activities sponsored by the Foundation that benefitted the local community. The Board indicated it did not want to hold up the permits this year but wanted to see a report detailing this request. The questions below were given to the Foundation by Licensing to present to the Board on April 8, 2024.

1. How does the Wine and Food Festival contribute to the Nantucket Community?
2. Please show the ways in which the organization has given back to the community through financial support and programs such as Junior Chef. Both historical references and current programs/donations.
3. What is the percentage of charitable funds vs. Gross amount of revenue
4. Any other information you can provide to show your work in the community as an organization.

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

Nantucket Wine Festival Charitable Giving Report; 2024 List of Events as of 4/1/24





Nantucket Wine & Food Festival Charitable Foundation – Nantucket Community Support

Nantucket Wine & Food Festival Charitable Foundation (the charitable arm of the Nantucket Wine & Food Festival) supports the Nantucket Community in a myriad of ways. We actively support island non-profits and charities.

Our charitable contributions average between \$60,000.00 - \$80,000.00 annually.

We were shuttered in 2020 and 2021, just re-surfacing in 2022, but we still gave charitably and contributed to numerous fundraisers on island.

Organizations that we have supported over the years include:

- American Legion
- Children's Cove Charity Golf Tournament
- Dreamland Theatre
- Holidays for Heroes
- Lighthouse School
- LUNA
- Mr. Nantucket Pageant/ VFW
- Nantucket Art & Artisan Show
- Nantucket Book Festival
- Nantucket Cares
- Nantucket Community Sailing
- Nantucket High School Booster Club
- Nantucket High School Culinary Arts Program
- Nantucket High School December Delight Auction
- Nantucket High School Summer Fundraiser
- Nantucket Hockey Rink Fundraiser
- Nantucket Music Center
- Nantucket New School
- Nantucket Yacht Club Foundation- Sailing Program for Students
- Nantucket Food Pantry
- Nantucket Professional Firefighters Association
- NISHA
- Maria Mitchell Foundation
- PASCON (Palliative and Support Care Nantucket)
- Rotary Club- Nantucket
- Small Friends on Nantucket

Focus on Youth and Culinary Arts:

The NWF engages the NHS Culinary Arts Program in a variety of ways. Pre-Pandemic and for 8+ years, the NWF held a Junior Top Chef competition that engaged and supported the NHS culinary arts students. We brought in chefs and speakers, supported field trips and held the competition in our Culinary Tent during the May festival. The students interacted with college students from Culinary Schools – including Johnson & Wales, Boston University and UNH. They met and assisted chefs with prep for events. The NWF contributed \$10,000.00 to the NHS Culinary Arts program as the award for participating in the competition (NHS ALWAYS WON). Since we no



longer have our Culinary Tents and have not held the competition since the pandemic, we donate \$5,000.00 to the program and hope to bring the Jr Top Chef back in the future when possible.

Each year we rent the NHS kitchen and employ NHS students to wash and polish glasses leading into and during the festival each year. We continue to offer opportunities for select students in the culinary program to engage in learning experiences with visiting chefs.

NISHA

Every year, the NWF supports NISHA with a dedicated event during the NWF. This year, we have two events that will support NISHA

Yappy Hour (100% of ticket sales go to NISHA and are matched by our sponsor, Tito's Cocktail Jazz Brunch – where \$10 of every ticket will go to NISHA – expected ticket sales 65 tickets.

Chamber of Commerce:

The NWF also supports the Chamber of Commerce “after hours” events with wine donations and sponsorship. Additionally, we have been a sponsor of Daffodil Festival and Holiday Stroll over the years.

Community Events:

We have donated to community events like opening of the new multi-purpose floor at the Ice Hockey Rink in 2023. NWF supplied the wine for the bars for this community event. We get asked to support and donate wine or auction packages or cash donations to various organizations – and we are quick to say “yes” whenever we can.

Education and ideas moving forward:

The NWF is partnering with the Nantucket Inn to host a series of community events throughout the year that are educational and entertaining. “Wine 101” classes that are offered at minimal cost (\$25) – or will be offered at no cost if people would like to attend but cannot afford the fee. These will be held in the Nobadeer Room at Nantucket Inn, and/or in the new ballroom once completed. These can also be designed for organizations on island by request.

We are also planning to do a community event around scalloping season, bringing in some guest chefs, local chefs and Nantucket Inn's chef John Jerman as the host. There will be a chowder competition and Scallop Dish competition. This is designed to celebrate the local scalloping community and offer a fun event to the community in the shoulder season (early November).

Charitable Contribution:

We secure Charity Partner Wine Pouring Licenses from the State of MA each year for our events that are held in licensed facilities. Namely the White Elephant and the Nantucket Hotel. Over the years, we have also partnered with the Westmoor Club, Sankaty Gold Club, The Nantucket Yacht Club and others. This year we will host 2 small seminar events at Lemon Press and one small event at Straight Wharf Restaurant. An average of 54% - 58% of the proceeds from sales of tickets that are derived from wine go to charitable contributions each year. This is meticulously tracked with the state each year as part of our tax filings and our submission to obtain our Certificate of Good Standing and our Certificate of Solicitation each year.

NWF 2024 UPDATED EVENTS LIST - ABCC

EVENT NAME	DAY	DATE	START	END	LOC	CAP
Grey Lady Welcome Reception	WED	5/15/24	5:00 PM	8:00 PM	WE Deck	250
Harbor Gala	THU	5/16/24	5:30 PM	9:30 PM	WE ALL	800
Grand Tastings 1	SAT	5/18/24	11:00 AM	1:30 AM	WE ALL	800
Grand Tastings 2	SAT	5/18/24	2:30 PM	5:00 PM	WE ALL	800
Grand Tastings 3	SUN	5/19/24	1:00 PM	4:00 PM	WE ALL	800
Pol Roger Luncheon	THU	5/16/24	12:00 PM	2:00 PM	WE Ballroom	60
Rosé Brunch	FRI	5/17/24	10:00 AM	11:30 AM	WE Main	150
Bubbles and Claws	FRI	5/17/24	1:00 PM	2:30 PM	WE Main	150
Judgement of Paris - Wine Sem	FRI	5/17/24	4:00 PM	5:30 PM	WE Main	150
SHUCK IT! Oyster Seminar	FRI	5/17/24	11:00 AM	12:30 PM	WE Shoreline	80
Pinot Around the World - Sem	FRI	5/17/24	2:00 PM	3:30 PM	WE Shoreline	80
ASADO!	FRI	5/17/24	5:30 PM	7:30 PM	WE Shoreline	100
Breakfast wth Alex Gambal	FRI	5/17/24	9:00 AM	10:30 AM	WE Deck	30
Le Grande Fromage - Sem	FRI	5/17/24	12:00 PM	1:30 PM	WE Deck	70
Passport Cheese & Wine Sem	FRI	5/17/24	3:00 PM	4:30 PM	WE Deck	70
Burgundy Wine Luncheon	FRI	5/17/24	11:30 AM	1:30 PM	WE Ballroom	75
Hitchhiking through Napa	FRI	5/17/24	3:00 PM	4:30 PM	WE Ballroom	60
Bordeaux Luncheon	SAT	5/18/24	12:00 PM	2:00 PM	WE Ballroom	80
Bordeaux Blends Seminar	SAT	5/18/24	3:30 PM	5:00 PM	WE Ballroom	60
Far Niente Dinner	SAT	5/18/24	7:00 PM	10:00 PM	WE Ballroom	70
Cocktail Jazz Brunch	SUN	5/19/24	11:00 AM	1:00 PM	WE Ballroom	80
Above the Clouds Wine Sem	FRI	5/17/24	11:30 AM	1:00 PM	Nan Hotel	40
Napa Wine Dinner	FRI	5/17/24	7:00 PM	10:00 PM	Nan Hotel	60
Eurail Pass with Kevin Zrally	SAT	5/18/24	10:30 AM	12:00 PM	Nan Hotel	60
Lobster Clam Bake	SAT	5/18/24	1:00 PM	3:00 PM	Nan Hotel	60
La Fête	SAT	5/18/24	7:00 PM	10:00 PM	Nan Hotel	140
Knights of the Wine Table Sem	THU	5/16/24	2:00 PM	4:00 PM	Lemon Press	40
Vigneron Bordeaux - Sem	FRI	5/17/24	11:30 AM	1:00 PM	Lemon Press	40
Caviar & Bubbles Seminar	THU	5/16/24	2:00 PM	3:30 PM	Straight Wharf	40

Brunello Dinner Dinner	FRI	5/17/24	7:00 PM	10:00 PM	63 Boulevard	22
Opus One Dinner	FRI	5/17/24	7:00 PM	10:00 PM	169 Eel Point	24
Ceretto Dinner	FRI	5/17/24	7:00 PM	10:00 PM	36 Hummock Pond	22
Christian Moreau Dinner	FRI	5/17/24	7:00 PM	10:00 PM	61 Shawkemo Road	22
Troplong Mondot Dinner	FRI	5/17/24	7:00 PM	10:00 PM	50 Nonantum	22
Continuum Estates Dinner	SAT	5/18/24	7:00 PM	10:00 PM	26 Birdsong	22
Domaine du Pegau Dinner	SAT	5/18/24	7:00 PM	10:00 PM	13 Upper Tawpashaw	22
Château Pichon Baron Dinne	SAT	5/17/24	7:00 PM	10:00 PM	63 Boulevard	22
Almaviva Dinner	SAT	5/18/24	7:00 PM	10:00 PM	75 Main Street	22
Château de Chamirey Dinne	SAT	5/18/24	7:00 PM	10:00 PM	14 Eat Fire Spring	22
Lingua Franca Tasting	THU	5/16/24	1:00 PM	2:30 PM	66 Hulbert	22
Donelan Wine Tasting	THU	5/16/24	1:30 PM	3:00 PM	37 West Miacomet Rd	24
Climate, Innovation & Wine	FRI	5/17/24	10:30 AM	12:00 PM	169 Eel Point	40
Groth Vineyards Tasting	FRI	5/17/24	11:00 AM	12:30 PM	26 Birdsong	22
Allegri Tasting	FRI	5/17/24	11:00 AM	12:30 AM	13 Upper Tawpashaw	22
Pahlmeyer Tasting	FRI	5/17/24	11:00 AM	12:30 PM	36 Hummock Pond	22
Vina VIK Tasting	FRI	5/17/24	11:00 AM	12:30 PM	75 Main Street	22
Château Angelus Tasting	FRI	5/17/24	11:00 AM	12:30 PM	63 Boulevard	22
Montes Tasting	FRI	5/17/24	1:30 PM	3:00 PM	169 Eel Point	30
Susana Balbo Tasting	FRI	5/17/24	3:00 PM	4:30 PM	66 Hulbert	22
Nino Negri Tasting	FRI	5/17/24	3:00 PM	4:30 PM	2 Harborview Way	22
Masters Grand Cru Tasting	FRI	5/17/24	4:00 PM	6:00 PM	61 Shawkemo Road	25
The Mascot Tasting	SAT	5/18/24	11:00 AM	12:30 PM	169 Eel Point Road	22
Cuvaison/Brandlin Tasting	SAT	5/18/24	11:00 AM	12:30 PM	67 Hulbert	22

MARIA MITCHELL EVENTS, 33 Washington Street, Nantucket, MA

1. Aperture Cellars Tasting / Art Showing

Date: Friday, May 17, 2024

Time: 1:00 PM – 3:00 PM

Guests: 30

Join famed Photographer, Andy Katz, known as the photographer to the Vineyards – for an in depth showing of his stunning work, on display at the Maria Mitchell Association. Andy and his son, Jesse own Aperture Cellars, an award-winning winery based in Sonoma County. Taste through their wines and

Distributor – Vineyard Road

Aperture Cellars

Quantity: 1 case / 12 bottles

2. Don Julio Tequila Tasting

Date: Friday, May 17, 2024

Time: 1:00 PM – 3:00 PM

Guests: 30

Taste and learn about the heritage and the unique artisanal style of Don Julio Tequila. Created in small batches and aged for a minimum of 2 years, this seminar will delve into the culture and the specific methodology behind this legendary brand.

Distributor – United

Don Julio Tequila

Quantity: 5 bottles

3. Tito's Yappy Hour with NISHA

Date/Time: Saturday, May 18, 2024, 9:00 AM – 10:30 AM

Guests: 50

Donation: \$25 (matched by Tito's!)

Let's celebrate our four-legged friends!

Join Tito's Handmade Vodka, The Vodka for Dog People, to celebrate our favorite four-legged friends at Yappy Hour on Saturday morning at the Maria Mitchell Association at 33 Washington Street. Start your day with a Tito's "Hair of the Dog" Bloody Mary, donuts and delicious pastries. There will be toys and treats for dogs—please bring your best friends!

We hope you can be there to help raise funds for Nantucket Island Safe Harbor for Animals and to help to make the world a better place for all animals.

Distributor – United

Tito's Vodka

Quantity: 1 case



Agenda Item Summary

Agenda Item #	V. 1.
Date	4/8/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Public Assembly Permit Application, Nantucket Historical Association, Children's Beach

Executive Summary

The Nantucket Historical Association is requesting to host a Community Event/Public Assembly on Children's Beach August 5, 2024 with a rain date of August 6, 2024.

Staff Recommendation

The Application for Tony Sarg Community Day was reviewed and approved by Parks and Recreation Commission March 21, 2024.

Per Harbormaster Sheila Lucey, the set-up should take place on the grass area of Children's Beach.

Select Board needs to vote on Public Assembly application in addition to waiving restriction of Public Assembly events before 5pm per Chapter 216.

Background/Discussion

Chapter 216 Beaches:

The use of Nantucket beaches for events or activities involving a commercial enterprise or activity, including, but not limited to, catering events or other such businesses, shall require a permit from the Town of Nantucket.

C.

No beach events or commercial activities with an expected attendance of more than 250 people shall be allowed unless a public assembly permit application has been submitted and approved.

D.

The fee for a beach event permit or commercial activity permit shall be set from time to time by the Select Board.

E.

Beach events or commercial activities with an expected attendance of more than 75 people may require a special police detail as determined by the Town Manager.



G.

All applications shall be signed confirming that the applicant has read and understands all regulations pertaining to a permitted beach event or commercial activity and that such applicant will abide by such regulations, limitations and conditions placed upon such event or activity.

H.

The permittee shall be required to obtain and provide proof of comprehensive liability insurance in the minimum amount of \$1,000,000 naming the Town of Nantucket and any other property owner of the designated beach area where the beach event or activity is taking place as an additional insured.

I.

Individuals or businesses that provide catering or other food-related services on beaches subject to these rules and regulations must be licensed by the Board of Health. A copy of the food service license from the Board of Health shall be submitted with an application for a beach event or commercial activity.

J.

The permittee shall remove all trash generated by its beach event or commercial activity from the beach and dispose of it properly at the landfill. Town trash cans or dumpsters may not be used.

K.

Unless otherwise authorized, beach events or commercial activities may not be scheduled between the hours of 8:30 a.m. and 5:00 p.m. June 15 through September 15. All events or activities shall end by 10:00 p.m.

L.

Beach event or commercial activity applications shall be submitted to the Town Manager for final approval or denial only after signed approval from the Police Chief, Beach Manager, Fire Chief (if applicable), Health Inspector (if applicable) and Park and Recreation Director (if applicable). Permits must be available for inspection by law enforcement personnel as identified in § **216-8C**.

M.

A cover letter explaining the purpose of the beach event or commercial activity shall be submitted with the application.

N.

Applications shall be submitted at least two weeks prior to the proposed beach event or commencement of commercial activity. Depending on circumstances or availability, this may be waived at the discretion of the Town Manager or designee.

O.

The Town Manager, in consultation with the Select Board and the Beach Management Advisory Committee, shall promulgate application forms as well as a list of designated beach areas upon which beach events may be permitted.



Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

Board/Commission Recommendation

N/A

Public Outreach

Ad in I&M

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

N/A

Attachments

Special Event Permit Application; Layout of Tony Sarg Community Day Event



Dzvonik, Marina

From: noreply@civicplus.com
Sent: Tuesday, March 12, 2024 1:20 PM
To: Dzvonik, Marina
Subject: Online Form Submittal: 2024 Special Event Permit Application

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

2024 Special Event Permit Application

This form is not a permit. Please read this application in full. Completion of this application does not constitute an automatic approval and does not guarantee that a permit will be issued. Event organizers are encouraged not to issue any press releases, advertise, sell tickets, etc. until the necessary approvals and/or permits have been issued. Event organizers are encouraged to include maps, plans and any pertinent supporting documentation with this application. Any event permitting questions can be directed to the Town's Events Coordinator at 508-325-4166.

APPLICANT INFORMATION - REQUIRED

First Name of Primary Contact	Jocelyn
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Last Name of Primary Contact	Wong
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Address of Primary Contact	15 Broad Street
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Company/Organization of Primary Contact (If Applicable)	Nantucket Historical Association
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Town/City	Nantucket
-----------	-----------

State	Massachusetts
-------	---------------

Zip	02554
-----	-------

Email Address	jwong@nha.org
---------------	---------------

Phone Number	5082281894
--------------	------------

Cell Phone	Field not completed.
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On-site Contact	Same
-----------------	------

Cell Phone for On-site Contact	9495339133
Host Organization (If Different from Above)	<i>Field not completed.</i>
Host Type	Non-Profit
Please Attach 501(c)(3) Documentation	NHA Certification of Exemption.pdf
EVENT OVERVIEW - REQUIRED	
Event Name	Sarg Community Day
Requested Location of Event (please specify INDOOR or OUTDOOR)	Children's Beach
Is this Event open to the public?	Yes
Is there an admission / registration fee?	No
Date of Event	8/5/2024
Start Time	10:00AM
End Time	1:00PM
Rain Date	8/6/2024
All events must comply with the 10:00 pm Noise Ordinance. Requests for extension past 10:00 pm must be approved by the Select Board	
Set-up Date & Time	8/5/2024 7:00 AM
Tear-Down Date & Time	8/5/2024 1:00 PM
MULTIPLE DATE EVENTS	<i>Field not completed.</i>
Full Schedule of Events	<i>Field not completed.</i>
Est. # of Participants	200
Est. # of Staff	15
Important Notice - Events Over 250 <i>Any event anticipating over 250 participants requires a Public Hearing at a regularly-scheduled Select Board meeting. Public Hearings must be noticed in the</i>	

Inquirer and Mirror for two consecutive weeks prior to the hearing (at Applicant's expense). Public Hearings may be waived for recurring events. Events anticipating under 250 participants may require a Public Hearing at Town Administration's discretion.

Have You Held This Event On-Island Before?	No
If Yes, Where And When?	<i>Field not completed.</i>
Description of Event (Attach additional documents below)	The Sarg Community Day will be an opportunity for the island community to view a to-scale recreation of Tony Sarg's sea monster (last spotted on Nantucket in 1937). It will be a family-friendly celebration including a special edition of a Nanpuppet show on the bandstand, several hands-on activity stations on the lawn to craft puppets, and the chance to take a sea monster selfie!
Event Description (optional)	<i>Field not completed.</i>
Course Map	<i>Field not completed.</i>
Event Layout/Diagram	Childrens beach layout for monster.docx

EVENT LAYOUT / DIAGRAM: Required for Events with Tents/Temporary Structures and/or Events on Public Property. A detailed site plan is required - applications will not be processed without it. Attach separate document(s) that clearly show the location of the event, fencing, entry /exit points, tents (include dimensions), stages, generators, bars, tables / chairs, portable restrooms, trash cans, dumpsters, signs, etc.

STEP 1: LOCATION - BEACH EVENTS ONLY

Details regarding allowable activities can be found here	Click for Beach Allowable Activity List
Select Town of Nantucket Beach	Children's Beach (Parks & Rec)
Click Here For Beach Ownership Contacts for all Public Beaches	Beach and Ownership Listing
Beach Event Structures	Monster balloon will be on the sand. Tables and chairs for craft stations on the grass lawn, pop-up tents to provide shade for some tables.

Beach and Endangered Species Protection

Safety of endangered species habitat and beach maintenance are prime concerns for any beach-related activity on the island. Nesting birds, erosion and endangered plants exist throughout the island. Natural Resource approval is required to make sure protection laws are not being violated and proper precautions are being taken.

STEP 2: ALCOHOL

Will Alcohol Be Served?	No
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Click Here For Temporary Pouring Permit Regulations for the State of Massachusetts:	Temporary Pouring Permit Guidelines
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Alcohol To Be Served	<i>Field not completed.</i>
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Only Non-Profit Organizations are permitted to serve ALL Alcoholic Beverages. For Profit Organizations are only permitted to serve Beer and Wine.

Source of Alcohol/Approved Distributor(s)	N/A
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CLICK HERE FOR LIST OF AUTHORIZED SOURCES TO PURCHASE ALCOHOL:	AUTHORIZED SOURCES (in PDF)
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STEP 3: ENTERTAINMENT

Will There Be Entertainment?	Yes
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Will The Entertainment Be Amplified?	Yes
---	-----

Will The Entertainment Be Outside?	Yes
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Description of Entertainment	Lizza's Nanpuppet show for 30 minutes during the event
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All events must comply with the 10:00 pm Noise Ordinance. Requests for extension past 10:00 pm must be approved by the Select Board.

STEP 4: STREET AND/OR SIDEWALK BLOCKING

Will Event Require Any Road Or Sidewalk To Be Blocked Or Closed?	<i>Field not completed.</i>
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Address Of Blocking	<i>Field not completed.</i>
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Purpose Of Blocking:	<i>Field not completed.</i>
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Street Blocking	<u>Application for blocking of street / sidewalk</u>
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STEP 5: TENTS / TEMPORARY STRUCTURES / STAGES / GENERATORS

Will There Be A Tent Or Other Temporary Structure Erected?	No
--	----

Date Tent/Structure To Be Installed	<i>Field not completed.</i>
-------------------------------------	-----------------------------

Describe Size/Type of Tent/Structure / Stage	<i>Field not completed.</i>
--	-----------------------------

Tent Company	<i>Field not completed.</i>
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Will this event utilize a generator(s)?	<i>Field not completed.</i>
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Will you be using any lighting?	<i>Field not completed.</i>
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Tent Permit and Checklist	<u>Party Tent Permit Application & Checklist</u>
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STEP 6: FOOD

Will Food Be Served?	No
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Name of Caterer/Food Service Provider	N/A
---------------------------------------	-----

Attach Town of Nantucket Catering License (Optional)	<i>Field not completed.</i>
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Food service providers must have a current license Issued by the Town Of Nantucket Health Department. If they are not licensed on Nantucket, they must be approved by the Health Department at least 14 days prior to the event. Any event

with more than One (1) caterer / food service provider is required to apply for Temporary Food Permits for each food service provider regardless of license.

TEMPORARY FOOD PERMIT INFO:

[General Information regarding Temporary Food Permit Events](#)

[Temporary Food Permit Checklist](#)

[Temporary Food Event Permit Application](#)

Events with 10 or more food vendors are required to submit the below form at least **30 days prior to the event**.

[Temporary Food Event Coordinator Application](#)

Should you have any questions about temporary food permits, please contact the Nantucket Health Department health@nantucket-ma.gov , 508-228-7200 or visit at 131 Pleasant Street, Nantucket, MA

STEP 7: RESTROOM FACILITIES

Describe the number of restrooms available at the event site and if you plan to order portable restrooms. You may be required to provide portable toilets and hand washing stations, unless you can substantiate the sufficient availability of both Americans with Disabilities Act (ADA) and non-accessible facilities in the immediate area of the event site which will be available during your event.

Portable Toilets at public events: For single user portable toilets clustered at a single location, at least 5% but not less than one accessible toilet unit shall be installed at each cluster

# of Restrooms/Portable Toilets Provided	Available restrooms at Children's Beach
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Name of Restroom / Portable Toilet Provider	N/A
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STEP 8: PARKING PLAN

Event Parking	NHA staff will park at NHA parking lot. Visitors are encouraged to walk/bike from town.
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STEP 9: WASTE MANAGEMENT

Effective June 1, 2020, Nantucket's Single-Use Plastics Ban prohibits these single-use petroleum based plastic products from being commercially used, sold or distributed at special events: straws and drink stirrers, six-pack can and bottle flexible yokes, drinking cups and lids, non-compostable plates and eating utensils, drinking water in polyethylene terephthalate (PET or PETE) containers of 1 liter (34 ounces) or less, non-recyclable coffee pods.

Please note,
biodegradable packaging
is already required under
Nantucket's 1990
Biodegradable Packaging
Bylaw.

[Biodegradable Packaging Bylaw \(§ 125-2.1\)](#)

HOLD HARMLESS AGREEMENT

In consideration of permission to use the public property, facility or services described herein, the Applicant agrees to save and hold the Town of Nantucket, its agents, servants, and employees harmless from any and all liabilities or costs arising out of the use of the described premises by the Applicant, the Applicant's guests, employees, subcontractors, and/or other persons. The Applicant acknowledges that the permission to utilize the facilities is limited to the portion of the premises herein described (if applicable), and that the permission is valid only for the activity herein described. Notwithstanding the foregoing, this Hold Harmless Agreement shall be applicable to any claim asserted against the Town of Nantucket, its agents, servants, and employees, and for any loss incurred arising out of the Applicant's activity whether or not such claim or loss extends beyond the permitted type or locale of activity or occurs on a different date than specified. Commercial General Liability is required in the amount of \$1,000,000 CSL (combined single limit) with the Town and County of Nantucket added as an additional insured.

SIGNATURE OF
APPLICANT

Jocelyn Wong

Email not displaying correctly? [View it in your browser.](#)

Lifeguard

15'

70'

22'

Walkway

120'

Bandstand



Beach

Walkway

120'

Table

Table

Table

Table

70'

Table

15'

Table



22'

Bandstand



Agenda Item Summary

Agenda Item #	V. 2. & 3.
Date	4/8/2024

Staff

Amy Baxter, Licensing Administrator

Subject

New Restaurant Application to Include: Common Victualler with Seasonal All Alcoholic Beverages On-Premise License – One Sparks Ave, LLC, T/A Rotary Fish, One Sparks Ave, Robert K. Blair, Manager.

Executive Summary

The Applicant seeks NEW Licenses for the operation of a Restaurant at One Sparks Ave.

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 location was last licensed for alcoholic beverages in 2021: Lola Burger Restaurant Nantucket, LLC dba Lola Burger, Seasonal Restaurant Wine and Malt Beverages License with non-live interior Entertainment License.

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

- Rotary Fish is located in the mid-island district in close proximity to multiple other licensees and commercial properties in addition to residential homes abutting the property. The location was previously licensed for wine and malt beverages from 2015-2021. Prior to 2015 it was a food establishment with no liquor license.

The number of existing dispensaries in Town: 110 Total

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:	50
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 4-2-24.

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

- The application before the Select Board seeks similar but not identical licenses and conditions applied to the former operator. All Alcohol vs. Wine and Malt Beverages
- The location can cause traffic disruptions if not managed properly. The former operator employed a valet to keep vehicles moving and out of the traffic lanes which can cause a back-up into the rotary and creates unsafe conditions. There is also a history of parking at adjacent properties by customers of One Sparks Ave. This must be addressed.

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

- The Applicant operates multiple businesses on Nantucket to include Milles and Surfside restaurants.

Background/Discussion

The property at One Sparks Avenue was last licensed as a Restaurant with a Seasonal Wine and Malt Beverages Liquor License in 2021, dba Lola Burger. The past two years the location has been the site for Evening Mobile Food Unit service for Millie's which is also owned by the applicant.

The applicant is requesting a Seasonal All Alcoholic Beverages Restaurant License. There will be 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

Ad in I&M

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; Draft CV, Liquor and Entertainment Licenses





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	One Sparks Ave, LLC T/A Rotary Fish	DBA	
Street Address	One Sparks Avenue		Zip Code 02554
Manager	Robert K. Blair		
\$12 Restaurant	Seasonal	All Alcoholic Beverages	
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

The entire interior of the building, including but not limited to: kitchen and prep areas, service and take-out areas, bathrooms, vestibule, bar, dining room seating. Secured outdoor seating areas, including exterior covered porch & deck seating, lawn and patio seating, exterior walk-in coolers, exterior stair cases and ramps, second-floor storage. 2,114 sq. ft. 3 Entrances/Exits.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date	03/25/2024	Time		
Advertised	Yes ☒ No ☐	Date Published	03/28/24	Publication	Inquirer and Mirror
Abutters Notified:	Yes ☒ No ☐	Date of Notice	03/25/24		
Date APPROVED by LLA	04/08/2024	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



TOWN OF NANTUCKET

NEW LICENSE APPLICATION

LIQUOR * COMMON VICTUALLER * ENTERTAINMENT

APPLICANT

Primary Contact Name Richard P. Beaudette

Title Attorney

Company name ONE SPARKS AVE LLC
T/A ROTARY FISH

DBA ROTARY FISH

Primary Phone 508-228-4455

Primary E-mail Rick@nantucketlawfirm.com

Primary Mailing Address C/O Beaudette and Swain,
35 Old South Road, STE D, Nantucket, MA 02554

License Manager
(if different than Primary) Robert K. Blair

Manager Cell Phone
202-255-5855

Manager E-mail boblairdc@gmail.com

MAR 25 2024

PREMISES

Licenses Applying For: ☒ LIQUOR ☒ COMMON VICTUALLER ☒ ENTERTAINMENT

Address of Establishment: 1 Sparks Ave, Nantucket, MA 02554

Description of Premises: The entire interior of the building located at 1 Spark Ave., including but not limited to: kitchen and prep areas, service and take-out areas, bathrooms, vestibule, bar, and dining room seating. Secured outdoor seating areas, including exterior covered porch & deck seating, lawn and patio seating, exterior walk-in coolers, exterior staircases and ramps, and second-floor storage.

Total Sq. Footage: 2,114

of Exits 3

of Entrances 3

Proposed Seating Capacity Interior 50

Proposed Seating Capacity Exterior TBD

Is this a Change of Use for the Premises? ☐ YES ☒ NO

If Yes, What was the former
Business/Occupant?

Is there a Special Permit or any Planning Board Decision involving the property? ☒ YES ☐ NO
(If Yes, Please Include a copy with the application)

Describe Any Planned Renovations to the Premises: (Include any HDC approval for renovations if applicable)

N/A



TOWN OF NANTUCKET
NEW LICENSE APPLICATION
LIQUOR * COMMON VICTUALLER * ENTERTAINMENT

ENTERTAINMENT LICENSE

SELECT ENTERTAINMENT LEVEL BELOW:

- ☒ LEVEL 1: BACKGROUND: Non-Amplified Music through House Sound System Only to include: Radio/CD/iPod/TV
- ☒ LEVEL 2: LIVE ACOUSTIC: Level 1 + Non-Amplified/Acoustic Live Music to include Instruments, Vocalists – no additional speakers, microphones or amplification
- ☐ LEVEL 3: LIVE AMPLIFIED: Level 1-2 + Amplified Live Music to include Disc Jockey, Instruments and Vocalists with amplification
- ☐ LEVEL 4: AMPLIFIED DANCE: <100 Occupancy: Level 1-3 + Dance Floor, Theater
- ☐ LEVEL 5: NIGHTCLUB: Level 1-4' Occupancy >100

Please Describe your Plan for Entertainment (i.e. Low Level Background Music; Live Bands, Dancing, Special Events, etc.)

The Applicant seeks approval for levels 1 and 2 to permit it to have: TV, Radio/CD/IPOD music, live non-amplified acoustic music, at its establishment for background music and ambiance.

Please Describe Location for Entertainment to include areas for background music and location of Live Music, Dance Floor, etc.

(Include Floor Plan with Location of Live Music Highlighted)

Low-level background music in the interior and exterior of the building, in accordance with the municipal noise bylaw.

Will Seating, Tables or Furniture of any kind be moved to create room for Dancing and/or Live Entertainment? ☐ Yes ☒ No
All Proposed Floor Plans and Set-ups must be submitted and approved by the Building & Fire Departments before a License is issued.

Entertainment Hours Interior:	Mon. 800 - 11:00	Tues. 800 - 11:00	Wed. 800 - 11:00	Thurs. 800 - 11:00
	Fri. 800 - 11:00	Sat. 800 - 11:00	Sun. 800 - 11:00	
Entertainment Hours Exterior:	Mon. 800 - 10:00	Tues. 800 - 10:00	Wed. 800 - 10:00	Thurs. 800 - 10:00
	Fri. 800 - 10:00	Sat. 800 - 10:00	Sun. 800 - 10:00	



TOWN OF NANTUCKET

NEW LICENSE APPLICATION

LIQUOR * COMMON VICTUALLER * ENTERTAINMENT

ADDITIONAL INFO

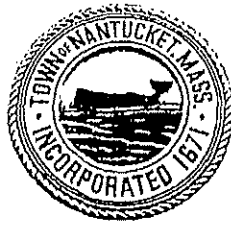
DBA Rotary Fish

Premises Address 1 Sparks Ave, Nantucket, MA 02554

License Applied For

Proposed License Manager Robert K. Blair

Seasonal Liquor, All Alcohol, CV and Entertainment



Cert: 20837 Doc: SP
Registered: 04/24/2012 01:05 PM

Nantucket Planning Board

APPROVAL OF A SPECIAL PERMIT

Planning Board File #14-11

Owner: Elliot R. Norton as Owner, Faith's Seafood Shack Nantucket, LLC, as Lessee

Applicant: Lisa Soeder

1 Sparks Avenue

Nantucket Registry of Deeds Land Court Plan 40116-C, Lot 10

Certificate of Title No. 20837

Nantucket Tax Assessors Map 55, Parcels 180.1

June 13, 2011

Proposal:

The applicant, Lisa P. Soeder, is proposing a take-out food establishment for the sale of frozen yogurt in the approximate location of the existing shed. Special permits pursuant to the following sections of the Zoning Bylaw are requested: 139-7 (take-out food establishment) and 139-18 (parking). The site is also shown in Nantucket Registry of Deeds Land Court Plan 40116-C, which is filed with the Nantucket Registry of Deeds, and as Parcel 180.1 on Nantucket Tax Assessor's Map 55. The property is located in the Residential Commercial (RC) zoning district and the Mid-Island Planned Overlay District (MIPOD). The total area of the site is approximately 9,657 square feet and it is located at 1 Sparks Avenue.

Description of the Proposed Project:

The applicant is seeking the necessary special permits to construct a small structure in the approximate location of the existing shed to be used for take-out frozen yogurt sales. This use will require a special permit for a take-out food establishment and a waiver for the five (5) required parking spaces. The plan the applicant submitted for the file entitled "Compliant Parking and Building Location Plan" shows the seven (7) legal parking spaces located on the site. The plan entitled "Non-Compliant Parking and Building Location Plan" numbers five (5) additional spaces that are not legally conforming, but are practically used. The existing restaurant and related parking is grandfathered and is not the subject of this application.

Basis of the Findings:

The Board's findings and decision were based on the following plans and reports submitted by the applicant:

- An application to the Planning Board for a Special Permit dated May 12, 2011;
- Representation and testimony received in connection with the public hearings held on June 13, 2011; and,
- Other assorted documents that are on file with the Planning Board.

The Planning Board closed the public hearing on June 13, 2011.

11 JUN 17 P 3:39

I CERTIFY THAT 20 DAYS HAVE ELAPSED AFTER THE DECISION WAS FILED IN THE OFFICE OF THE TOWN CLERK, AND THAT NO APPEAL HAS BEEN FILED PURSUANT TO GENERAL LAWS 40A, SECTION 11

ATTEST: A TRUE COPY

APR 24 2012

[Signature]

NANTUCKET TOWN CLERK

TOWN CLERK

The Planning Board at its June 13, 2011 meeting found that the proposed Special Permit was in keeping with section 139-12G of the Zoning Bylaw and that the proposal advances the following objectives in the Mid-Island Area:

- The proposed product will be a reasonable addition to the Mid-Island businesses;
- The location promotes a pedestrian friendly environment by being located near the intersection of several pedestrian and bicycle routes; and,
- The amendment application and proposal complies with the local bylaws of the Town of Nantucket and regulations and/or applicable provisions of the Massachusetts General Laws in keeping with Section 139-2.

Decision and Vote:

On June 13, 2011 a motion was made and duly seconded to **APPROVE** the Mid-Island Planned Overlay District Special Permit for 1 Sparks Avenue with the following conditions:

1. That the applicant shall delineate the proposed seven (7) parking spaces on the Locus in a manner that is satisfactory to staff prior to the issuance of a Certificate of Occupancy; and,
2. Within 9 months of this decision, the Applicant shall provide the Board with a report about the possibility of the removal of the timber island and relocating the telephone pole to a point at the property line corner.

On June 13, 2011 the Planning Board voted 5-0 to **APPROVE** this application and to **ENDORSE** this decision.

[Signature]
Darryl G. Rector APPROVED

[Signature]
John McLaughlin APPROVED

[Signature]
Sylvia Howard APPROVED

[Signature]
Linda Williams APPROVED

[Signature]
Nat Lowell APPROVED

COMMONWEALTH OF MASSACHUSETTS

Nantucket, SS

June 17, 2011

On the 17 day of June, 2011, before me, the undersigned notary public,

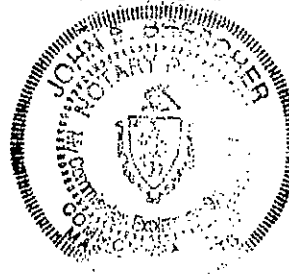
personally appeared John McLaughlin, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he/she signed the foregoing instrument voluntarily for the purposes therein expressed.

Notary Public

9/19/2014

[Signature]
John A. Brecher

My Commission Expires



1. The Board of Directors shall select and appoint the President and Vice President of the Corporation, and shall have the authority to remove and reappoint them at any time.

1980-81

NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Apr 24, 2012 at 01:05P

Document Fee: 75.00 Rec Total:\$75.00

CERTIFICATE No: 20837



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)

ENTITY/ LICENSEE NAME 1 Sparks Ave, LLC T/A Rotary Fish

ADDRESS 1 Sparks Avenue

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 | | ☐ Change of DBA |

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL:

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

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
On-premises -12	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.

The Applicant is applying for a seasonal, all alcoholic beverages liquor license for the property located at 1 Sparks Avenue, Nantucket, MA 02554, in connection with its existing restaurant. Seating will be both indoors and outdoors. Alcohol will be delivered to the seating areas via staff. Alcoholic beverage services will end at 11:00 p.m.

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

FEIN

DBA

Manager of Record

Street Address

Phone

Email

Alternative Phone

Website

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.

The entire interior of the building located at 1 Spark Ave., including but not limited to: kitchen and prep areas, service and take-out areas, bathrooms, vestibule, bar, dining room seating. Secured outdoor seating areas, including exterior covered porch & deck seating, lawn and patio seating, exterior walk-in coolers, exterior stair cases and ramps, second-floor storage.

Total Square Footage:

Number of Entrances:

Seating Capacity:

Number of Floors

Number of Exits:

Occupancy Number:

4. APPLICATION CONTACT

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

Name:

Phone:

Title:

Email:

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	LLC	Date of Incorporation	11/21/2022
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
Robert K. Blair			11/21/2022

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Manager	67 %	☒ Yes ☐ No	☒ Yes ☐ No	☐ Yes ☒ No

Name of Principal	Residential Address	SSN	DOB
David Scribner			

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Member	33%	☒ 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
Robert Blair and David Scribner	Restaurant	Hither Creek, LLC d/b/a Millie's	Nantucket
Robert Blair and David Scribner	Caterer's License	Hither Creek, LLC d/b/a Millie's	Nantucket
Robert Blair and David Scribner	Restaurant	One Broad Street, LLC DBA: SURFSIDE	Nantucket

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

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

Name	License Type	License Name	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 ACK AMA REALTY VENTURES

C/O Justin Ferris

Landlord Phone (781) 948 4683

Landlord Email justinf@charlesriverrealty.com

Landlord Address Charles River Realty, 700 Providence Highway, P. O. Box 262, Norwood, Massachusetts 02062

Lease Beginning Date January 1, 2023

Rent per Month 7,500.00

Lease Ending Date December 31, 2032

Rent per Year 90,000.00

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)	10,000.00
D. Total Cost	10,000.00

*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
N/A	
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.
N/A			☐ 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.

The Applicant currently leases the Premises and operates an existing food service establishment thereon. It simply seeks to license the existing establishment. The \$10,000.00 earmarked for "other costs" will include attorney's fees to obtain this license, and also the costs of cosmetic improvements (painting, small repairs, lighting, etc.) and cleaning fees. The funding will come from an account opened in the Applicant's name, which is enclosed herewith.

9. PLEDGE INFORMATION

Please provide signed pledge documentation.

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

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

To whom is the pledge being made?

10. MANAGER APPLICATION

A. MANAGER INFORMATION

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

Proposed Manager Name

Date of Birth

SSN

Residential Address

Email

Phone

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

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?*

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

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

Have you ever been convicted of a state, federal, or military crime?

☐ Yes ☒ No

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

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

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

Start Date	End Date	Position	Employer	Supervisor Name
1996	Current	Owner	Georgetown Events	Self Employed

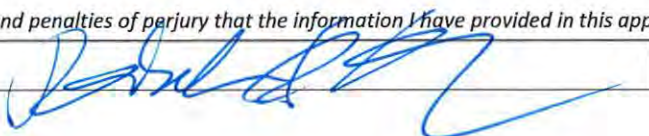
D. PRIOR DISCIPLINARY ACTION

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?

☐ Yes ☒ No

If yes, please fill out section 11.

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

N/A

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?

☐ Yes ☐ No

If yes, attach an affidavit providing the details of any and all convictions.

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

Management Agreement Entity Officer/LLC Manager

Signature:

Signature:

Title:

Title:

Date:

Date:

ADDITIONAL INFORMATION

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

APPLICANT'S STATEMENT

I, Robert K. Blair the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory

of 1 Sparks Ave, LLC T/A Rotary Fish
Name of the Entity/Corporation

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

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

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

Signature:



Date:

3/25/24

Title:

LLC Manager

ENTITY VOTE

The Board of Directors or LLC Managers of 1 Sparks Ave, LLC T/A Rotary Fish
Entity Name
duly voted to apply to the Licensing Authority of Nantucket and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on 3/12/24
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 Robert K. Blair
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 Robert K. Blair
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

Robert K. Blair
(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

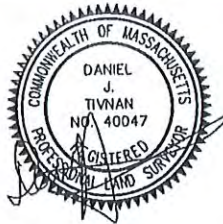
PLAN OF LEASE PREMISES

RENEY, MORAN, & TIVNAN
REGISTERED LAND SURVEYORS
75 HAMMOND STREET - FLOOR 2
WORCESTER, MA 01610-1723
PHONE: 508-752-8885
FAX: 508-752-8895
RMT@HSTGROUP.NET
A Division of H. S. & T. Group, Inc.

MORTGAGE INSPECTION PLAN
NAME MICHAEL ARGIOS
LOCATION 1 SPARKS AVENUE
NANTUCKET, MA
SCALE 1" = 30' DATE 04/25/22

REGISTRY NANTUCKET

BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASUREMENTS WERE MADE OF THE FRONTAGE AND BUILDING(S) SHOWN ON THIS MORTGAGE INSPECTION PLAN. IN OUR JUDGMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THERE ARE NO VIOLATIONS OF ZONING REQUIREMENTS REGARDING STRUCTURES TO PROPERTY LINES (UNLESS OTHERWISE NOTED IN DRAWING BELOW).
NOTE: NOT DEFINED ARE ABOVEGROUND POOLS, DRIVEWAYS, OR SHEDS WITH NO FOUNDATIONS. THIS IS A MORTGAGE INSPECTION PLAN; NOT AN INSTRUMENT SURVEY. DO NOT USE TO ERECT FENCES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS. LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS EITHER IN COMPLIANCE WITH LOCAL ZONING FOR PROPERTY LINE OFFSET REQUIREMENTS, OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. G.L. TITLE V, CHAP. 40A, SEC. 7, UNLESS OTHERWISE NOTED. THIS CERTIFICATION IS NON-TRANSFERABLE. THE ABOVE CERTIFICATIONS ARE MADE WITH THE PROMOTION THAT THE INFORMATION PROVIDED IS ACCURATE AND THAT THE MEASUREMENTS USED ARE ACCURATELY LOCATED IN RELATION TO THE PROPERTY LINES.



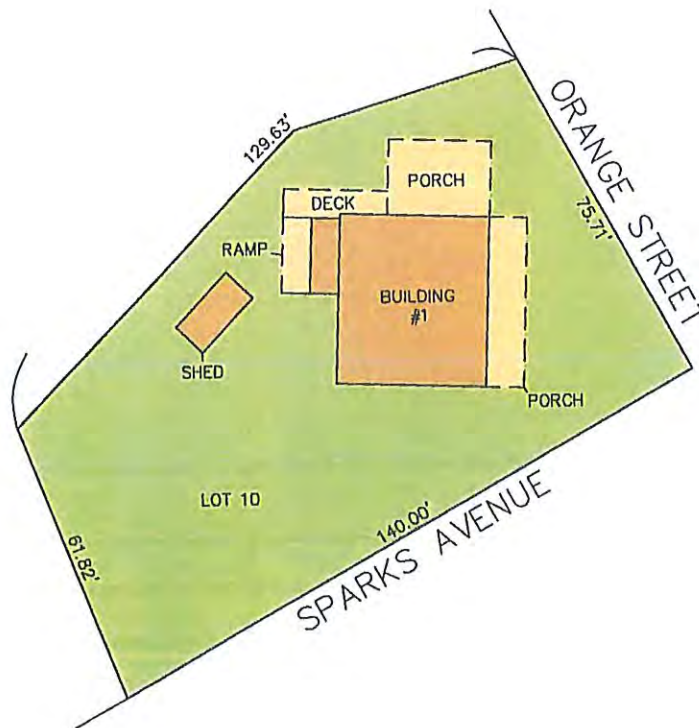
DEED BOOK/PAGE DOC.#153071

PLAN BOOK/PLAN PL.#40116-C

WE CERTIFY THAT THE BUILDING(S) ARE NOT WITHIN THE SPECIAL FLOOD HAZARD AREA. SEE FEMA MAP:

89G DTD 06/09/2014

FLOOD HAZARD ZONE HAS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DEFINITIVE PLANS ARE ISSUED BY FEMA AND/OR A VERTICAL CONTROL SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE DETERMINED.

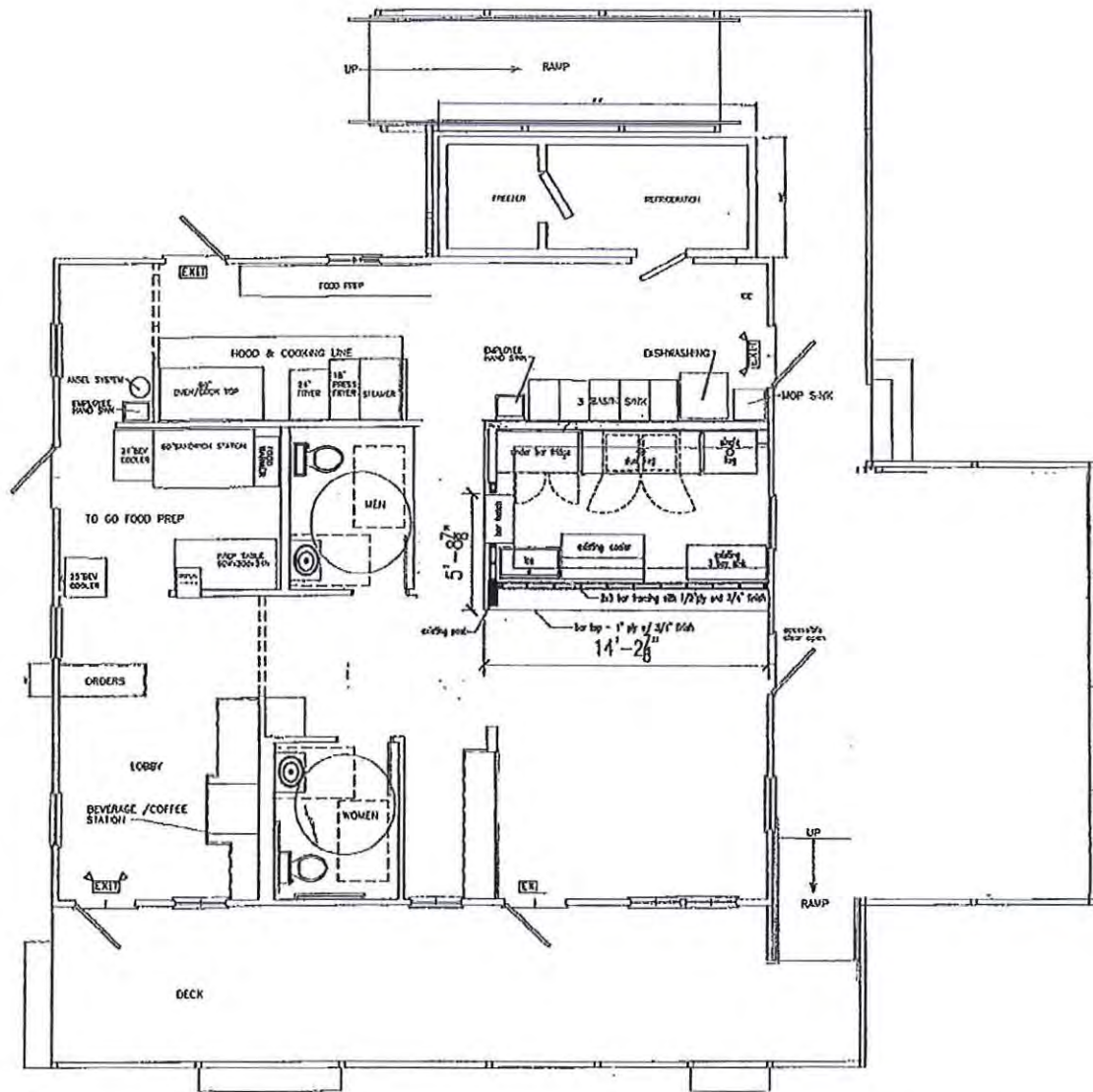


REQUESTING OFFICE: LIGRIS & ASSOCIATES, P.C.
REQUESTED BY:

DRAWN BY: NHH
CHECKED BY:

JOB #04-1197-22

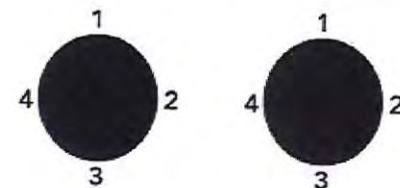
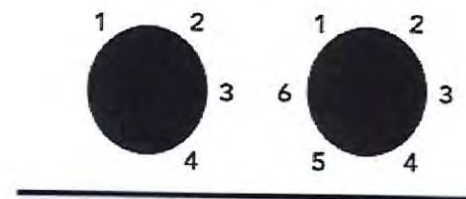
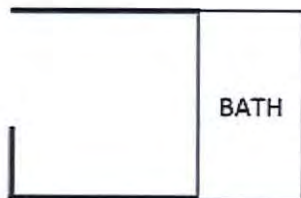
Building Floor Plan



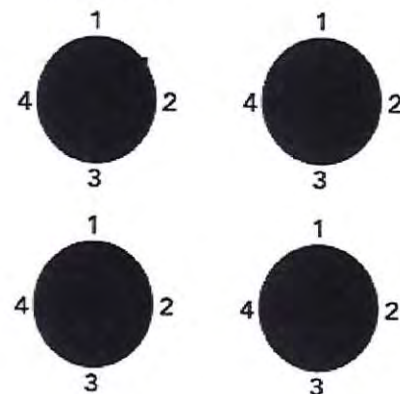
SCALE 1/4" = 1'

Seating Chart

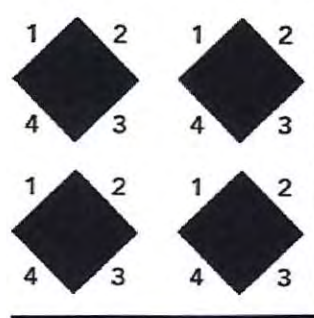
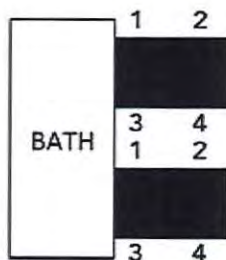
KITCHEN



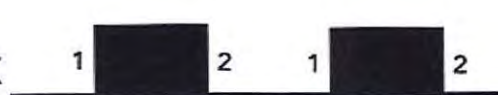
PATIO



TAKE OUT



DECK





CERTIFICATE OF COMPLETION

This certifies that

Robert Blair

is awarded this certificate for

TIPS Washington DC On-Premise Alcohol Server Training



Hours
3.00



Completion Date
02/22/2024



Expiration Date
02/21/2027



Certificate #
DC-ON-000032891326

Official Signature

THIS CERTIFICATE IS NON-TRANSFERABLE

6504 Bridge Point Parkway, Suite 100 | Austin, TX 78730 | www.360training.com

(CUT HERE)

(CUT HERE)



DC On-Premise

Issued: 02/22/2024

Certificate #: DC-ON-000032891326

Robert Blair

1663 Wisconsin Avenue NW
Washington DC 20007

CERTIFIED

Expires: 02/21/2027



Phone: 800-438-8477

www.gettips.com

This card was issued for successful completion of the TIPS program.

Signature _____

TOWN OF NANTUCKET

LIQUOR LICENSE

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER...ACK AMA REALTY VENTURES LLC
C/O Beaudette and Swain, LLC, 35 OLD SOUTH ROAD, STE D
MAILING ADDRESS...PO BOX 2049, Nantucket, MA 02554
PROPERTY LOCATION...1 Sparks Ave
ASSESSORS MAP/PARCEL...55 / 180.1
SUBMITTED BY: Richard P.Beaudette

SEE ATTACHED PAGES

I certify that the foregoing is a list of persons who are owners of land whose property directly touches the proposed property and churches and schools within 500 feet of the property, all as they appear on the most recent applicable tax list.

February 21, 2024
DATE

Mary L.
Haley

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Digitally signed by
Mary L. Haley
Date: 2024.02.21
11:00:55 -05'00'

Abutters Listing

MBLU	Lot	Lot Cut	Name Line 1	Name Line 2	Address Line 1	City	State	Zip	Location
55	180	2	MOONEY ROBERT L	C/O MICHAEL PRINCI - PRINCI MILLS LAW	300 BARNSTABLE RD	HYANNIS	MA	02601	175 ORANGE ST
55	180	3	MOONEY ROBERT L	C/O MICHAEL PRINCI - PRINCI MILLS LAW	300 BARNSTABLE RD	HYANNIS	MA	02601	3 SPARKS AV
Count:	2								

MOONEY ROBERT L
C/O MICHAEL PRINCI - PRINCI MILLS LAW
300 BARNSTABLE RD
HYANNIS, MA 02601

MOONEY ROBERT L
C/O MICHAEL PRINCI - PRINCI MILLS LAW
300 BARNSTABLE RD
HYANNIS, MA 02601

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

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

Certificate of Amendment

(General Laws, Chapter 156C, Section 13)

Filing Fee: \$100.00

Identification Number: 001619765			
1.a. Exact name of the limited liability company: ONE SPARKS AVE LLC T/A ROTARY FISH			
☐ Check if amending entity name			
1.b. The exact name of the limited liability company as amended, is: ONE SPARKS AVE LLC T/A ROTARY FISH			
1.c. The date of filing of the original certificate of organization: 11/21/2022			
2. Address in the Commonwealth where the records will be maintained: Number and street: 1 SPARKS AVENUE Address 2: City or town: NANTUCKET State: MA Zip code: 02554 Country: UNITED STATES			
3. As amended, the general character of business, and if the limited liability company is organized to render professional service, the service to be rendered: THE GENERAL CHARACTER OF THE BUSINESS OF THE LLC IS TO ACQUIRE, OWN, DEVELOP, CONSTRUCT, REHABILITATE, RENOVATE, IMPROVE, MAINTAIN, FINANCE, MANAGE, OPERATE, LEASE, SELL, CONVEY, ASSIGN, MORTGAGE OR OTHERWISE DEAL WITH A RESTAURANT AND FOOD SERVICES RELATED THERETO, DIRECTLY OR INDIRECTLY, INCLUDING THROUGH OTHER LIMITED LIABILITY COMPANIES, CORPORATIONS, AND GENERAL AND/OR LIMITED PARTNERSHIPS, AND TO CARRY ON ANY RELATED OR UNRELATED LAWFUL BUSINESS, TRADE, PURPOSE OR ACTIVITY.			
4. The latest date of dissolution, if specified: (mm/dd/yyyy)			
5. Name and address of the Resident Agent: Agent name: RICHARD P. BEAUDETTE, ESQ. Number and street: 2 WHALERS LANE, PO BOX 659			

Address 2:

City or town: NANTUCKET

State: MA

Zip code: 02554

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

Title	Name	Address
MANAGER	ROBERT BLAIR	4911 LOUGHBORO RD NW WASHINGTON, DC 20016 USA
MANAGER	DAVID SCRIBNER	14503 HOLSHIRE WAY WASHINGTON, DC 20169 USA

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

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	ROBERT BLAIR	4911 LOUGHBORO RD NW WASHINGTON, DC 20016 USA

9. Additional matters:

10. State the amendments to the certificate:

REMOVE KEVIN THOMPSON AS A MANAGER AND ADD DAVID SCRIBNER AS A MANAGER.

11. The amended 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 March, 2024,

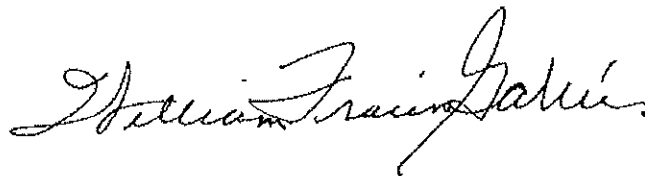
ROBERT BLAIR

, 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:

March 20, 2024 10:00 AM

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



Agenda Item Summary

Agenda Item #	V. 4.
Date	4/8/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Multiple Amendments Application – ***Fish Stix, LLC dba Fresh Nantucket, 5 Salem Street, License #00187-RS-0762***

Executive Summary

Fish Stix, LLC is applying for Multiple Amendments for a ***Seasonal Package Store All Alcoholic Beverages*** Liquor License for ***DBA Fresh Nantucket*** at ***5 Salem Street***.

The Application requests the following amendments:

Change of Manager from Joshua Harde to Charles Merritt.

Change of Ownership Interest: Removing Joshua Harde and Adding Charles Merritt and Joshua Robbins.

Change of DBA: Harpoon Liquors to Fresh Nantucket

*Please note a change has been made to the proposed manager since the Public Notice was published from Joshua Robbins to Charles Merritt. Both are LLC Members. As a Change of Manager is not required to be advertised, a change after publication is allowed and does not need to be reposted.

Staff Recommendation

Applicant has submitted required documentation as outlined below and is fully in compliance with all requirements of their Liquor and associated Licenses. Fresh Nantucket 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 Premises
- Certificate of Good Standing and Compliance
- Supporting Financial Records
- Legal Right to Occupy
- Proof of Citizenship for Proposed Manager
- Advertisement



Background/Discussion

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

Ad in I&M

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

00187-PK-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 Fish Stix, LLC

DBA Fresh Nantucket

Street Address 5 Salem Street

Zip Code 02554

Manager Charles Merritt

Granted under
Special Legislation? Yes ☐ No ☐

\$15 Package Store

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

Described Premises: 1,100 Square Feet of Retail Space For a Package Store. Glass Door Walk-in Cooler, Shelving for Bottled Wine and Spirits. Entrance Door On North Wall; Second Door on South {Back} Wall.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date 03/25/2024 Time

Advertised Yes ☒ No ☐ Date Published

03/28/24

Publication

Inquirer and Mirror

Abutters Notified: Yes ☐ No ☒ Date of Notice

Date APPROVED by LLA

04/08/2024

Decision of the LLA

Approves this Application

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

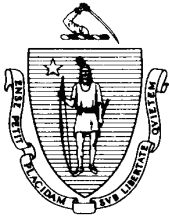
For Transfers ONLY:

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

APPLICATION FOR MULTIPLE AMENDMENTS

Please select all of the amendments you are applying for(continued):

☐ **CHANGE OF OFFICERS/DIRECTORS/LLC MANAGERS**

\$200 fee via ABCC website and Payment Receipt

Monetary Transmittal Form

DOR Certificate of Good Standing

DUA Certificate of Compliance

Change of Officers/Directors Application

Vote of the Entity Board

CORI Authorization Complete one for the proposed manager of record. This form **must** be *notarized with a stamp or raised seal*.

Business Structure Documents

If Sole Proprietor, **Business Certificate**

If partnership, **Partnership Agreement**

If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

☒ **CHANGE OF OWNERSHIP INTEREST (e.g. LLC Members, LLP Partners, Trustees etc.)**

\$200 fee via ABCC website and Payment Receipt

Monetary Transmittal Form

DOR Certificate of Good Standing

DUA Certificate of Compliance

Change of Officers/Directors Application

Financial Statement

Vote of the Entity Board

CORI Authorization Complete one for the proposed manager of record. This form **must** be *notarized with a stamp or raised seal*.

Business Structure Documents

If Sole Proprietor, **Business Certificate**

If partnership, **Partnership Agreement**

If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

Purchase and Sale Agreement

Supporting Financial Records

Advertisement*

☐ **CHANGE OF STOCK INTEREST (e.g. New Stockholders or Transfer or Issuance of Stock)**

\$200 fee via ABCC website and Payment Receipt

Monetary Transmittal Form

DOR Certificate of Good Standing

DUA Certificate of Compliance

Change of Officers/Directors Application

Financial Statement

Vote of the Entity Board

CORI Authorization Complete one for the proposed manager of record. This form **must** be *notarized with a stamp or raised seal*.

Business Structure Documents

If Sole Proprietor, **Business Certificate**

If partnership, **Partnership Agreement**

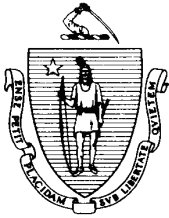
If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth

Purchase and Sale Agreement

Supporting Financial Records

Advertisement*

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



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

Please select all of the amendments you are applying for(continued):



CHANGE OF CORPORATE NAME OR DBA

\$200 fee via [ABCC website](#) and Payment Receipt (Corporate Name Only)

Monetary Transmittal Form

DOR Certificate of Good Standing (Corporate Name Only)

DUA Certificate of Compliance (Corporate Name Only)

Change of Corporate Name/DBA Application

Vote of the Entity Board

Business Structure Documents

If Sole Proprietor, **Business Certificate**

If partnership, **Partnership Agreement**

If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth



CHANGE OF PLEDGE OF LICENSE, STOCK OR INVENTORY

\$200 fee via [ABCC website](#) and Payment Receipt

Monetary Transmittal Form

DOR Certificate of Good Standing

DUA Certificate of Compliance

Change of Pledge of License, Stock or Inventory Application

Vote of the Entity Board

Pledge documentation

Promissory note

CHANGE OF MANAGER



\$200 fee via [ABCC website](#) and Payment Receipt

Monetary Transmittal Form

Change of Manager Application

Vote of the Entity Board

CORI Authorization Complete one for the proposed manager of record. This form **must** be *notarized with a stamp or raised seal*.

Proof of Citizenship. Passport, birth certificate, voter registration, or naturalization papers will be accepted.



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

Fish Stix, LLC

Municipality

Nantucket

ABCC License Number

00187-PK-0762

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

I, Charles Merritt, have finished my purchase agreement with the former partial owner of Fish Stix, LLC. The business does not change but I am the sole owner/manager

APPLICATION CONTACT

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

Name

Title

Email

Phone

Charles Merritt

Owner

freshnantucket@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:

Requested New Corporate Name:

☐ **Change of DBA**

Last-Approved DBA:

Requested New DBA:

☐ **Change of Corporate Structure**

LLC, Corporation, Sole
Proprietor, etc

Last-Approved Corporate Structure

Requested New Corporate Structure

4. AMENDMENT-Pledge Information

☐ **Pledge of License**

To whom is the pledge being made:

☐ **Pledge of Inventory**

☐ **Pledge of Stock**

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	Charles Merritt	Date of Birth		SSN	
Residential Address					
Email	freshnantucket@gmail.com	Phone			
Please indicate how many hours per week you intend to be on the licensed premises	40	Last-Approved License Manager	Joshua Harde		

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
01/01/15	01/01/17	Bartender	Straight Wharf	Chris Sleeper
01/01/17	Present	Manager	Fresh/ Fish Stix LLC	Josh Harde
01/01/22	Present	Owner	Fresh Boston SB LLC	ME

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

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.

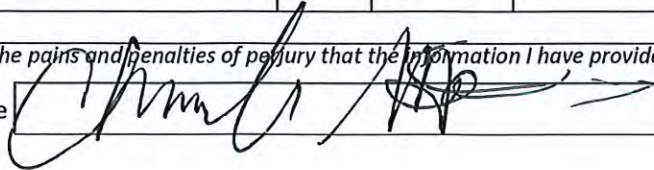
Start Date	End Date	Position	Employer	Supervisor Name
01/01/15	01/01/17	Bartender	Straight Wharf	Chris Sleeper
01/01/17	Present	Manager	Fresh/ Fish Stix LLC	Josh Harde
01/01/22	Present	Owner	Fresh Boston SB LLC	ME

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
Charles Merritt			

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

Name of Principal	Residential Address	SSN	DOB
Joshua Robbins			

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Member	50	☒ 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

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):

\$330,000.00 of 50% of Fish Stix LLC. The purchase and sale agreement is attached and available.

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
Cape Cod Five Business Account	
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.
Cape Cod Five			☒ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

FINANCIAL INFORMATION

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

APPLICANT'S STATEMENT

I, Charles Merritt the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of Fish Stix, LLC
Name of the Entity/Corporation

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

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

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

Signature:



Date: 3-25-24

Title:

Owner



Certificate of Compliance

FISH STIX LLC
PO BOX 611
NANTUCKET MA 02554-0611

Date: March 20, 2024
Letter ID: L0001956595
Employer ID (FEIN): XX-XXX4512

Certificate ID: L0001956595

FEIN: 06-1834512

The Department of Unemployment Assistance certifies that as of 19-Mar-2024, FISH STIX LLC is current in all its obligations relating to contributions, payments in lieu of contributions, and the employer medical assistance contribution established in G.L.c.149,§189.

This certificate expires on 18-Apr-2024 .

Sincerely,

Katie Dishnica, Director
Department of Unemployment Assistance

Questions?

Revenue Enforcement Unit
Department of Unemployment Assistance
Email us: Revenue.Enforcement@detma.org
Call us: (617) 626-5750



Department of Unemployment Assistance
Commonwealth of Massachusetts
Executive Office of Labor & Workforce Development

IMPORTANT NOTICE

This document contains important information. Please have it translated immediately.

В данном документе содержится важная информация. Вам необходимо срочно сделать перевод документа.

Este documento contiene información importante. Por favor, consiga una traducción inmediatamente.

Docikman sa gen enfòmasyon enpòtan. Tanpri fè yon moun tradwi l touswit.

Questo documento contiene informazioni importanti. La preghiamo di tradurlo immediatamente.

Este documento contém informações importantes. Por favor, traduza-lo imediatamente.

此文件含有重要信息。請立即找人翻譯。

본 문서에는 중요한 정보가 포함되어 있습니다. 본 문서를 즉시 번역하도록 하십시오.

Tài liệu này có chứa thông tin quan trọng. Vui lòng dịch tài liệu này ngay.

ເອກະສານສະບັບນີ້ມີຂໍ້ມູນສຳຄັນ. ກະລຸນາຖ່າຍເອກະສານສະບັບນີ້ໄປແປທັນທີ.

ឯកសារនេះមានព័ត៌មានសំខាន់ៗ សូមបកប្រែភ្លាមៗឱ្យបានត្រឹមត្រូវ។

Ce document contient des informations importantes. Veuillez le faire traduire au plus tôt.



Commonwealth of Massachusetts
Department of Revenue
Geoffrey E. Snyder, Commissioner

mass.gov/dor

Letter ID: L0444607648
Notice Date: April 1, 2024
Case ID: 0-002-384-309



CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE



FISH STIX LLC
5 SALEM ST
NANTUCKET MA 02554-3835

Why did I receive this notice?

The Commissioner of Revenue certifies that, as of the date of this certificate, FISH STIX LLC is in compliance with its tax obligations under Chapter 62C of the Massachusetts General Laws.

This certificate doesn't certify that the taxpayer is compliant in taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law.

This is not a waiver of lien issued under Chapter 62C, section 52 of the Massachusetts General Laws.

What if I have questions?

If you have questions, call us at (617) 887-6400 or toll-free in Massachusetts at (800) 392-6089, Monday through Friday, 9:00 a.m. to 4:00 p.m..

Visit us online!

Visit mass.gov/dor to learn more about Massachusetts tax laws and DOR policies and procedures, including your Taxpayer Bill of Rights, and MassTaxConnect for easy access to your account:

- Review or update your account
- Contact us using e-message
- Sign up for e-billing to save paper
- Make payments or set up autopay

Edward W. Coyle, Jr., Chief
Collections Bureau

The Commonwealth of Massachusetts, William Francis Galvin
Corporations Division

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

Certificate of Amendment

(General Laws, Chapter 156C, Section 13)

Filing Fee: \$100.00

Identification Number:		000969800	
1.a. Exact name of the limited liability company: FISH STIX LLC			
☐ Check if amending entity name			
1.b. The exact name of the limited liability company as amended, is:			
FISH STIX LLC			
1.c. The date of filing of the original certificate of organization:			
01/25/2008			
2. Address in the Commonwealth where the records will be maintained:			
Number and street:	5 SALEM ST.		
Address 2:			
City or town:	NANTUCKET	State:	MA
		Zip code:	02554
Country:	UNITED STATES		
3. As amended, the general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:			
ENGAGE IN THE BUSINESS OF INVESTING IN, ACQUIRING, OWNING AND OPERATING VARIOUS BUSINESSES. INCLUDING ANY BUSINESS PERMITTED BY THE LAWS OF THE COMMONWEALTH OF MASSACHUSETTS.			
4. The latest date of dissolution, if specified: (mm/dd/yyyy)			
5. Name and address of the Resident Agent:			
Agent name:	CHARLES RENWICK MERRITT		
Number and street:	5 SALEM STREET		
Address 2:			

City or town:	NANTUCKET	State:	MA	Zip code:	02584
---------------	-----------	--------	----	-----------	-------

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

Title	Name	Address
MANAGER	CHARLES RENWICK MERRITT	5 SALEM STREET NANTUCKET, MA 02554 USA
MANAGER	JOSHUA EDDY ROBBINS	5 SALEM ST. NANTUCKET, MA 02554 USA

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	CHARLES RENWICK MERRITT	13 TEASDALE CIRCLE NANTUCKET, MA 02554 USA
SOC SIGNATORY	JOSHUA EDDY ROBBINS	5 SALEM ST. 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	CHARLES RENWICK MERRITT	5 SALEM STREET NANTUCKET, MA 02554 USA
REAL PROPERTY	JOSHUA EDDY ROBBINS	5 SALEM ST. NANTUCKET, MA 02554 USA

9. Additional matters:

10. State the amendments to the certificate:

AMENDING OUR CERTIFICATE OF ORGANIZATION TO REFLECT NEW CHANGES IN MANAGEMENT. A NEW OWNER/MANAGER JOSHUA EDDY ROBBINS

11. The amended 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 18 Day of January, 2024,

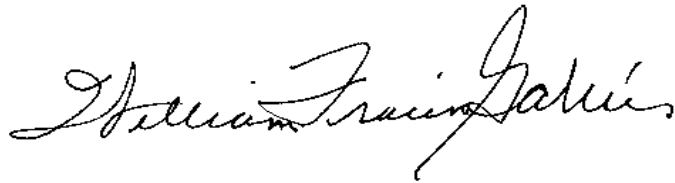
JOSHUA ROBBINS

, 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:

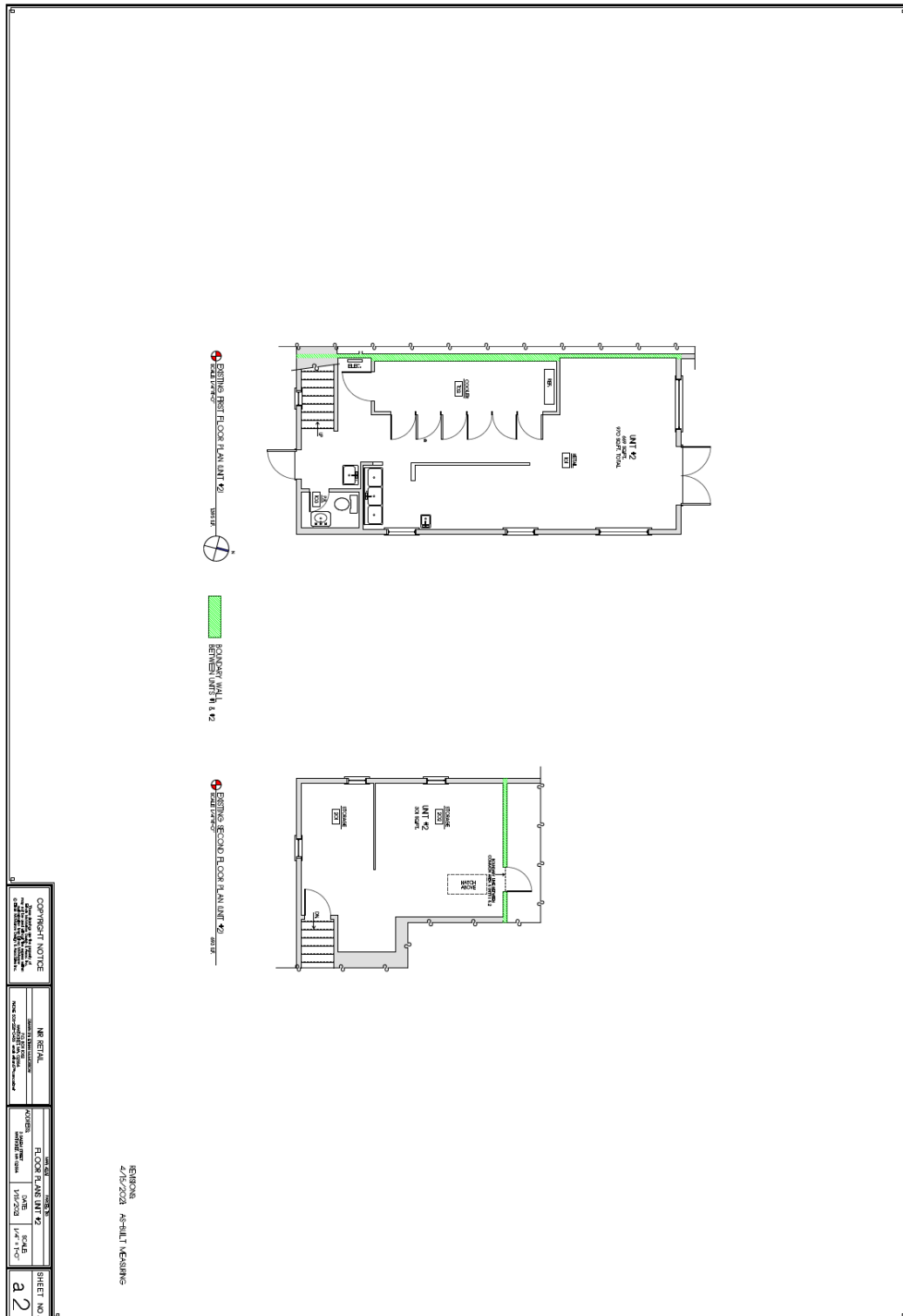
January 18, 2024 06:12 PM

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

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

PLAN OF PREMISES





Agenda Item Summary

Agenda Item #	V. 5. & 6.
Date	4/8/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor and Entertainment License Modifications – ***Kitty Murtaugh's, LLC DBA Kitty Murtaugh's, 4 West Creek Road, License #00154-RS-0762***

Executive Summary

Kitty Murtaugh's, LLC is applying for an Entertainment Modification for an ***Annual Restaurant All Alcoholic Beverages*** Liquor License for ***DBA Kitty Murtaugh's*** at ***4 West Creek Road***.

In addition, Licensing is requesting a review of the 2023 Alteration of Premises Application approved by the Select Board in March of 2023.

Staff Recommendation

Licensing is requesting the Select Board review and vote on the following:

1. Review Licensing Report in relation to the applicant's March 2023 Alteration of Premises Application. Determine if:
 - a. The approved application accurately reflects the current premises and operations. The Board agrees that the operations reflects what they voted for in 2023.
 - i. If yes, no further action needed.
 - ii. If no, see item (b)
 - b. The approved application and Description of premises is NOT the same as what the Licensee built and currently operates and is NOT what the Board voted on and approved. There are two courses of action:
 - i. The Board can vote that the Licensee submitted an application in good faith and believed they were accurately describing the alteration and did not misrepresent the plan. The Board can further vote on the actual set-up and approve an amendment to the final description. The Board is approving a seated bar in addition to dining tables. In this case Licensing can work with ABCC on updating the description and premises application. Occupancy must remain at 50 regardless.
 - ii. If the Board believes this application was a misrepresentation of the final operation and is a Compliance violation, the Board can vote to hold a separate Compliance Hearing and/or request applicant readvertise and resubmit a complete Alteration of Premises application to apply for a seated bar and



additional tables. In this case the applicant would only be allowed to operate based on the original application of a service bar and 7 tables on the patio until such time an additional alteration to add the bar is approved by SB and ABCC.

2. Review and vote on Entertainment modification application.

- a. Entertainment licensing requires consideration of free speech issues and the statute [usually G.L. c.140, §183A] actually states that the application shall be approved unless it should be denied because it would “adversely affect the public health, safety or order.” The statute further states that the license should still be approved if there are conditions or requirements that can be added that would resolve the health and safety issues.

Background/Discussion

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A

Board/Commission Recommendation

N/A

Public Outreach

Ad in I&M

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

Attachments

[Click or tap here to enter text](#) Entertainment Modification Application; 2023 Alteration of Premises Application; Liquor and Entertainment Licenses; Inspection Report





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City /Town

00154-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 Four West Creek, LLC

DBA Kitty Murtagh's

Street Address 4 West Creek Road

Zip Code 02554

Manager Caroline Montgomery

Granted under
Special Legislation? Yes ☐ No ☐

\$12 Restaurant

Annual

All Alcoholic Beverages

If Yes, Chapter
of the Acts of (year)

Type
(i.e. restaurant, package store)

Class
(Annual or Seasonal)

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

Two story wood framed building, one entrance and exit. 7 outdoor tables and a service bar on the Northeast/Orange Street side of the building.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date

02/20/2023

Time

Advertised Yes ☒ No ☐ Date Published

03/01/23

Publication

Inquirer and Mirror

Abutters Notified: Yes ☒ No ☐ Date of Notice

03/03/23

Date APPROVED by LLA

03/15/2023

Decision of the LLA

Approves this Application

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

For Transfers ONLY:

Seller License Number:

Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



Agenda Item Summary

Agenda Item #	Click or tap here to enter text.
Date	Click or tap here to enter text.

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Alteration of Premises Application – ***Four West Creek, LLC DBA Kitty Murtaugh's, 4 West Creek Road, License #00154-RS-0762***

Executive Summary

Four West Creek, LLC is applying for an Alteration of Premises for an ***Annual Restaurant All Alcoholic Beverages*** Liquor License for ***DBA Kitty Murtaugh's*** at ***4 West Creek Road***.

The Application requests All Alcoholic Beverages service be allowed on the outdoor patio area approved for service during COVID conditions. There will be no overall increase in approved occupancy/seating capacity. The current license allows for liquor service in the interior dining area.

Staff Recommendation

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

Requirements for Alteration of Liquor License Premises:

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



Background/Discussion

In 2020 and 2021, Kitty Murtaugh's was allowed to expand its liquor and food service to outdoor premises in response to the COVID-19 State of Emergency Outdoor Dining allowances. This request is an application to continue outdoor service on a permanent basis. COVID approvals for outdoor dining expire on April 1, 2023.

The outdoor patio contains 7 tables with a maximum occupancy of 50 seats and a service bar. No entertainment modification or addition of outdoor entertainment has been requested.

Prior to applying for the Alteration of Premises, Kitty Murtaugh's went before the Planning Board to amend the Special permit – see below for decision. If approved by Select Board and ABCC, the conditions below will be part of the permanent license.

SUMMARY OF PLANNING BOARD DECISION

FINDINGS:

The Nantucket Planning Board, at its May 9, 2022 meeting, approved and granted a modification to a "MCD" Special Permit as follows:

DECISION

1. While the patio is in use, the basement will not be available for dining service, and the total occupancy shall remain unchanged.

Comments and Consideration:

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

- The appropriateness of a liquor license at a particular location
- The number of existing dispensaries in Town
- The views of the inhabitants of the locality in which a license is sought
- Traffic, noise, size (typically applies to a new location)
- The sort of operation that carries the license
- The reputation of the applicant



Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

Click or tap here to enter text.

Board/Commission Recommendation

N/A

Public Outreach

Click or tap here to enter text.

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

Click or tap here to enter text

Attachments

ABCC Alteration of Premises Application and Supporting Documents; ABCC Outdoor Dining Guidelines and Patio Guidelines; Kitty Murtaugh's Licenses





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**

AMENDMENT-Change or Alteration of Premises Information

**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)

00154-RS-0762

ENTITY/ LICENSEE NAME

Four West Creek DBA Kitty Murtagh's

ADDRESS

4 West Creek Road

CITY/TOWN

Nantucket

STATE MA

ZIP CODE

02554

For the following transactions (Check all that apply):

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

**THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS
APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL**

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

AMENDMENT-Change or Alteration of Premises Information

☐ **Change of Location**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

☒ **Alteration of Premises**

- Payment Receipt
- Monetary Transmittal Form
- Chg of Location/Alteration of Premises Application
- Financial Statement
- Vote of the Entity
- Supporting financial records
- Legal Right to Occupy
- Floor Plan
- Abutter's Notification
- Advertisement

1. BUSINESS ENTITY INFORMATION

Entity Name

Four West Creek LLC DBA Kitty Murtagh's

Municipality

Nantucket

ABCC License Number

00154-RS-0762

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

We are seeking to make permanent the extension of premises granted by the Governor and ABCC during the State of Emergency brought on by the pandemic.

APPLICATION CONTACT

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

Name

John Keane

Title

Owner

Email

xxjkcm@aol.com

Phone

3

2. ALTERATION OF PREMISES

2A. DESCRIPTION OF ALTERATIONS

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

Seeking permanent ABCC approval for previously licensed space per covid guidelines which includes the addition of 7 outdoor tables and service bar with a maximum of 50 seats on the Northeast/Orange Street side of the building.

2B. 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.

Two story wood framed building, one entrance and exit. 7 outdoor tables and a service bar on the Northeast/Orange Street side of the building.

Total Sq. Footage

Seating Capacity

Occupancy Number

Number of Entrances

Number of Exits

Number of Floors

AMENDMENT-Change or Alteration of Premises Information

3. CHANGE OF LOCATION

3A. PREMISES LOCATION

Last-Approved Street Address

Proposed Street Address

3B. 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

3C. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises. (E.g. Deed, lease, letter of intent)

Please indicate by what means the applicant has to occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

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

☐ Yes ☐ No

4. FINANCIAL DISCLOSURE

Associated 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):

Associated Cost(s):

Construction Cost: \$40,000.00.

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
John Keane, Owner	50%
Caroline Montgomery, Owner	50%
Total	100%

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.
NA			☐ Yes ☐ No
NA			☐ Yes ☐ No
NA			☐ Yes ☐ No
NA			☐ Yes ☐ No

APPLICANT'S STATEMENT

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

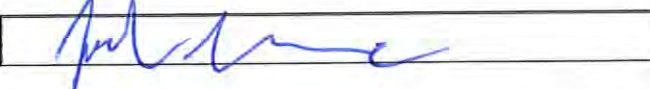
of Four West Creek, LLC DBA Kitty Murtagh's
Name of the Entity/Corporation

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:

2/21/2023

Title:

Owner

ENTITY VOTE

The Board of Directors or LLC Managers of Four West Creek LLC DBA Kitty Murtagh's

Entity Name

duly voted to apply to the Licensing Authority of Nantucket and the

City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

Date of Meeting

For the following transactions (Check all that apply):

☒ Alteration of Licensed Premises☐ Change of Location☐ 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."

A true copy attest,

Corporate Officer /LLC Manager Signature

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)



Nantucket Planning Board

MAJOR COMMERCIAL DEVELOPMENT "MCD"
SPECIAL PERMIT DECISION
PLANNING BOARD FILE #44-18

&

MODIFICATION (MOD#1) TO
MAJOR COMMERCIAL DEVELOPMENT "MCD"
SPECIAL PERMIT DECISION
PLANNING BOARD FILE #PLSP-2022-05-0180

Applicant/Owner: Kitty Murtaghs RE, LLC

4 West Creek Road

Nantucket Tax Assessor's Map 55, Parcel 172
Commercial Mid-Island ("CMI") Zoning District

Deed Book 1331 Page 38

Lot B, Plan Fil #13-401

Nantucket County Registry of Deeds

May 9, 2022

PROPOSAL AND GENERAL DESCRIPTION:

The Nantucket Planning Board held a public hearing on Monday, May 9, 2022 to consider the application of Kitty Murtaghs, LLC for a Modification to an existing Major Commercial Development ("MCD") Special Permit to allow the use of an outdoor patio for outdoor dining. While the patio is in use, the basement will not be available for dining service, and the total occupancy and parking will remain unchanged.

Additionally, the Applicant is requesting that the Planning Board ratify Planning Board Special Permit #44-18 for a Major Commercial Development, which supersedes Zoning Board of Appeals Special Permit 68-00, filed with the Nantucket Registry of Deeds in Book 689, Page 32.

Special Permit #44-18 was unanimously approved by the Planning Board at the June 11, 2018 public hearing, however a formal decision was not filed. The request included a Major Commercial Development "MCD" Special Permit and a waiver of all major site plan review. The MCD Special Permit application detailed the uses on the site as; restaurant for the primary use on the first floor and basement level, second floor office space that is ancillary to the restaurant, and a four-bedroom apartment on the second floor.

Additionally, the Special Permit #44-18 request included removal of language from ZBA permit #68-00: any reference to number of seats, removal of a requirement for an “employer dormitory” and a “Dormitory Management Plan”, and removal of the condition related to trees along the northeasterly boundary of the site. Finally, as a part of Special Permit #44-18, the Applicant requested that the Board validate the existing parking as sufficient.

BASIS OF THE FINDINGS:

The Planning Board based its findings on the following:

- An application for a Special Permit filed with the Town Clerk on May 25, 2018;
- An application for a Modification of an MCD Special Permit filed with the Town Clerk on April 20, 2022;
- A Site Plan entitled “Site Plan in Nantucket, MA” prepared for John A. Keane by Blackwell & Associates, Inc. on March 13, 2003 and attached hereto as “Exhibit A”;
- A Site Plan showing the exterior seating plan entitled “John Keane Kittys” that is attached hereto as “Exhibit B”;
- Zoning Board of Appeals Special Permit #68-00, recorded with the Nantucket Registry of Deeds as Book 689, Page 32;
- Staff Report dated June 11, 2018;
- Staff Report dated May 6, 2022;
- Representation and testimony received in connection with the Planning Board public hearing held on Monday, Monday, June 11, 2018;
- Minutes from the June 11, 2018 Planning Board meeting, which are on file with Planning and Land Use Services;
- Representation and testimony received in connection with the Planning Board public hearing held on Monday, Monday, May 9, 2022;
- Other assorted documents that are on file with the Planning Board.

The public hearing was closed on May 9, 2022. Minutes from the meeting are on file with Planning and Land Use Services.

FINDINGS:

Based upon review of the application submitted in accordance with the Zoning Bylaw, the Board finds that the proposed MCD is in harmony with the general purpose and intent of the By-Law and meets the intent of the MCD Guidelines adopted by the Planning Board.

DECISION AND VOTE:

The Nantucket Planning Board at its May 9, 2022, meeting voted 5-0 to **APPROVE** and **GRANT** a **MODIFICATION TO A MAJOR COMMERCIAL DEVELOPMENT “MCD” SPECIAL PERMIT** and to **ENDORSE** this decision.

The Board’s approval is conditioned upon compliance with the “Proposal” and “Findings” as set forth in this decision, and as shown on the plan referenced herein. The Board also sets forth the following conditions:

- 1) That the requirement for site plan review shall be waived due to the site already being

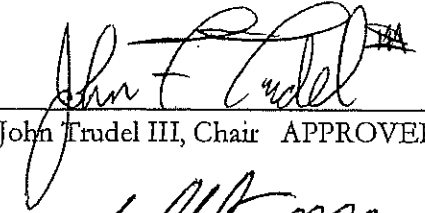
- constructed and no alterations have been proposed;
- 2) That this Special Permit shall supersede Zoning Board of Appeals Special Permit #68-00 and that conditions of that decision shall no longer apply; and
 - 3) While the patio is in use, the basement will not be available for dining service, and the total occupancy shall remain unchanged.

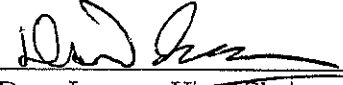
SIGNATURE PAGE TO FOLLOW

SIGNATURE PAGE

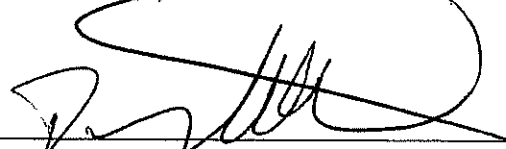
RECORD OF VOTE:

The Planning Board, at its public meeting held on **May 9, 2022**, voted **UNANIMOUSLY, 5-0** to: **APPROVE** the requested Amendment to the previously granted Special Permit, to **GRANT** the requested relief provided for herein, and to **ENDORSE** this Special Permit Decision.


John Trudel III, Chair APPROVED


Dave Iverson, Vice- Chair APPROVED


Nathaniel Lowell APPROVED

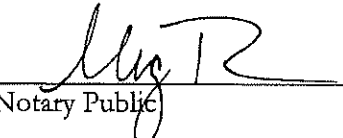

Barry Rector APPROVED


Campbell Sutton APPROVED

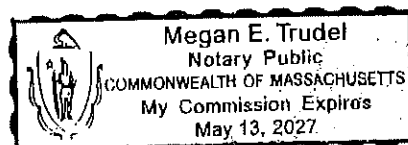
COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On the 6th day of June, 2022, before me, the undersigned notary public, personally appeared Dave Iverson, one of the above-named members of the Planning Board of Nantucket, Massachusetts, personally known to me to be the person whose name is signed on the preceding document, and acknowledged that he/she signed the foregoing instrument voluntarily, as his/her free act and deed, for the purposes therein expressed.


Notary Public

Printed name: Megan Trudel
My Commission Expires: May 13, 2027



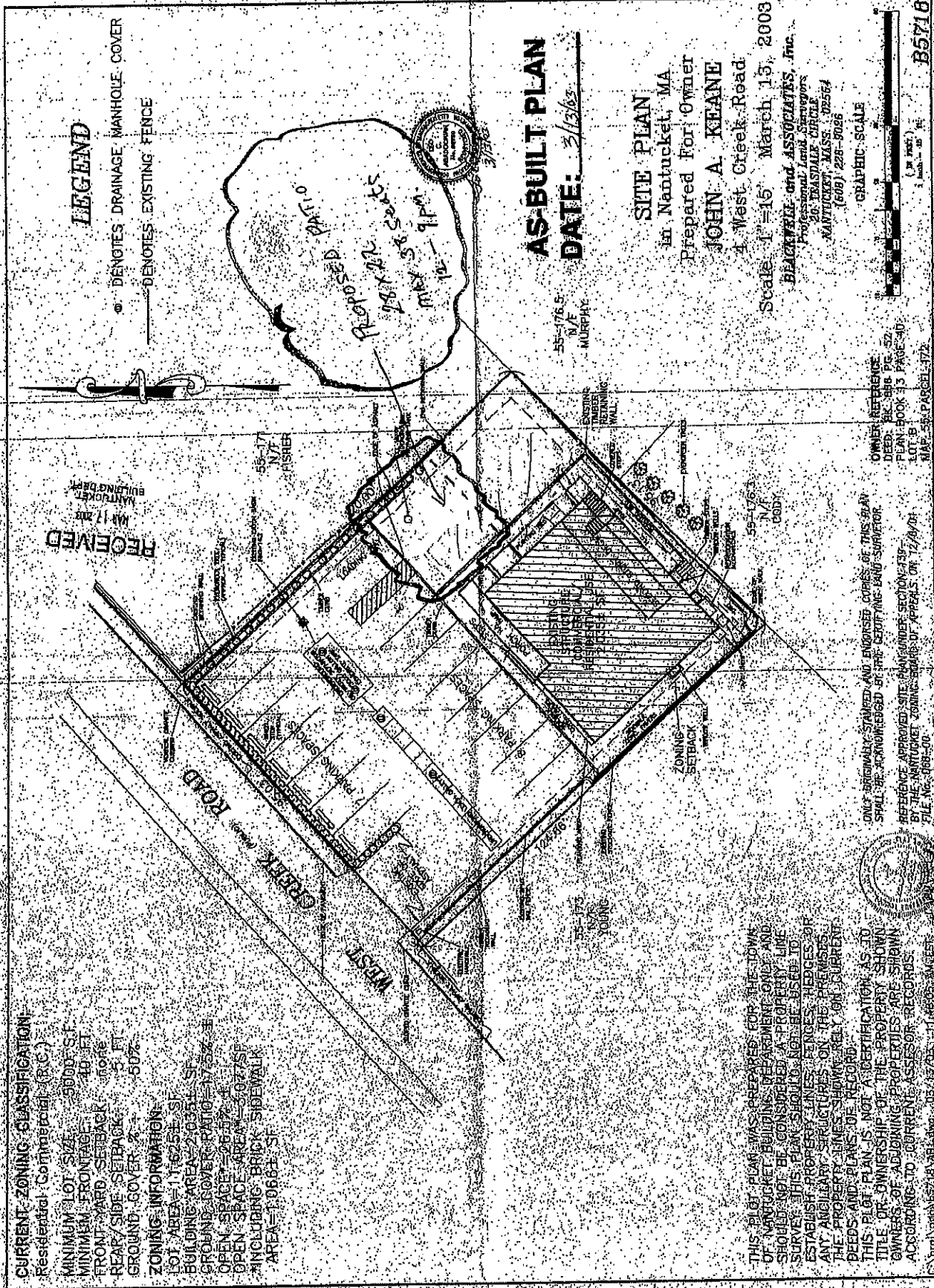
"Exhibit A"

CURRENT ZONING CLASSIFICATION
Residential Commercial (R.C.)

MINIMUM LOT SIZE 5000 S.F.
MINIMUM FRONTAGE 40 FT.
FRONT YARD SETBACK 10 FT.
REAR/SIDE SETBACK 5 FT.
GROUND COVER 2% - 50%

ZONING INFORMATION

LOT AREA=116253 S.F.
BUILDING AREA=20331 S.F.
GROUND COVER RATIO=17.5%
OPEN SPACE=26.5%
OPEN SPACE AREA=30775 S.F.
INCLUDING BRICK SIDEWALK
AREA=10683 S.F.



AS-BUILT PLAN

DATE: 3/13/03

SITE PLAN

in Nantucket, MA
Prepared For Owner
JOHN A. KEANE
4 West Creek Road

Scale 1"=15' March 15, 2003

BLACKWELL and ASSOCIATES, Inc.
Professional Land Surveyors
20 TRADDALE CIRCLE
NANTUCKET, MASS. 02554
(608) 228-5086

GRAPHIC SCALE



B5718

OWNER REFERENCE
DEED, REC. 888 PG. 52
PLAN, BOOK 13 PAGE 40
LOT 18
MAP 55-PAGE 1172

ONLY ORIGINAL, STAMPED AND ENDORSED COPIES OF THIS PLAN
SHALL BE ACCEPTED BY THE CLERKING AND SURVEYOR.
REFERENCE APPROVED SITE PLANS AND RECORDS
BY THE NANTUCKET CLERKING AND SURVEYOR
FILE NO. 688-00



THIS SITE PLAN WAS PREPARED FOR THE TOWN
OF NANTUCKET BUILDING DEPARTMENT ONLY AND
SHOULD NOT BE CONSIDERED A PROPERTY LINE
SURVEY. THIS PLAN SHOULD NOT BE USED TO
ESTABLISH PROPERTY LINES, FENCES, HEDGES OR
ANY ANCILLARY STRUCTURES ON THE PREMISES.
THE PROPERTY LINES SHOWN ARE BASED ON CURRENT
DEEDS AND PLANS OF RECORD.
THIS SITE PLAN IS NOT A CERTIFICATION AS TO
TITLE OR OWNERSHIP OF THE PROPERTY SHOWN.
OWNERS OF ADJOINING PROPERTIES ARE SHOWN
ACCORDING TO CURRENT ASSESSOR RECORDS.

63 Proj. 00005274-181 Ave. 13/15/03 11:00 AM SURETY 2003

SEEKING

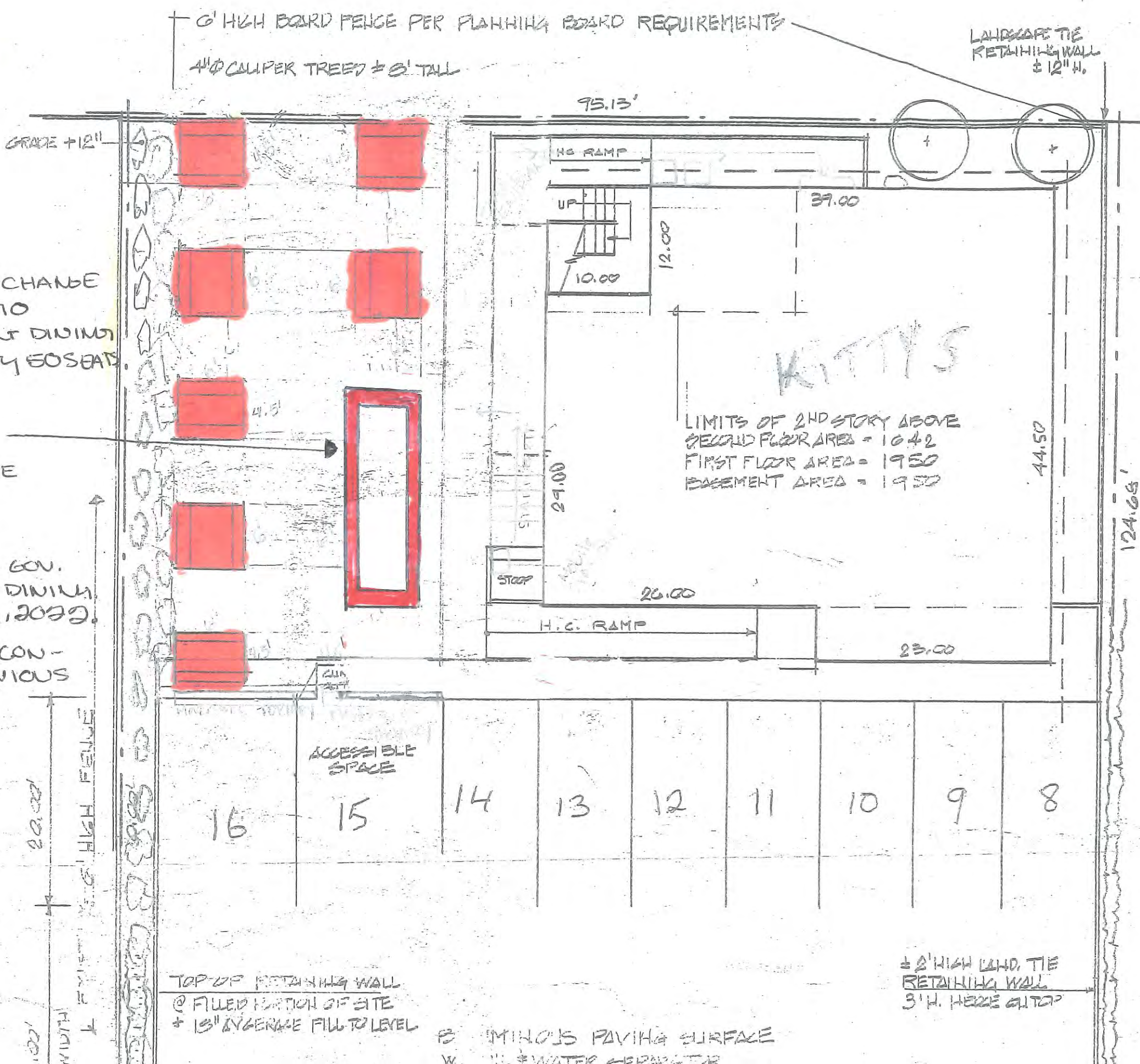
APPROVAL

OVERALL CAPACITY - NO CHANGE
PER PLANNING BOARD PATIO
OPERATES WHILE BASEMENT DINING
ROOM IS CLOSED. CAPACITY 60 SEAT.

SERVICE BAR/BAR
PER PLANNING BOARD (SEE
DECISION)

ORIGINAL DESIGN BASED ON GOV.
GUIDELINES FOR OUTDOOR DINING
OPERATIONAL 2020, 2021, 2022.

RATIFIED IN 2022 FOR CON-
TINUOUS USAGE PRE PREVIOUS
OPERATIONS.



PROJECT:

LOCUS:

PROPRIETOR:

AGENT:

PROPOSED SCOPE

- REMOVE EX
- CONSTRUCT
- 1. RESTA
- 2. THREE

USE GROUPS:

RESTAURANT
RESIDENTIAL

TYPE OF CONSTR
HEIGHT AND AREA
FIRE RESISTIVE RA
SPECIAL FEATUR

OCCUPANCY LOA
SEATING CAPACIT

ZONING:

RC ZONE (REST
FRONTAGE: 40 ft. re
FRONT SETBACK
SIDE AND REAR
GROUND COVER

PARKING STATIS

RESTAURANT SEAT
EMPLOYEES (PEAK
DWELLING UNITS

APPLICANT WILL

(ONE DESIGNATED
(ONE LOADING BAY

Baxter, Amy

From: Licensing
Sent: Tuesday, April 2, 2024 3:21 PM
To: Baxter, Amy; Ciarmataro, Ann
Subject: FW: Online Form Submittal: Entertainment License Modification Application

From: noreply@civicplus.com
Sent: Tuesday, April 2, 2024 3:21:03 PM (UTC-05:00) Eastern Time (US & Canada)
To: Licensing
Subject: Online Form Submittal: Entertainment License Modification Application

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

Entertainment License Modification Application

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

ENTERTAINMENT LICENSE AMENDMENT APPLICATION

APPLICANT INFORMATION

Business Name (ex. Nantucket Restaurant, LLC)	Kitty Murtagh's LLC
---	---------------------

Doing Business As (D/B/A) (ex. Nantucket Cafe)	Kitty Murtagh's
--	-----------------

First Name of Primary Contact	John
-------------------------------	------

Last Name of Primary Contact	Keane
------------------------------	-------

Title of Primary Contact	Owner
Cell/Phone Number of Primary Contact:	5082809643
Email of Primary Contact	xxjkcm@aol.com
Public Hearing Representative email	mjw@mjlwilsonlaw.com

LICENSE APPLICATION

Licensed Premise Address	4 W Creek Road
ENTERTAINMENT FOR ON-PREMISE LICENSES	NON-LIVE INDOORS: Background Streaming Music played through House System, NON-LIVE OUTDOORS: Background Streaming Music played through House System, NON-LIVE: TV Screens, Video Projection, LIVE INDOORS LEVEL 1: Acoustic Live Music, no additional speakers or amplification, LIVE INDOORS LEVEL 2: Live Entertainment with amplification and/or additional speakers. Includes DJ and Musicians, Vocalists, LIVE OUTDOORS LEVEL 1: Acoustic Live Music, no additional speakers or amplification, LIVE OUTDOORS LEVEL 2: Live Entertainment with amplification and/or additional speakers. Includes DJ and Musicians, Vocalists
Please describe the proposed changes to the Entertainment License and the reason for modification:	We would like to amend our current entertainment license to include our seasonal outdoor patio so as we are able to: play slightly amplified background music during service, show sporting events on two televisions and occasionally have a 1 - 2 live musicians with lightly amplified music. This would be only during our hours of lunch & dinner service from approximately Noon - 9:00 PM. In addition we would like to amend our interior entertainment license which currently ends at 9:30PM, meaning no music, tvs or music after that time to extend until when the bar closes at 1AM.
Entertainment Hours	12 - 9 outdoors and 12 - 1AM inside
Will Furniture, tables, chairs be moved for Live Entertainment?	No

Have you made or plan on making any renovations to the premises to accommodate Entertainment?	No
Describe renovations plan	<i>Field not completed.</i>
Planning Board/Zoning	No
(Section Break)	
Upload Floor Plan	<i>Field not completed.</i>
Upload Documents	<i>Field not completed.</i>
ADDITIONAL COMMENTS, QUESTIONS	Not at this time.
SIGNATURE OF APPLICANT	John Keane

Email not displaying correctly? [View it in your browser.](#)

LICENSE #: 00154-RS-0762

LICENSE FEE: \$3,250.00

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

BUSINESS: Four West Creek

DBA: Kitty Murtagh's

PREMISES: 4 West Creek Road

Nantucket, MA 02554

MANAGER: Caroline Montgomery

ON PREMISES DESCRIBED AS:

Two-story wood framed building, one entrance and exit. Seven outdoor tables and a service bar on the Northeast/Orange Street side of the 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. *All licensees are responsible for maintaining a clean orderly appearance daily by sweeping and disposing of all trash and debris from the sidewalk area in front of the establishment.*

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 2023.

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.

LICENSE FEE: **\$100.00**

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

▶ **SEVEN DAYS** ◀

BUSINESS: Four West Creek
DBA: Kitty Murtaugh's
PREMISES: 4 West Creek Road
Nantucket, MA 02554
MANAGER: Caroline Montgomery

LICENSED PREMISES DESCRIBED AS:
Two story wood framed building, one entrance and exit.

Approved Entertainment:

- INSTRUMENTAL MUSIC
- VOCAL MUSIC
- DISC JOCKEY
- TELEVISION
- COMPACT DISC PLAYER

Conditions of License:

- **HOURS: 5:00 pm to 9:30 pm; 7 Days**
- No Outdoor Entertainment Permitted

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 11th day of December 2023.

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