

SELECT BOARD

Minutes of the meeting of May 13, 2024. The meeting took place by remote participation via Zoom Webinar. Select Board Members present were Dawn Holdgate, Matt Fee, Dr. Malcolm MacNab and Brooke Mohr. Thomas Dixon was absent. Also present were Licensing Administrator Amy Baxter and Operations Administrator Erika Mooney.

I. CALL TO ORDER

Chair Holdgate called the meeting to order at 11:00 AM.

II. ANNOUNCEMENTS

1. Alcoholic Beverages Control Commission (ABCC) Advisory: M.G.L. c. 138, § 12 ½; Sale of Alcoholic Beverages To-Go. Ms. Baxter reviewed the advisory issues by the ABCC.

2. Alcoholic Beverages Control Commission (ABCC) Advisory: Amendments to Add Outdoor Alcoholic Beverage Table Service Areas. Ms. Baxter reviewed the advisory issues by the ABCC.

Ms. Baxter gave a brief update on the upcoming Nantucket Wine and Food Festival permitting.

III. LICENSING AND PETITIONS – LICENSE HOLDER REQUESTS

1. Request for Approval of Application for Liquor License Change of Manager from Sergio Jimenez Orozco to Catherine Mary Asthalter for Andre Associates, LLC dba The Summer House for premises located at 17 Ocean Avenue. Ms. Baxter reviewed items III. 1 – 2, speaking in favor of the changes in manager applications. Ms. Mohr said she wants to ensure good communication is channeled between the neighbors and the Summer House. Proposed manager Catherine Asthalter said that is of upmost importance to her. Mr. Fee moved approval; seconded by Ms. Mohr; by roll call vote: Chair Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

2. Request for Approval of Application for Liquor License Change of Manager from Sergio Jimenez Orozco to Catherine Mary Asthalter for Beachside Associates, LLC dba Summer House Beachside Bistro for premises located at 16 Ocean Avenue. Mr. Fee moved approval; seconded by Ms. Mohr; by roll call vote: Chair Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

3. Request for Approval of Application for Liquor License Change of Manager from Robert K. Blair to Dunadel Daryoush for One Sparks Ave, LLC t/a Rotary Fish for premises located at One Sparks Avenue. Ms. Baxter reviewed the application. Mr. Fee moved approval; seconded by Ms. Mohr; by roll call vote: Chair Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

IV. LICENSING AND PETITIONS - PUBLIC HEARINGS

1. Public Hearing to Consider Public Assembly Application for Stargazer Gala Sponsored by Maria Mitchell Association on Thursday, July 25, 2024 at 278 Polpis Road. Chair Holdgate opened the hearing. Ms. Baxter reviewed the application, noting this is the same event as last summer, for more people. She noted there was a noise complaint last summer from a neighbor. Joanna Roche, Maria Mitchell Association executive director, said there were no issues at last year's event and the one complaint received seemed more to do with a neighbor dispute than the event. Ms. Baxter said the application includes a request for a waiver from the Town Noise Bylaw. Ms. Mooney explained that waivers of the Town Noise Bylaw are not part of other applications; she added that there is no mention of a noise bylaw waiver on the agenda or posting. Chair Holdgate agreed with Ms. Mooney, stating noise waivers should come to the Board on

Wednesday night meetings as they are policy questions, and that abutters should be notified. Mr. Fee asked why the event is ending at 10:30 PM vs 10:00 PM. Ms. Roche responded.

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

Ms. Mohr moved approval excepting the waiver of the Town Noise Bylaw; seconded by Mr. Fee; by roll call vote: Chair Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

2. Public Hearing to Consider Public Assembly Application for Dream BIG Sponsored by Nantucket Dreamland on Sunday, July 28, 2024 at 30 Devon Street. Chair Holdgate opened the hearing. Ms. Baxter reviewed the application, noting this is a similar event as last year with more attendees. She said there were two noise complaints last year. Alicia Carney of Nantucket Dreamland noted this is the Dreamland's annual fundraiser. Chair Holdgate said that the Dreamland has its own large space and asked why the event can't be held there. Ms. Carney said that they have but they like to "switch off" to private residences sometimes. Chair Holdgate asked if the noise complaints were addressed. Ms. Baxter answered affirmatively. Ms. Mohr asked if complimentary tickets are offered to abutters. Ms. Carney said yes. Kevin Cummings spoke in favor of the event.

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

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

3. Public Hearing to Consider Application for Alteration of Premises Amendment for Annual All-Alcoholic Beverages Restaurant License for Twenty Broad Street, LLC, dba Dune Nantucket, Michael Getter, Manager, for Premises Located at 20 Broad Street. Chair Holdgate opened the hearing. Ms. Baxter reviewed the application, stating this is to resume sidewalk seating that the applicant had during COVID. She noted the sidewalk is very wide.

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

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

4. Public Hearing to Consider Application for Alteration of Premises Amendment for Annual All-Alcoholic Beverages Restaurant License for Blazeworks, LLC, dba Pi Pizzeria, Maria C. Marley, Manager, for Premises Located at 11 West Creek Road. Chair Holdgate opened the hearing. Ms. Baxter reviewed the application, noting the applicant is adding the outside deck to the licensed premises. Ms. Mohr asked if the outside seating would add to the amount of overall seating. Ms. Baxter said no.

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

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

5. Public Hearing to Consider Application for Alteration of Premises Amendment for Seasonal All-Alcoholic Beverages Restaurant License for CRU ACK, LLC, dba CRU, Jane Stoddard, Manager, for Premises Located at 49 Straight Wharf. Chair Holdgate opened the hearing. Ms. Baxter reviewed the application, noting the applicant would like to add seven two-tops for a total of 14 seats outside alongside the building. She said this would be less than was allowed during COVID and this would make the seating permanent.

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

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

6. Public Hearing to Consider Application for Modification of Entertainment License for 38 Main, LLC, dba Or, The Whale, Emily Berger Kelly, Manager, for Premises Located at 38 Main Street. Chair Holdgate opened the hearing. Ms. Baxter reviewed the application, noting it is to extend the patio entertainment from 9:30 PM to 10:00 PM. She noted there was one complaint in the past and it was addressed. Ms. Mohr asked what the distinction is between having entertainment outside or not. Jamie Nass, an owner of Or, The Whale, said it adds to the enjoyment of the space.

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

Mr. Fee noted he was glad the applicants worked with the neighbor, and moved approval; seconded by Ms. Mohr; by roll call vote: Chair Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

7. Public Hearing to Consider Utility Petition from Verizon New England Inc. and National Grid/Nantucket Electric Company, Plan #MA2024-24 to Relocate JO Pole 5/22 on Easton Street Approximately 40' West of the Current Location to Accommodate a Driveway Redesign on Easton Street. Chair Holdgate opened the hearing. Don Voner, representing Verizon, reviewed the application, stating this petition is a request from a homeowner due to a driveway redesign. Attorney Sarah Alger, representing the abutters at 26 Eason Street, asked for clarification on the petition, noting her clients want to work cooperatively with the owners who made the request. She asked if the lines could be buried. Ms. Mohr suggested the hearing be continued for the neighbors to work on a solution.

Dr. MacNab moved to continue the hearing June 10, 2024; seconded by Ms. Mohr; by roll call vote: Chair Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

8. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company, Plan #30805097 to Remove Pole 6 and Install Handhole 6-1 and Approximately 8' of Conduit on Newtown Road. Chair Holdgate opened the hearing. Tim Lyford from National Grid reviewed the petition. Ms. Mooney noted that the Town is the petitioner and this is part of the reconstruction of Newtown Road.

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

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

9. Public Hearing to Consider Joint Utility Petition from Nantucket Electric Company/National Grid and Verizon New England Inc., Plan #30823195 to Install One JO Pole on Washington Street. Chair Holdgate opened the hearing. Tim Lyford from National Grid reviewed the petition. Ms. Mooney noted that the Town is the petitioner and this is for the new Harbormaster Building.

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

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

10. Public Hearing to Consider Utility Petition from National Grid/Nantucket Electric Company, Plan #30866274 to Install Approximately 160' of Underground Conduit from Existing Handhole 1-1 to Proposed Handhole 1-2 on York Street. Chair Holdgate opened the hearing. Tim Lyford from National Grid reviewed the petition, noting the conduit would be run 15', not 160'. Mr. Fee asked if the road will be cut. Ms. Mooney answered affirmatively.

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

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

V. ADJOURNMENT

Mr. Fee moved to adjourn at 11:52 PM; seconded by Ms. Mohr; by roll call vote: Chair Holdgate – Yes; Mr. Fee – Yes; Dr. MacNab – Yes; Ms. Mohr – Yes; so voted.

Approved the 12th day of June 2024.

**SELECT BOARD
MAY 13, 2024 – 11:00 AM
REMOTE PARTICIPATION VIA ZOOM WEBINAR
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- II. 1. ABCC Advisory - Alcohol-to-Go
- II. 2. ABCC Advisory - Outdoor Table Service
- III. 1. AIS re: Summer House Change of Manager; application
- III. 2. AIS re: Summer House Bistro Change of Manager; application
- III. 3. AIS re: Rotary Fish Change of Manager; application
- VI. 1. AIS re: MMA Stargazer Public Assembly Permit; application
- VI. 2. AIS re: Dreamland Gala Public Assembly Permit; application
- IV. 3. AIS re: Dune Alteration of Premises; application
- IV. 4. AIS re: Pi Pizza Alteration of Premises; application
- IV. 5. AIS re: CRU Alteration of Premises; application
- IV. 6. AIS re: Or, the Whale Entertainment; application
- IV. 7. AIS re: NGrid petition - Easton St; Departmental Comments; Easton St petition
- IV. 8. AIS re: NGrid petition - Newtown Rd; Departmental Comments; Newtown Rd petition
- IV. 9. AIS re: NGrid petition - Washington St; Departmental Comments; Washington St petition
- IV. 10. AIS re: NGrid petition - York St; Departmental Comments; York St petition