

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 MAY 13, 2024 - 11:00 AM REMOTE PARTICIPATION VIA ZOOM WEBINAR NANTUCKET, MASSACHUSETTS

YOU TUBE LINK FOR VIEWING ONLY:
<https://youtube.com/live/KBnhe3UCAkw>

ZOOM WEBINAR REGISTRATION LINK TO VIRTUALLY ATTEND MEETING:
https://us06web.zoom.us/webinar/register/WN_oBRdcpUNSdGo3Tna2OW-zg

I. CALL TO ORDER

II. ANNOUNCEMENTS

1. Alcoholic Beverages Control Commission (ABCC) Advisory: M.G.L. c. 138, § 12 ½; Sale of Alcoholic Beverages To-Go.
2. Alcoholic Beverages Control Commission (ABCC) Advisory: Amendments to Add Outdoor Alcoholic Beverage Table Service Areas.

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.
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.
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.

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.

2. Public Hearing to Consider Public Assembly Application for Dream BIG Sponsored by Nantucket Dreamland on Sunday, July 28, 2024 at 30 Devon Street.
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.
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.
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.
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.
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.
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.
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.
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.

V. ADJOURNMENT



Jean M. Lorizio, Esq.
Chairman

Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150

ALCOHOLIC BEVERAGES CONTROL COMMISSION (“ABCC”) ADVISORY
REGARDING ON-PREMISES LICENSEES PERMANENTLY SELLING MIXED
DRINKS FOR OFF-PREMISES CONSUMPTION

On April 30, 2024, Governor Maura Healey signed a bill into law creating M.G.L. c. 138, § 12 ½ which permanently allows on-premises licensees licensed for the sale of all alcoholic beverages, distilled spirits, or cordials/liqueurs to sell mixed drinks for off-premises consumption with the purchase of at least one item of food prepared on-site sufficient to serve one individual as part of the same transaction. The text of the law can be found [HERE](#).

Effective immediately, on-premises alcoholic beverages licensees licensed for the sale of all alcoholic beverages, distilled spirits, or cordials/ liqueurs¹ may sell mixed drinks² permitted under their type and category of license for off-premises consumption subject to the following conditions:

- 1) The mixed drink must be combined on the licensed premises;
- 2) The mixed drink shall not be sold to a person under 21 years of age;
- 3) Any delivery of mixed drinks for off-premises consumption shall not be made without verification that the person receiving the order has attained 21 years of age;
- 4) The mixed drink must be sold in a sealed container³;
- 5) The mixed drink must be sold as part of the same transaction as the purchase of food, and any order that includes a mixed drink must be placed not later than the hour of which the establishment is licensed to sell alcohol or 12:00 A.M., whichever time is earlier; provided,

¹ An establishment licensed to sell alcoholic beverages for on-premises consumption applicable to the new legislation includes establishments licensed pursuant to section 12, subsection (b) of section 19, section 19D, subsection (o) of section 19E or section 19H; provided, that an establishment licensed pursuant to said section 19D shall also hold a license pursuant to said section 12.

² “Mixed drink” is defined as, distilled spirits, cordials or liqueurs, with mixers, that are combined on a licensed premises and sold in a sealed container; provided, that a mixed drink may contain wines and malt beverages in addition to distilled spirits, cordials or liqueurs; and provided further, that the volume of distilled spirits, cordials, liqueurs, wines, malt beverages and mixers contained in said mixed drink shall be of the same proportion and same price as if served for on-premises consumption.

³ “Sealed container” is defined as, a packaged container with a secure lid or cap designed to prevent consumption without removal of the lid or cap; provided, however, that if the packaged container has a lid with sipping holes or an opening for straws, said container shall be covered or affixed with an additional seal; provided further, that said lid, cap or seal shall be affixed before sale in such a way to prevent reopening without it being obvious that said lid, cap or seal was removed or broken, which may include tape or a sticking adhesive.

that a transaction must include at least 1 item of food prepared on-site sufficient to serve 1 individual;

- 6) A customer is limited to 64 fluid ounces of mixed drinks per transaction consistent with #5 above;
- 7) If the mixed drink in a sealed container is to be transported by a motor vehicle, either by delivery or pick-up, the driver of the motor vehicle must transport the mixed drink in the trunk of the motor vehicle or an area that is not considered the passenger area, as defined by section 24I of chapter 90; and
- 8) The volume of distilled spirits, cordials, liqueurs, wines, malt beverages and mixers contained in a mixed drink must be of the same proportion and same price as if served for on-premises consumption.

M.G.L. c. 138, § 12 ½ DOES NOT allow on-premises licensees to sell wine or malt beverages for off-premises consumption unless the wine and/or malt beverages is part of a mixed drink that contains distilled spirits, cordials or liqueurs with mixers. For example, on-premises licensees cannot sell bottles and/or cans of beer or wine for off-premises consumption but beer or wine can be used in a “mixed drink” containing distilled spirits, cordials or liqueurs with mixers. M.G.L. c. 138, § 12 ½ also requires that mixed drinks be combined on a licensed premises therefore ready to drink cocktails containing distilled spirits, cordials or liqueurs may not be sold for off-premises consumption in their unopened original containers.

Alcoholic beverages manufacturers may still sell alcoholic beverages at retail for off-premises consumption if and as allowed by their type and category of license.

On-premises licensees licensed for the sale of all alcoholic beverages, distilled spirits, or cordials/ liqueurs that delivers mixed drinks for off-premises consumption in vehicles owned or leased by the establishment or its employees must obtain a transportation permit pursuant to M.G.L. c. 138, § 22 for each vehicle used for delivery of mixed drinks. On-premises licensees licensed for the sale of all alcoholic beverages, distilled spirits, or cordials/ liqueurs may use a third party with a permit for express transportation pursuant to M.G.L. c. 138, § 22 for delivery of mixed drinks.

As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law.

Questions concerning this Advisory may be directed to Ralph Sacramone, Executive Director of the Massachusetts Alcoholic Beverages Control Commission at (617) 727- 3040 x 731.

(Issued 5/1/2024)



Jean M. Lorizio, Esq.
Chairman

***Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150***

**ALCOHOLIC BEVERAGES CONTROL COMMISSION (“ABCC”) ADVISORY
REGARDING AMENDMENTS TO ADD OUTDOOR ALCOHOLIC BEVERAGE
TABLE SERVICE AREAS**

On April 30, 2024, Governor Maura Healey signed into law “An Act Making Appropriations for the Fiscal Year 2024 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.” The text of the law can be found [HERE](#).

ABCC approval is no longer required for amendments to add outdoor alcoholic beverage table service areas¹. Licensees should contact their Local Licensing Authority “LLA” with any questions and apply directly with them. Nothing in the new law prevents the ABCC “from exercising [its] enforcement authority over an amended license nor limit(s) any appeals that can be submitted to the commission pursuant to section 67 of chapter 138.”

Local Boards must provide the ABCC notice of any amended license and can do so by submitting an updated Licensing Authority Certification form describing the entire licensed premises, including but not limited to the newly approved outdoor alcoholic beverage table service area(s).

On April 7, 2022, the ABCC approved Guidelines for Outdoor Alcoholic Beverage Service Areas which can be found [HERE](#).

Indoor alteration of premises amendments still require ABCC approval and must comply with the “Liquor Control Act” (M.G.L. c. 138) including but not limited to advertisement, abutters’ notification requirements and Local Board hearing.

As always, all licensees must ensure that they comply with the laws of the Commonwealth of Massachusetts, and that sales of alcoholic beverages take place only as authorized by federal, state, and local law.

Questions concerning this Advisory may be directed to Ralph Sacramone, Executive Director of the Massachusetts Alcoholic Beverages Control Commission at (617) 727- 3040 x 731.

(Issued 5/1/2024)

¹ “Outdoor table service,” is defined as restaurant service that includes food prepared on-site and under a food establishment permit issued by a municipal authority pursuant to 105 CMR 590.00 that is served to seated diners outside the restaurant building envelope, whether on a sidewalk, patio, deck, lawn, parking area or other outdoor space.



Agenda Item Summary

Agenda Item #	III. 1.
Date	5/13/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Application –Change of Manager – ***Andre Associates, LLC, dba The Summer House, 17 Ocean Avenue.***

Executive Summary

Andre Associates, LLC is requesting a Change of Manager for a Seasonal Hotel All Alcoholic Beverages Liquor License for ***The Summer House*** at ***17 Ocean Avenue.***

The change will replace the current listed manager, Sergio Jimenez Orozco (approved May 2023) with Catherine Mary Asthalter.

Staff Recommendation

Applicant meets 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.

- The new Manager must complete an Alcohol Servers Training Program and provide the Certificate to Licensing immediately upon approval. (TIPs or similar approved MA certification) The Manager is responsible for all staff training and any server or staff member employed in the service of alcohol must be properly trained and obtain a certificate within 30 days of employment. (T.O.N. Chapter 207).
- The Summer House Licenses have multiple conditions that need to be reported to Licensing and the abutters. Licensing will provide a reporting form to facilitate notification. The reporting of these conditions has not happened in many years.
- It is the responsibility of the manager to be familiar with Massachusetts Liquor Laws to include MGL 138, 204 CMR (In particular “Happy Hour Regulations”), and any and all advisories issued by the ABCC.

Background/Discussion

Per Chapter 207, 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; Summer House License





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City/Town

00179-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 |
| ☐ Outdoor Only
Alteration of Premises | | ☐ Other: <input type="text"/> | ☐ Change of DBA |

APPLICANT INFORMATION

Name of Licensee Andre Associates, LLC

DBA The Summer House

Street Address 17 Ocean Avenue

Zip Code 02554

Manager Catherine Mary Asthalter

Granted under
Special Legislation? Yes ☐ No ☒

\$12 Hotel

Seasonal

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

Three Floors. Three Sitting Rooms, Porch, Cocktail Lounge, Bar. Twenty-three Cottages.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date: 04/20/24

Time:

Advertised: Yes ☐ No ☒

Date Published:

Publication:

Abutters Notified: Yes ☐ No ☒

Date of Notice:

Date APPROVED by LLA

05/13/24

Decision of the LLA

Approves this Application

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

For Transfers ONLY:

Seller License Number:

Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

LICENSE #: 00179-HT-0762

LICENSE FEE: \$2,900.00

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

BUSINESS: Andre Associates, LLC
DBA: THE SUMMER HOUSE
PREMISES: 1 Magnolia Ave.
Siasconset, MA 02564

ON PREMISES DESCRIBED AS:

Three Floors. Three Sitting Rooms, Porch, Cocktail Lounge,
Bar. Twenty-three Cottages.

MANAGER: ~~Sergio Jimenez Oroseo~~ **Catherine Mary Asthalter**

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.

Conditions of License: (per Board of Selectmen 11/14/01)

1. Alcoholic beverage service on restaurant porch to be served only ancillary with food.
2. Service on the porch to end at 11:00 pm and porch to be evacuated by 11:30 pm.
3. No alcoholic beverage service to public on lawn in front of restaurant.
4. Alcohol beverage service on lawn limited to six (6) private daytime functions to end at 6:00 pm.
5. There shall be a parking attendant on Ocean Avenue Thursday through Sunday in July and August. The area in front of Ocean Avenue, including that affected by The Summer House parking, shall remain passable for rescue and emergency vehicles.
6. Trash to be removed daily.
7. The Summer House shall engage an off-duty Nantucket Police Officer to be present during all such evening functions for general supervision as well as to limit the noise level.

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 their official signature on this xx day of xx 202x.

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

Andre Associates LLC

Nantucket

00179-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

Danielle deBenedictis

Owner

ddeb95@aol.com

3A. MANAGER INFORMATION

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

Proposed Manager Name Catherine Mary Asthalter

Date of Birth (

SSN

Residential Address

Email

katia0621@gmail.com

Phone

617-650-3170

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

80

Last-Approved License Manager

Sergio Jimenez Orozco

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
06/2005	07/2007	Manager	HandsOn a Musical Expierece	Len Weinberg
10/2007	02/2021	Owner	TLB MUSIC, LLC	N/A

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:

C u a

3/25/2024

APPLICANT'S STATEMENT

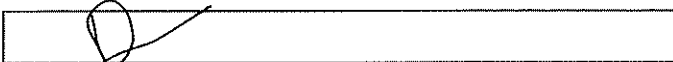
I, Danielle deBenedictis the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of Andre Associates LLC
Name of the Entity/Corporation

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:

04/02/2024

Title:

Managing Member

ENTITY VOTE

The Board of Directors or LLC Managers of Andre Associates LLC
Entity Name

duly voted to apply to the Licensing Authority of Nantucket and the
City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

☒ Change of Manager☐ Other _____

"VOTED: To authorize	Name of Person
	Danielle E. deBenedictis

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	Catherine M. Asthalter
Name of Liquor License Manager	

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

A true copy attest,

For Corporations ONLY

A true copy attest,



Corporate Officer /LLC Manager Signature

Corporation Clerk's Signature

(Print Name)

(Print Name)



Agenda Item Summary

Agenda Item #	III. 2.
Date	5/13/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Application –Change of Manager – **Beachside Associates, LLC, dba Summer House Beachside Bistro, 16 Ocean Avenue.**

Executive Summary

Andre Associates, LLC is requesting a Change of Manager for a Seasonal Hotel All Alcoholic Beverages Liquor License for **Summer House Beachside Bistro** at **16 Ocean Avenue.**

The change will replace the current listed manager, Sergio Jimenez Orozco (approved May 2023) with Catherine Mary Asthalter.

Staff Recommendation

Applicant meets 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.

- The new Manager must complete an Alcohol Servers Training Program and provide the Certificate to Licensing immediately upon approval. (TIPs or similar approved MA certification) The Manager is responsible for all staff training and any server or staff member employed in the service of alcohol must be properly trained and obtain a certificate within 30 days of employment. (T.O.N. Chapter 207).
- The Summer House Beachside Bistro Licenses have multiple conditions that need to be reported to Licensing and the abutters. Licensing will provide a reporting form to facilitate notification. The reporting of these conditions has not happened in many years.
- It is the responsibility of the manager to be familiar with Massachusetts Liquor Laws to include MGL 138, 204 CMR (In particular “Happy Hour Regulations”), and any and all advisories issued by the ABCC.

Background/Discussion

Per Chapter 207, 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; Summer House Beachside Bistro License





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City/Town

00144-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 |
| ☐ Outdoor Only
Alteration of Premises | | ☐ Other: <input type="text"/> | ☐ Change of DBA |

APPLICANT INFORMATION

Name of Licensee	Beachside Associates, LLC	DBA	Summer House Beachside Bistro
Street Address	16 Ocean Avenue		Zip Code 02564
Manager	Catherine Mary Asthalter		
\$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

One-Story Frame Building. Two Rooms, Pool, Patio. 200 sq ft adjacent beach area with ten dining tables and 60 seats.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date:	04/20/24	Time:	
Advertised:	Yes ☐ No ☒	Date Published:		
Abutters Notified:	Yes ☐ No ☒	Date of Notice:		
Date APPROVED by LLA	05/13/24	Decision of the LLA	Approves this Application	
Additional remarks or conditions (E.g. Days and hours)				
For Transfers ONLY:				
Seller License Number:		Seller Name:		

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

LICENSE #: 00144-RS-0762

LICENSE FEE: \$3,900.00

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

TO BE CONSUMED ON THE PREMISES

BUSINESS: Beachside Associates, LLC

DBA: SUMMER HOUSE
BEACHSIDE BISTRO

PREMISES: 16 Ocean Ave.
Siasconset, MA 02564

MANAGER: ~~Sergio Jimenez Oroseo~~ Catherine Mary Asthalter

ON PREMISES DESCRIBED AS:

One-Story Frame Building. Two Rooms, Pool,
Patio. 200 sq ft adjacent beach area with ten dining
tables and 60 seats.

The hours during which alcoholic beverages may be sold: In accordance with MGL Chapter 138 and amendments thereto and subject to the following restrictions per the Board of Selectmen effective February 6, 2002:

1. Amplified music during evening functions (such as wedding receptions) shall not be played after 10:00 PM and is to be kept within a reasonable decibel level. Such functions to conclude no later than 11:00 PM.
2. The Summer House Beachside Bistro shall engage an off-duty Nantucket Police Officer to be present during all such evening functions for the purpose of general supervision as well as to limit the noise level.
3. Recorded music (CO's or Tapes) played at the pool bar area shall at all times be limited to noise levels as to not exceed the maximum decibel level allowed by the Nantucket Noise Bylaw. No recorded music shall be played after 8:00PM, unless it is for one of the permitted functions.
4. All food and alcohol service to cease at 8:00PM.
5. The number of evening functions with amplified music during the months of June and September will not exceed eight (8) and the months of July and August will be limited to a maximum of four (4) functions. As a courtesy, Counsel for the residents will be given a schedule of such evening functions in advance, and will be provided with the name and phone number of a liaison to contact in case of any excessive noise.
6. Amplified music will only be allowed at the scheduled limited number of functions (Restriction as voted by the Board of Selectmen May 26, 2004).
7. Trash is to be removed daily.

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 xx day of xx 202x.

Chair, Select Board

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



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

Beachside Associates LLC

Nantucket

0144-RS-0762

2. APPLICATION CONTACT

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

Name

Title

Email

Phone

Danielle deBenedictis

Owner

ddeb95@aol.com

617-650-6383

3A. MANAGER INFORMATION

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

Proposed Manager Name Catherine Mary Asthalter

Date of Birth

SSN

Residential Address

Email

katia0621@gmail.com

Phone

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

80

Last-Approved License Manager

Sergio Jimenez Orozco

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
06/2005	07/2007	Manager	HandsOn a Musical Expiience	Len Weinberg
10/2007	02/2021	Owner	TLB MUSIC, LLC	N/A

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:

CWA

3/25/2024

APPLICANT'S STATEMENT

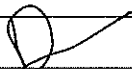
I, Danielle deBenedictis the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of Beachside Associates LLC
Name of the Entity/Corporation

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:

04/02/2024

Title:

Managing Member

ENTITY VOTE

The Board of Directors or LLC Managers of

Beachside Associates LLC

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket

and the

City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

Date of Meeting

For the following transactions (Check all that apply):

☒ Change of Manager☐ Other

"VOTED: To authorize

Danielle E. deBenedictis

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

Catherine M. Asthalter

Name of Liquor License Manager

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

A true copy attest,

For Corporations ONLY

A true copy attest,

Corporate Officer /LLC Manager Signature

Corporation Clerk's Signature

(Print Name)

(Print Name)



Agenda Item Summary

Agenda Item #	III. 3.
Date	5/13/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Application –Change of Manager – **One Sparks Avenue, LLC, T/A Rotary Fish, One Sparks Ave..**

Executive Summary

One Sparks Avenue, LLC is requesting a Change of Manager for a Seasonal Restaurant All Alcoholic Beverages Liquor License for **Rotary Fish** at **One Sparks Avenue**.

The change will replace the current listed manager, Robert K. Blair (approved April 2024) with Dunadel Daryoush.

Staff Recommendation

Applicant meets 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.

- The new Manager must complete an Alcohol Servers Training Program and provide the Certificate to Licensing immediately upon approval. (TIPs or similar approved MA certification) The Manager is responsible for all staff training and any server or staff member employed in the service of alcohol must be properly trained and obtain a certificate within 30 days of employment. (T.O.N. Chapter 207).
- It is the responsibility of the manager to be familiar with Massachusetts Liquor Laws to include MGL 138, 204 CMR (In particular “Happy Hour Regulations”), and any and all advisories issued by the ABCC.

Background/Discussion

Per Chapter 207, 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; Draft Liquor License





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 |
| ☐ Outdoor Only
Alteration of Premises | | ☐ Other: <input type="text"/> | ☐ Change of DBA |

APPLICANT INFORMATION

Name of Licensee	One Sparks Avenue, LLC	DBA	Rotary Fish
Street Address	One Sparks Avenue	Zip Code	02554
Manager	Dunadel Daryoush	Granted under Special Legislation?	Yes ☐ No ☒
\$12 Restaurant	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

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 staircases and ramps, second-floor storage.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date:	04/20/24	Time:		
Advertised:	Yes ☐ No ☒	Date Published:		Publication:	
Abutters Notified:	Yes ☐ No ☒	Date of Notice:			
Date APPROVED by LLA	05/13/24	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)					
For Transfers ONLY:					
Seller License Number:		Seller Name:			

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



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

AMENDMENT-Change of Manager

☐ **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
One Sparks Ave LLC T/A Rotary Fish	Nantucket	

2. APPLICATION CONTACT

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

Name	Title	Email	Phone
Bryan J. Swain	Attorney	bryan@nantucketlawfirm.com	508-228-4455

3A. MANAGER INFORMATION

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

Proposed Manager Name	Dunadel Daryoush	Date of Birth		SSN	
Residential Address					
Email	dunadel@georgetownevents.com	Phone			
Please indicate how many hours per week you intend to be on the licensed premises	40	Last-Approved License Manager	Robert K. Blair		

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.

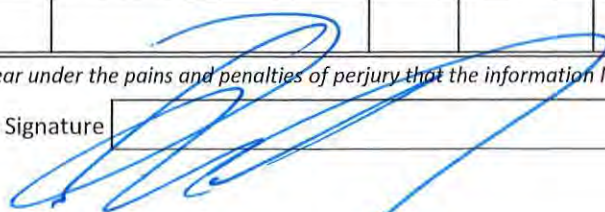
Start Date	End Date	Position	Employer	Supervisor Name
08/2019	6/2020	Financial analysts	United States of America, Treasury	Kurt Schuler
08/2017	Present	General Manager	Georgetown Events	Robert K. Blair

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 4/5/2024

ENTITY VOTE

The Board of Directors or LLC Managers of

One Sparks Ave LLC T/A Rotary Fish

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

04/5/2024

Date of Meeting

For the following transactions (Check all that apply):

☒ Change of Manager

☐ Other

"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

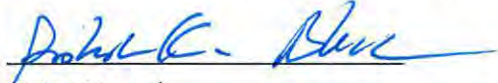
Dunadel Daryoush

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


(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)

APPLICANT'S STATEMENT

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

Authorized Signatory

of One 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:

4/5/24

Title:

LLC Manager

LICENSE #: TBD-RS-0762

LICENSE FEE: \$3,900.00

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

TO BE CONSUMED ON THE PREMISES

BUSINESS: One Sparks Ave, LLC

DBA: TBD

PREMISES: One Sparks Avenue

MANAGER: ~~Robert K. Blair~~
Dunadel Daryoush

ON PREMISES DESCRIBED AS:

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 staircases and ramps, second-floor storage.

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

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

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

Chair, Select Board

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



Agenda Item Summary

Agenda Item #	IV. 1.
Date	5/13/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Public Entertainment/Assembly Permit Application, The Maria Mitchell Association

Executive Summary

The Maria Mitchell Association is requesting to host an event requiring a Public Entertainment/Assembly Permit to include a Pouring Permit and a Noise Waiver. The Event is planned for July 25, 2024 at 278 Polpis Road.

Staff Recommendation

The Select Board should consider the application in line with the requirements of Chapter 105, Article IV for a Public Entertainment/Assembly permit to include a Pouring permit per Chapter 207 and a Noise Waiver Request per Chapter 101.

Background/Discussion

The Application requests to host a ticketed event to benefit the Maria Mitchell Association with an estimated attendance of 350 people.

The Gala will be held at a Private Home in a residential neighborhood as it was in 2023.

A Public Entertainment/Assembly permit was not filed by MMA in 2023 as they reported the attendance to be below the 250 person threshold.

Because a permit was not applied for there was no Abutter notification and the Licensing office did receive a complaint and inquiry from an abutter.

The application is requesting a noise waiver to allow for Entertainment until 10:30 pm. There is no history of granting noise waiver requests for Public Entertainment in residential areas. Historically the Select Board grants non-profit related noise waiver requests for the Pops on Nantucket Event at Jetties Beach and The Boys and Girls Club Summer Groove Event.

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐



Board/Commission Recommendation

N/A

Public Outreach

Advertised in Inky

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

N/A

Attachments

Special Event Permit Application



BOARD OF DIRECTORS

FIRST VICE PRESIDENT

Helene Weld

SECOND VICE PRESIDENT

John Wise

CO-TREASURERS

*Curt Burwell
Karen Ketterer*

CLERK

Joseph E. Santucci Jr.

MEMBERS

*Richard Bard
Margaret Falk
Tanya Forman
Elizabeth Georgantas
Christopher Griffiths
Toni McKerrow
Molly Paiement
Mary Archibald (Bebe) Poor, D.V.M.
M.S.
Justin Schaeffer
Brian Sullivan
Frances Symes
Richard Wolfe*

HONORARY BOARD MEMBERS

*Beverly Barlow
Sally Charpie
John Daniels
Daniel Drake
Joan Gulley
Judith Lee
Malcolm MacNab, M.D., Ph.D.
Michael Nelson
Nathaniel Philbrick
Katherine Rhode, Ph.D.
Anne Parks Strain +
Edward Symes, III +*

The Nantucket Maria Mitchell Association
4 Vestal Street
Nantucket MA 02554
(508)228-9198

April 18, 2024

Dear Select Board,

The Maria Mitchell Association (MMA) respectfully requests a public assembly to determine if an entertainment and noise waiver permit will be granted for our annual Stargazer Gala, occurring on July 25th starting at 6:00pm. This year we are hoping to attract up to 350 participants and end the entertainment at 10:30pm.

Our most important fundraiser of the year will take place on the 19.70-acre property at 278 Polpis Road, the location we used last year. We will again use Valet of America for our parking valets with parking in the middle of the property to ensure guests can safely enter and exit the property without backing up onto Polpis Road. The two tents and bar will be set towards the waterfront to mitigate noise for the sparsely populated neighborhood. Our Jimmy Buffet cover band, whose music is categorized as easy listening, will be playing closer to the waterfront away from the neighbors.

We will have sufficient police detail and lavatories provided by Garden Potty including ADA. I have attached a site plan for the Tents and Parking.

Thank you for your consideration,



Joanna Roche
Executive Director

PUBLIC HEARING NOTICE

The Select Board will hold a public hearing on Monday, May 13, 2024 at 11:00 AM to hear the application for a Public Assembly Special Event Permit for Stargazer Gala sponsored by the Maria Mitchell Association on Thursday, July 25th, 2024 at 278 Polpis Rd. The hearing will be held remotely via Zoom Webinar. Please see meeting posting for remote participation and viewing links. For further information, please email licensing@police.nantucket-ma.gov.

Dzvonik, Marina

From: Dzvonik, Marina
Sent: Friday, April 5, 2024 12:22 PM
To: Baxter, Amy
Subject: MMA Gala at 278 Polpis RD 2024 Special Event Permit Application

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, April 3, 2024 3:31 PM
To: Dzvonik, Marina <MDzvonik@police.nantucket-ma.gov>
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	SUSAN
-------------------------------	-------

Last Name of Primary Contact	BARTKOWIAK
------------------------------	------------

Address of Primary Contact	4 Vestal Street
----------------------------	-----------------

Company/Organization of Primary Contact (If Applicable)	The Maria Mitchell Association
---	--------------------------------

Town/City	Nantucket
-----------	-----------

State	MA
-------	----

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

Email Address	sbartkowiak@mariamitchell.org
---------------	--

Phone Number	508-228-9198
Cell Phone	<i>Field not completed.</i>
On-site Contact	Susan Bartkowiak
Cell Phone for On-site Contact	508-221-8835
Host Organization (If Different from Above)	The Maria Mitchell Association
Host Type	Non-Profit
Please Attach 501(c)(3) Documentation	501 c 3 letter (002).pdf
EVENT OVERVIEW - REQUIRED	
Event Name	Stargazer Gala 2024
Requested Location of Event (please specify INDOOR or OUTDOOR)	278 Polpis Road
Is this Event open to the public?	Yes
Is there an admission / registration fee?	Yes
Date of Event	7/25/2024
Start Time	6:00 PM
End Time	10:30PM
Rain Date	<i>Field not completed.</i>
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	7/24/2024 9:00 AM
Tear-Down Date & Time	7/26/2024 9:00 AM
MULTIPLE DATE EVENTS	<i>Field not completed.</i>
Full Schedule of Events	<i>Field not completed.</i>
Est. # of Participants	350

Important Notice - Events Over 250

Any event anticipating over 250 participants requires a Public Hearing at a regularly-scheduled Select Board meeting. Public Hearings must be noticed in the 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?

Yes

If Yes, Where And
When?

278 Polpis Harbor

Description of Event
(Attach additional
documents below)

The Maria Mitchell Association's annual fundraising event, Stargazer Gala, is an exciting gathering overlooking the beautiful Nantucket waters. Supporters of MMA, friends, guests, scientists and interns gather to celebrate and raise funds.

Event Description
(optional)

Field not completed.

Course Map

Field not completed.

Event Layout/Diagram

[MMA_2024_SiteMap.pdf](#)

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

Field not completed.

Click Here For Beach
Ownership Contacts for
all Public Beaches

[Beach and Ownership Listing](#)

Beach Event Structures

Field not completed.

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? Yes

Click Here For [Temporary Pouring Permit Regulations for the State of Massachusetts:](#)

Alcohol To Be Served All Alcohol

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) Cisco Brewers/Triple Eight/Vintus Wines

CLICK HERE FOR LIST OF AUTHORIZED SOURCES TO PURCHASE ALCOHOL: [AUTHORIZED SOURCES \(in PDF\)](#)

STEP 3: ENTERTAINMENT

Will There Be Entertainment? Yes

Will The Entertainment Be Amplified? Yes

Will The Entertainment Be Outside? Yes

Description of Entertainment A live band will perform.

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>
--	-----------------------------

Address Of Blocking	<i>Field not completed.</i>
---------------------	-----------------------------

Purpose Of Blocking:	<i>Field not completed.</i>
----------------------	-----------------------------

Street Blocking	<u>Application for blocking of street / sidewalk</u>
-----------------	--

STEP 5: TENTS / TEMPORARY STRUCTURES / STAGES / GENERATORS

Will There Be A Tent Or Other Temporary Structure Erected?	Yes
--	-----

Date Tent/Structure To Be Installed	7/24/2024
-------------------------------------	-----------

Describe Size/Type of Tent/Structure / Stage	Tent 1 - 20 X 30 Tent 2 - 51 X 111
--	---------------------------------------

Tent Company	Nantucket Tents
--------------	-----------------

Will this event utilize a generator(s)?	yes for lighting and music
---	----------------------------

Will you be using any lighting?	yes, some string lights and hanging electric lanterns
---------------------------------	---

Tent Permit and Checklist	<u>Party Tent Permit Application & Checklist</u>
---------------------------	--

STEP 6: FOOD

Will Food Be Served?	Yes
----------------------	-----

Name of Caterer/Food Service Provider	Island Kitchen
---------------------------------------	----------------

Attach Town of Nantucket Catering License (Optional)	<i>Field not completed.</i>
--	-----------------------------

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	1 ADA compliant and 3 portable trailer toilets
--	--

Name of Restroom / Portable Toilet Provider	Mark Willit (ADA) and Garden Potty's
---	--------------------------------------

STEP 8: PARKING PLAN

Event Parking	Valet of America will again be in charge of parking, we have room for all guests and vendors and staff will be shuttled in MMA vans to and from the Gala. We have ample space on site at beginning of property.
---------------	---

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

Joanna Roche

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





Agenda Item Summary

Agenda Item #	IV. 2.
Date	5/13/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Public Entertainment/Assembly Permit Application, Nantucket Dreamland Foundation

Executive Summary

The Nantucket Dreamland Foundation is requesting to host an event requiring a Public Entertainment/Assembly Permit to include a Pouring Permit. The Event is planned for July 28, 2024 at 30 Devon Street.

Staff Recommendation

The Select Board should consider the application in line with the requirements of Chapter 105, Article IV for a Public Entertainment/Assembly permit to include a Pouring permit per Chapter 207.

Background/Discussion

The Application requests to host a ticketed event to benefit the Nantucket Dreamland Foundation with an estimated attendance of 400 people.

The Gala will be held at a Private Home in a residential neighborhood as it was in 2023.

A Public Entertainment/Assembly permit was not filed in 2023 as the reported attendance was not over the 250 person threshold.

There were 2 noise complaints for this event at the same location in 2023.

This application also requests a Pouring Permit – just a note that although the Dreamland has a full Liquor License for its facility at 17 South Water Street, it does not allow them to use it for off-premise events. All alcohol order for the event must be done through the one day permit and stored and delivered separately from the Dreamland's Annual license.

Impact: Environmental ☐ Fiscal ☒ Community ☒ Other ☐

Board/Commission Recommendation

N/A



Public Outreach

Advertised in Inky

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

N/A

Attachments

Special Event Permit Application



DREAMLAND

NANTUCKET'S
FILM & CULTURAL CENTER

Officers

John Schmidt,
Chair
Leah Day Van Horn,
Vice Chair
Ray Brusca,
Treasurer
Robin Rednor,
Secretary

Board of Directors

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Rob Cocuzzo
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David Gregory
Dr. Elizabeth Hallett
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Deborah Lewis
Joan McPhee
Venessa Moore
Jacqueline Moss
Maureen McAllister
Orla Murphy-LaScola
Melanie Sabelhaus
Blaise Sheppard
Mark Snider
Barry Sternlicht
Charley Walters

Directors Emeriti

John Johnson
Philippe Laffont
James Pallotta
Kathy Penske
Charley Polachi
Charles Ryan
Wendy Schmidt

Executive Director

Alicia L. Carney

Dear Members of the Select Board,

I am writing to formally request a Public Assembly permit for our upcoming Dream BIG fundraiser, scheduled to take place in a residential neighborhood on Sunday, July 28th, 2024. The Dreamland intends to host our annual fundraiser, the 2024 Dream BIG event, outdoors at 30 Devon Street from 6:00 to 10:00pm.

The fundraiser will be a ticketed event, requiring the purchase of either a sponsorship package or individual tickets for attendance. We anticipate approximately four hundred guests, accompanied by thirty-five staff members, to be present. The evening will feature a cocktail-style party, including a silent and live auction, a short program, and dancing. Music will be played throughout the event by one DJ, with four speakers on the grounds.

Regarding parking management, guests will be directed to Tom Nevers fields where Valet of America will provide valet services. Each vehicle will be parked in a designated lot approved by Nancy Friend, of the Housing Authority, via a Hold Harmless Agreement. Subsequently, guests will be transported to 30 Devon Street in nine fourteen-passenger Cranberry Transportation vans. We strongly encourage ride-sharing and taxi services to mitigate parking demand.

To comply with local noise ordinances, the fundraiser will conclude promptly at 10:00pm. Cranberry Transportation will ensure timely transportation of guests back to their vehicles, thereby preventing any disturbances in the neighborhood.

Thank you in advance for considering our request and for your continued support of the Dreamland's fundraising efforts.

Sincerely

Alicia L. Carney
Executive Director
Nantucket Dreamland Foundation

Dzvonik, Marina

From: noreply@civicplus.com
Sent: Wednesday, April 3, 2024 3:04 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	David
Last Name of Primary Contact	Handy
Address of Primary Contact	17 South Water St
Company/Organization of Primary Contact (If Applicable)	Nantucket Dreamland
Town/City	Nantucket
State	MA
Zip	02554
Email Address	david@handydallaireevents.com
Phone Number	6179971121
Cell Phone	6179971121
On-site Contact	David Handy

Cell Phone for On-site Contact	6179971121
Host Organization (If Different from Above)	Nantucket Dreamland
Host Type	Non-Profit
Please Attach 501(c)(3) Documentation	<i>Field not completed.</i>
EVENT OVERVIEW - REQUIRED	
Event Name	Dream BIG
Requested Location of Event (please specify INDOOR or OUTDOOR)	30 Deven Street
Is this Event open to the public?	No
Is there an admission / registration fee?	Yes
Date of Event	7/28/2024
Start Time	6:00
End Time	10:00 pm
Rain Date	<i>Field not completed.</i>
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	7/27/2024 9:00 AM
Tear-Down Date & Time	7/29/2024 10:00 AM
MULTIPLE DATE EVENTS	<i>Field not completed.</i>
Full Schedule of Events	<i>Field not completed.</i>
Est. # of Participants	400
Est. # of Staff	35
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?	Yes
--	-----

If Yes, Where And When?	2023/Same location
-------------------------	--------------------

Description of Event (Attach additional documents below)	Cocktail-style party, with dancing (not a seated dinner)
--	--

Event Description (optional)	<i>Field not completed.</i>
------------------------------	-----------------------------

Course Map	<i>Field not completed.</i>
------------	-----------------------------

Event Layout/Diagram	DreamBIG Event - 2024 Floor Plan.pdf
----------------------	--

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	<i>Field not completed.</i>
--------------------------------	-----------------------------

Click Here For Beach Ownership Contacts for all Public Beaches	Beach and Ownership Listing
--	---

Beach Event Structures	<i>Field not completed.</i>
------------------------	-----------------------------

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? Yes

Click Here For [Temporary Pouring Permit Regulations for the State of Massachusetts:](#)

Alcohol To Be Served All Alcohol

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) Horizon Beverage, Dave Lower

CLICK HERE FOR LIST OF AUTHORIZED SOURCES TO PURCHASE ALCOHOL: [AUTHORIZED SOURCES \(in PDF\)](#)

STEP 3: ENTERTAINMENT

Will There Be Entertainment? Yes

Will The Entertainment Be Amplified? Yes

Will The Entertainment Be Outside? Yes

Description of Entertainment DJ for cocktail and dancing

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>
Address Of Blocking	<i>Field not completed.</i>
Purpose Of Blocking:	<i>Field not completed.</i>
Street Blocking	Application for blocking of street / sidewalk

STEP 5: TENTS / TEMPORARY STRUCTURES / STAGES / GENERATORS

Will There Be A Tent Or Other Temporary Structure Erected?	No
Date Tent/Structure To Be Installed	7/26/2024
Describe Size/Type of Tent/Structure / Stage	rain plan only
Tent Company	Nantucket Tents
Will this event utilize a generator(s)?	Yes
Will you be using any lighting?	Yes
Tent Permit and Checklist	Party Tent Permit Application & Checklist

STEP 6: FOOD

Will Food Be Served?	Yes
Name of Caterer/Food Service Provider	Island Kitchen Catering
Attach Town of Nantucket Catering License (Optional)	<i>Field not completed.</i>

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	5 Person and Handicapped
--	--------------------------

Name of Restroom / Portable Toilet Provider	Nantucket Restrooms
---	---------------------

STEP 8: PARKING PLAN

Event Parking	Valet Park of America, and Cranberry - Parking in TN field and shuttled up to/from the house
---------------	--

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

David M. Handy

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





Property Information

Property ID 8707
Location 125 TOM NEVERS RD
Owner NANTUCKET HOUSING AUTHORITY



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 02/08/2024
Data updated Jan. 2021

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.



Agenda Item Summary

Agenda Item #	IV. 3.
Date	5/13/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Alteration of Premises Application – ***Twenty Broad Street, LLC DBA Dune Nantucket, 20 Broad Street, License #00003-RS-0762***

Executive Summary

Twenty Broad Street, LLC is applying for an Alteration of Premises for an ***Annual Restaurant All Alcoholic Beverages*** Liquor License for ***DBA Dune Nantucket at 20 Broad Street.***

The Application requests All Alcoholic Beverages service be allowed on the adjacent sidewalk area approved for service during COVID. The application is for 6 dining tables to include two next to the building and 4 adjacent to the parking on Broad Street. See photo for placement allowed during COVID.

Staff Recommendation

Applicant has submitted required documentation as outlined below and is fully in compliance with all requirements of their Liquor and associated Licenses.

Requirements for Alteration of Liquor License Premises:

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

Background/Discussion

N/A

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A

Board/Commission Recommendation

N/A



Public Outreach

Advertised in Inky; abutter notification

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

N/A

Attachments

ABCC Alteration of Premises Application; Sidewalk Dining Agreement; Dune Liquor License





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City/Town

000003-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 |
| ☒ Outdoor Only
Alteration of Premises | | ☐ Other: <input type="text"/> | ☐ Change of DBA |

APPLICANT INFORMATION

Name of Licensee	Twenty Broad Street, LLC	DBA	Dune
Street Address	20 Broad Street	Zip Code	02554
Manager	Michael Getter	Granted under Special Legislation?	Yes ☐ No ☒
Restaurant	Annual	All Alcohol	If Yes, Chapter
(i.e. restaurant, package store)	(Annual or Seasonal)	(i.e. Wines and Malts / All Alcohol)	of the Acts of (year)

DESCRIPTION OF PREMISES

Complete description of the licensed premises

First Floor: Two Dining Rooms, Kitchen, Restroom, Storage Room, Patio Area, Porch, Bar. Second Floor: Two Dining Rooms, Restroom, Office. Six (6) Dining tables on sidewalk adjacent to Broad Street.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date:	04-25-24	Time:		
Advertised:	Yes ☒ No ☐	Date Published:	05-02-24	Publication:	Inquirer and Mirror
Abutters Notified:	Yes ☒ No ☐	Date of Notice:	05-01-24		
Date APPROVED by LLA	05-13-24	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)					
For Transfers ONLY:					
Seller License Number:		Seller Name:			

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



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

AMENDMENT-Change 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

Municipality

ABCC License Number

Twenty Broad Street LLC, DBA Dune

Town of Nantucket

00003-RS-0762

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

APPLICATION CONTACT

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

Name

Title

Email

Phone

Michael Getter

Owner

michaelg@dunenantucket.com

508-221-1808

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.

To continue what we did during covid and last year , with 6 tables on sidewalk

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.

To continue what we did during covid and last year, with 6 tables on sidewalk

Total Sq. Footage

518

Seating Capacity

18

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

Lease

Landlord Name

Tracy Root

Landlord Phone

239-370-7581

Landlord Email

ciopinno@aol.com

Landlord Address

33110 W. Crown Pt. Blvd, Naples FL 34112

Lease Beginning Date

November 1, 2008

Rent per Month

\$12,000

Lease Ending Date

September 1 2039

Rent per Year

\$144,000

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):

None

SOURCE OF CASH CONTRIBUTION

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

Name of Contributor	Amount of Contribution
Total	

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

APPLICANT'S STATEMENT

I, Michael Getter the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of Twenty Broad Street LLC, dba Dune
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:

Michael Getter

Date:

9/8/2024

Title:

Owner

ENTITY VOTE

The Board of Directors or LLC Managers of

Entity Name

duly voted to apply to the Licensing Authority of

and the

City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

Date of Meeting

For the following transactions (Check all that apply):

☐ 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,

For Corporations ONLY

A true copy attest,

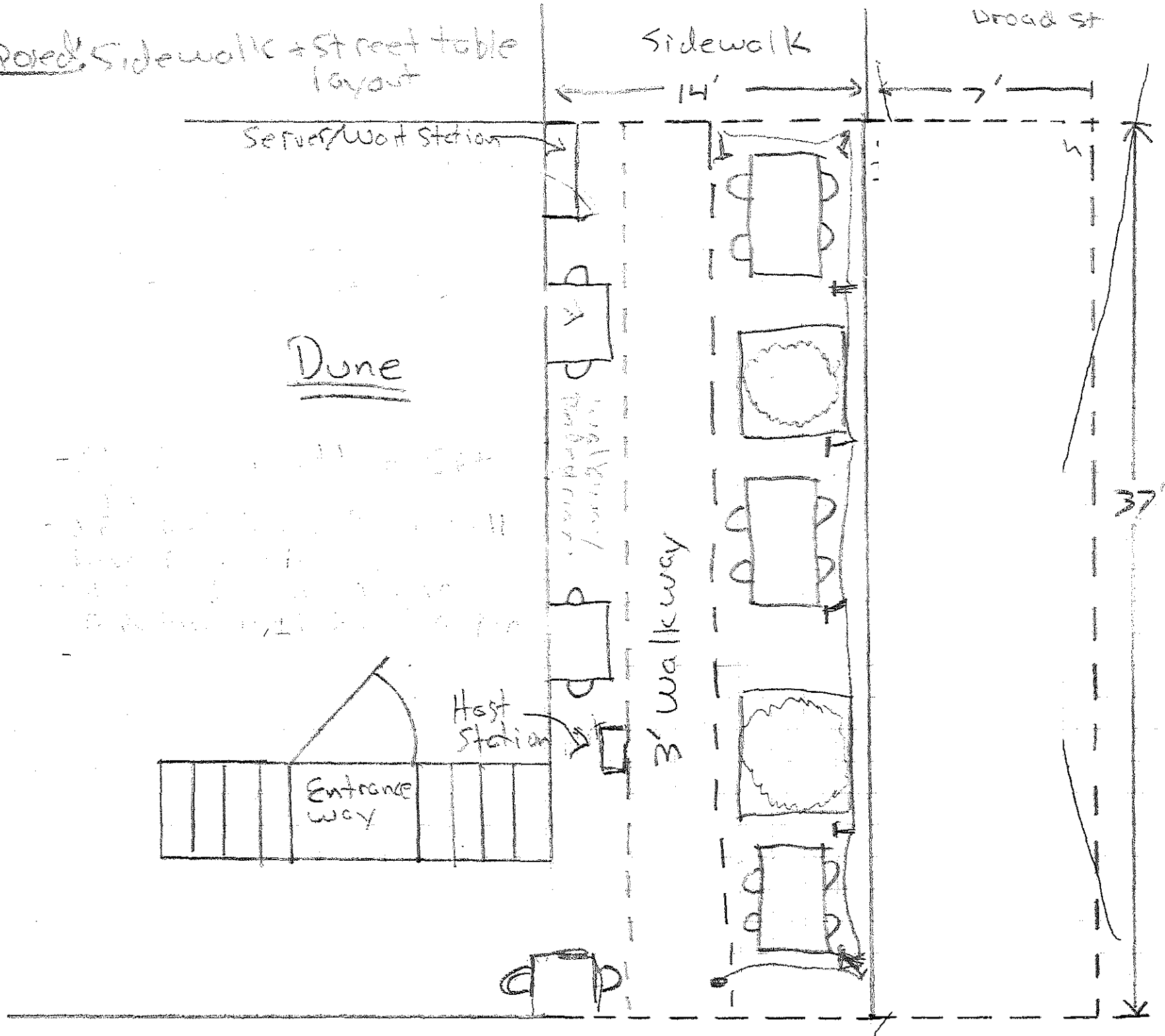
Corporate Officer /LLC Manager Signature

Corporation Clerk's Signature

(Print Name)

(Print Name)

Proposed Sidewalk + Street table layout





LICENSE #: 00003-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: Twenty Broad Street, LLC

DBA: Dune

PREMISES: 20 Broad Street
Nantucket, MA 02554

MANAGER: Michael Getter

ON PREMISES DESCRIBED AS:

First Floor: Two Dining Rooms, Kitchen, Restroom,
Storage Room, Patio Area, Porch, Bar. Second Floor:
Two Dining Rooms, Restroom, Office. **Six (6) Dining
tables on sidewalk adjacent to Broad Street.**

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

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

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

Chair, Select Board

THIS LICENSE WILL EXPIRE DECEMBER 31, 202x

**Unless earlier suspended, cancelled, or revoked*

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



Town & County of NANTUCKET, MA

2024 REVOCABLE LICENSE AGREEMENT FOR OUTDOOR SEATING LICENSE

This confirms the terms of the 2024 Revocable License Agreement between **Twenty Broad Street, LLC**, dba **DUNE**, located at **20 Broad Street**, Nantucket Massachusetts 02554. (hereafter the “Outdoor Seating Licensee”), and the Town of Nantucket, Broad Street, Nantucket, Massachusetts 02554 (hereafter, the “Town”), as follows:

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

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

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

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

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

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

Town of Nantucket:

Outdoor Seating Licensee:

Town Manager or Designee

DUNE License Manager or
Designee

Date

Date

PUBLIC SIDEWALK USE FEES

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



Agenda Item Summary

Agenda Item #	IV. 4.
Date	5/13/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Alteration of Premises Application – **Blazeworks, LLC DBA Pi Pizzeria, 11 West Creek Road, License #00084-RS-0762**

Executive Summary

Blazeworks, LLC is applying for an Alteration of Premises for a **Seasonal Restaurant All Alcoholic Beverages** Liquor License for **DBA Pi Pizzeria** at **11 West Creek Road**.

The Application requests All Alcoholic Beverages service be allowed on the outdoor patio area approved for service during COVID conditions. The current license allows for liquor service in the interior dining area only. There is no additional application to include outdoor area for Entertainment.

Staff Recommendation

Applicant has submitted required documentation as outlined below and is fully in compliance with all requirements of their Liquor and associated Licenses.

Requirements for Alteration of Liquor License Premises:

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

Background/Discussion

N/A

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A



Board/Commission Recommendation

N/A

Public Outreach

Advertised in Inky; abutter notification

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

N/A

Attachments

ABCC Alteration of Premises Application; Pi Pizzeria Liquor License





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City/Town

00084-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 |
| ☒ Outdoor Only
Alteration of Premises | | ☐ Other: <input type="text"/> | ☐ Change of DBA |

APPLICANT INFORMATION

Name of Licensee	Blazeworks, LLC		DBA	Pi Pizzeria	
Street Address	11 West Creek			Zip Code	02554
Manager	MariaCMarley			Granted under Special Legislation?	Yes ☐ No ☐
\$12 Restaurant	Annual	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

One story building, Lot size 11,169 sf. Three entrances And exits. Cellar used for storage, has one exit.346 sq ft. Outdoor Patio

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date:	04/29/24	Time:		
Advertised:	Yes ☒ No ☐	Date Published:	05/02/24	Publication:	Inquirer and Mirror
Abutters Notified:	Yes ☒ No ☐	Date of Notice:	05/02/24		
Date APPROVED by LLA	05/13/24	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)					
For Transfers ONLY:					
Seller License Number:		Seller Name:			

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

LICENSE #: 00084-RS-0762

LICENSE FEE: \$3,900.00

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

TO BE CONSUMED ON THE PREMISES

BUSINESS: Blazeworks, LLC

DBA: Pi Pizzeria

PREMISES: 11 West Creek Road
Nantucket, MA 02554

MANAGER: Maria Costanzo Marley

ON PREMISES DESCRIBED AS:

One story building, Lot size 11,169 sf. Three entrances And exits. Cellar used for storage, has one exit. **346 sq ft. Outdoor Patio**

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

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

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

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.



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	Municipality	ABCC License Number
Blazeworks, LLC dba Pi Pizzeria	Nantucket	00084-RS-0762

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

Alteration of Premises to include existing outdoor patio within licensed area.

APPLICATION CONTACT

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

Name	Title	Email	Phone
Kenneth A. Gullicksen	attorney	kag@readelaw.com	508-228-3128

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.

No physical changes will be made. Application is for the inclusion of existing patio area in licensed area

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.

One story building (1416sf ground floor) on 11, 169sf lot with three entrances and exits on ground floor. Storage space in cellar with one exit, plus 346 SF patio.

Total Sq. Footage	3332sf	Seating Capacity	46(int.) + 16 ext.	Occupancy Number	56 (int.)
Number of Entrances	3	Number of Exits	3	Number of Floors	1 + cellar

AMENDMENT-Change or Alteration of Premises Information

3. CHANGE OF LOCATION

3A. PREMISES LOCATION

Last-Approved Street Address 11 West Creek Road, Nantucket, MA

Proposed Street Address no change

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.

see above

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

Lease

Landlord Name Evantide, LLC

Landlord Phone 508-22-1130

Landlord Email evan@pipizzeria.com

Landlord Address 11 West Creek Road, Nantucket, MA 02554

Lease Beginning Date April 1, 2024

Rent per Month \$5,000

Lease Ending Date March 31, 2024

Rent per Year \$60,000

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):

N/A - no additional costs will be incurred. Business is in operation and used patio during covid.

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.
None			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

APPLICANT'S STATEMENT

I, Maria Costanzo Marley the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of Blazeworks, 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:

Maria Costanzo Marley

Date:

22 April 2024

Title:

Manager

ADDITIONAL INFORMATION

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

ENTITY VOTE

The Board of Directors or LLC Managers of

Blazeworks, LLC

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

April 2, 2024

Date of Meeting

For the following transactions (Check all that apply):

☒ Alteration of Licensed Premises

☐ Change of Location

☐ Other

"VOTED: To authorize

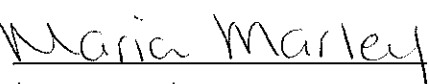
Any one of Evan Marley, Maria Costanzo Marley, Kenneth Gullicksen or Natalie Kaufman

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)

Natalie R. Kaufman

To: Natalie R. Kaufman
Subject: FW: Receipt from nCourt

From: customerservice@ncourt.com
Date: April 19, 2024 at 4:01:45 PM EDT
To: evan@pipizzeria.com
Subject: Receipt from nCourt

YOUR RECEIPT >>

Please include the payment receipt with your application. Thank you.

Paid To

Name: Massachusetts Alcoholic Beverages Control Commission - Retail
Address 1: 95 Fourth Street, Suite 3
City: Chelsea
State: Massachusetts
Zip: 02150

Payment On Behalf Of

First Name: Evan Last Name: Marley
Address 1: 11 West Creek Road
City: Nantucket State/Territory: MA Zip: 02554
Phone: (508) 228-1130

Description	ID	Service Fee	Amount
FILING FEES-RETAIL	00084-RS-0762	\$4.70	\$200.00

Receipt Date: 4/19/2024 4:01:43 PM EDT
Invoice Number: 206c0e87-faa5-4b6f-abe8-1875808af6f4

Total Amount Paid: \$204.70

Billing Information	Credit / Debit Card Information
First Name Evan	
Last Name Marley	
Address 1 11 West Creek Road	
City Nantucket	
State/Territory MA	
Zip 02554	
Email evan@pipizzeria.com	

IMPORTANT INFORMATION >>

Please verify the information shown above. Your payment has been submitted to the location listed above.

COMMERCIAL LEASE AGREEMENT

1. LESSOR, EVANTIDE, LLC, a Massachusetts limited liability company having its principal place of business at 11 West Creek Road, Nantucket, Massachusetts, its heirs, successors, and assigns where the context so admits, does hereby lease to LESSEE, BLAZEWORKS, LLC, a Massachusetts limited liability company having its principal place of business at 11 West Creek Road, Nantucket, Massachusetts which expression shall include its successors, heirs, and assigns where the context so admits, the following described premises:

2. DESCRIPTION: A portion of the one-story building at 11 West Creek Road, Nantucket, Massachusetts, consisting of approximately 1416 SF ground floor, a cellar, and a 346 SF deck/patio. The leased premises is also shown as Lot G upon the plan dated January, 1949, prepared by Josiah S. Barrett, recorded with the Nantucket Registry of Deeds in Plan Book 13, Page 40.

3. TERM, RENT, and PAYMENT: This one-year lease will begin April 1, 2024, and expire on March 31, 2025. The rent for the term shall be \$60,000.00.

Rental payments, equal to one-twelfth of the annual rental amount for that calendar year, shall be paid to Lessor on the first day of each month during the term hereof. In the event LESSEE fails to pay the rent installment established by the first day of each month, LESSEE shall pay the Lessor a late charge of five percent (5%) of the monthly installment due. Additional rent shall be due from LESSEE as hereinafter set forth.

Notwithstanding the foregoing, either LESSEE or LESSOR shall have the option to terminate this lease by giving six (6) months' notice thereof to LESSOR or LESSEE, provided however that no such notice may be given prior to October 1, 2024, and no such notice may specify a lease termination date prior to March 31, 2024.

4. SECURITY DEPOSIT: LESSOR does not require nor has LESSEE paid any security deposit.

5. UTILITIES: The LESSEE shall as pay additional rent all the costs during the term hereof of electricity, telephone, water, gas, fuel oil, heat, rubbish removal, and any other utility furnished to the leased premises, either to the LESSOR or the utility company furnishing such services if furnished directly to the LESSEE. Notwithstanding the foregoing, LESSOR and LESSEE agree that LESSEE shall pay one hundred percent (100%) of all charges incurred by LESSOR for water furnished to any portion of the Lessor's property at 11 West Creek Road, Nantucket, Massachusetts. Should charges for said utilities herein provided for remain due and unpaid for the space of five days after the same shall have become due, LESSEE shall be deemed to be in default under this lease. LESSOR shall have the right to require LESSEE to make its own arrangements with the appropriate utility companies for services to be furnished to the space for LESSEE's own account. LESSOR shall have no obligation to provide utilities or equipment other than the utilities and equipment within the premises as of the commencement date of this lease. In the event the LESSEE requires additional utilities or equipment, the installation and maintenance thereof shall be the LESSEE's sole obligation, provided that such installation shall be approved in writing by the LESSOR. LESSOR shall not be liable for interruption or failure whatsoever in utility services.

6. REAL ESTATE and PERSONAL PROPERTY TAXES: LESSEE shall pay as additional rent, LESSEE'S proportionate share of all taxes levied against the real estate, personal property, and trade fixtures placed by LESSEE on the leased premises and shall pay any landfill assessments or other taxes levied on the property as the result of the LESSEE's use of the premises.

7. USE OF LEASED PREMISES: The LESSEE shall use the leased premises only for the purposes of operating a restaurant business. It shall be the responsibility of the LESSEE to obtain and hold all approvals, permits, and licenses for the operation of the LESSEE's business on the premises.

8. COMPLIANCE WITH LAWS: The LESSEE acknowledges that no activity, trade, or occupation shall be conducted in the leased premises or use made thereof which will be unlawful, improper, noisy, or offensive, or contrary to any law or any municipal by-law or ordinance in force in the Town and County of Nantucket and the State of MA .

9. COVENANT OF TITLE and QUIET POSSESSION: LESSOR warrants and represents that LESSOR is vested with fee simple title to the premises to 11 West Creek, Nantucket, Massachusetts, and that LESSOR has full right and lawful authority to lease all portions of the premises to LESSEE, including that portion of the leased premises at 11 West Creek, Nantucket, Massachusetts.

10. LESSOR'S INSURANCE: LESSOR shall insure the property at 11 West Creek, Nantucket, Massachusetts, which includes the leased premises, against the risk of fire, wind, and flood, and LESSEE shall pay to LESSOR as additional rent, the cost of all premiums regarding such insurance. Such insurance premiums shall include all insurance premiums for fire ("All-Risk"), extended coverage, casualty, providing replacement cost coverage for all buildings and public liability, and other insurance which Landlord deems reasonably necessary. LESSEE shall not permit any use of the leased premises which will make voidable any insurance on the property of which the leased premises are a part, or on the contents of said property of which shall be contrary to any law or regulation from time to time established by the Massachusetts Fire Insurance Rating Association or any similar body succeeding its powers.

Notwithstanding the foregoing, in the event that LESSEE secures, at its sole cost and expense, the foregoing insurance coverage, upon terms and conditions which are acceptable to LESSOR at LESSOR'S sole discretion, naming LESSOR as an additional insured under LESSEE'S insurance policy, thereupon the LESSOR shall have no further obligation during the term of this lease to insure the buildings at \$1,000,000.00. In the event that any such insurance coverage secured by LESSEE is terminated, cancelled, revoked, or suspended, or if for any reason any claim filed thereunder is not honored, LESSEE expressly agrees that it shall be responsible for any loss, damage, or claims incurred by LESSOR, either directly or indirectly, as the result of any casualty loss to any portion of the LESSOR'S building at 11 West Creek, Nantucket, Massachusetts, whether or not such portion of the building is included within the leased premises.

11. LESSEE'S LIABILITY AND PROPERTY DAMAGE INSURANCE: The LESSEE shall, at the LESSEE'S sole cost and expense throughout the term of this lease and for the mutual benefit of the LESSOR and LESSEE, but each with the same effect as if separately insured, maintain General Public Liability Insurance against claims for bodily injury or death occurring upon, in, or about the leased premises; and Property Damage Insurance against claims for damage or injuries to LESSEE's property occurring upon, in, or about the demised premises. Said insurance to have a combined single limit of at least \$1,000,000.00 per occurrence. LESSEE, prior to taking possession of the Premises, shall furnish the LESSOR with satisfactory evidence of such coverage. All such policies of insurance shall provide that LESSOR shall have thirty (30) days prior written notice of any cancellation or modification thereof.

12. CONDITION OF PREMISES: LESSEE has otherwise inspected the Premises and is satisfied with their physical condition and accepts them "as is". LESSEE agrees that no representations, warranties (expressed or implied), or covenants with respect to the condition, maintenance, or improvements of the Premises have been made to LESSEE except as contained in this Lease.

13. LESSOR'S OBLIGATION TO MAINTAIN: LESSOR covenants that it will during the term of the lease:

- a. Perform all necessary major structural and exterior repairs, including sills, joists, rafters, foundation, roofing and siding.
- b. Maintain water and sewer service to the premises.
- c. Maintain the fire alarm system servicing the premises and the building.
- d. Maintain the electric service and wiring to the premises and the building.

14. LESSEE'S UPKEEP: LESSEE covenants to do the following during the term except as expressly exempted by Article 13:

- a. Maintain the Premises in a clean, sanitary, safe, and tenantable condition.
- b. Maintain the systems located on and serving the Premises (including appliances, electric heaters, air conditioner, air handler, garage door operator, and sanitary facilities) in working condition.
- c. Dispose of all rubbish, garbage, and other waste in a clean and sanitary manner on a weekly basis.
- d. Properly use and operate all appliances and systems as well as all electrical, propane gas, alarm, heat, and plumbing fixtures, and to not overload the electrical system.
- e. Keep the Premises free of any furniture, plants, animals, or any other things that harbor insects, rodents, or other pests.
- f. Keep the Premises free of any materials that constitute a fire or safety hazard, and comply with reasonable requirements of the Premise's fire insurance carrier.
- g. Not destroy, deface, damage, impair, or any part of the Premises or facilities, equipment, or appurtenances thereto.
- h. Keep the LESSEE's parking area and southeast side yard area adjacent to the premises in a neat and clean condition. LESSEE is responsible for snow removal as Lessee may require.
- i. Maintain interior surfaces of the Premises.
- j. Maintain all electrical, plumbing, heating, and other mechanical systems in good working order.
- k. Repair or replace any broken glass or window or door or garage door immediately, and if necessary take intermediate measures to prevent interior weather damage resulting from such breakage.
- l. Keep the glass in the windows and doors clean.
- m. No pets, animals, reptiles, or birds shall be allowed on the Premises except by prior written approval of LESSOR. Said approval shall not be unreasonably withheld.
- n. Not permit any other person in the Premises to violate any of LESSEE's obligations of this lease.
- o. Immediately notify LESSOR of any failure or malfunction of the heating equipment, structural material and systems, alarm system, septic system, water supply, electrical system, or any other mechanical system about the premises.
- p. Maintain adequate heat or take other measures to prevent damage caused by freezing and be liable therefore.
- q. No unregistered, unlicensed, or uninspected motor vehicles, trailers, or watercraft are allowed on the premises.

15. COVENANT NOT TO WASTE: LESSEE shall not suffer or commit any waste in or about the Premises and shall at LESSEE's expense keep the Premises in good order and repair. On termination of this lease, LESSEE shall return the Premises to the LESSOR in like condition, reasonable wear excepted.

16. ALTERATIONS AND ADDITIONS: The LESSEE may not make structural alterations or additions to the leased premises, but may make non-structural alterations provided the LESSOR consents thereto in writing, which consent shall not be unreasonably withheld or delayed. All such allowed alterations shall be at the LESSEE's expense and shall be in a quality at least equal to the present construction. Any alterations, improvements, and fixtures added by the LESSEE shall become the property of the LESSOR at the termination of occupancy as provided herein unless said alterations or improvements are removed and the premises are restored to the condition as of the first day of this lease. LESSOR shall have the right to require the LESSEE to remove any such alteration, improvement, or fixture at the expiration of the term hereunder as the LESSOR may desire. LESSEE shall not permit any mechanic's liens, or similar liens, to remain upon the leased premises for labor and material furnished to LESSEE or claimed to have been furnished to LESSEE in connection with any work of any character performed or claimed to have been performed at the direction of the LESSEE and shall cause any such lien to be released of record forthwith without cost to LESSOR. LESSEE will hold LESSOR harmless and defend against any claims made by creditors of LESSEE.

17. ASSIGNMENT AND SUBLEASING: The LESSEE shall not assign or sublet the whole or any part of

the leased premises without LESSOR's prior written consent. Notwithstanding such consent of any of above, LESSEE shall remain liable to LESSOR for the payment of all rent and for the full performance of the covenants and conditions of this lease.

18. SUBORDINATION: This lease shall be subject and subordinate to any and all mortgages, deeds of trust, and other instruments in the nature of a mortgage, now or at any time hereafter, a lien or liens on the property of which the leased premises are a part, and the LESSEE shall, when requested, promptly execute and deliver such written instruments as shall be necessary to show the subordination of this lease to said mortgages, deeds of trust, or other instruments in the nature of a mortgage, and LESSEE hereby irrevocably appoints LESSOR as LESSEE'S agent to execute such documents as may be necessary or required by LESSOR'S lender to complete such subordination.

19. LESSOR'S ACCESS: The LESSOR or agents of the LESSOR, or public officials, may at reasonable and proper times, with prior notice and with good faith effort to minimize disruption of LESSEE's operation of business, enter to view the leased premises for purposes of determining LESSEE's performance of their obligations under this lease, and to maintain the premises and equipment as described in ARTICLE 13, and may remove placards and signs not approved and affixed as provided, and make repairs and alterations as LESSOR should elect to do, and may show the leased premises to others. Locks shall not be changed, altered, or replaced, nor shall new locks be added without the written permission of the LESSOR. Any locks so permitted to be installed shall become the property of the LESSOR and shall not be removed by LESSEE. LESSEE shall promptly give a duplicate key to any such changed, altered, replaced, or new lock to LESSOR, and upon termination of this Lease, LESSEE shall deliver all keys to the demised premises to the Lessor.

21. LESSEE'S WORKMEN'S COMPENSATION INSURANCE: LESSEE shall maintain in effect any and all Workmen's Compensation Insurance for LESSEE's employees as required by the Commonwealth of Massachusetts and shall submit appropriate certificates annually to Lessor.

22. FIRE, CASUALTY, AND EMINENT DOMAIN: In the event of fire or other damage to the Premises, LESSEE will immediately notify LESSOR. Should a substantial portion of the leased Premises, or of the property of which they are a part, be substantially damaged by fire or other casualty, or be taken by eminent domain, the LESSOR may elect to terminate this Lease.

a. If the Premises are only partially damaged and are inhabitable and LESSOR makes full repairs within sixty (60) days, this Lease shall continue without abatement or apportionment of rent; but
b. If the Premises are rendered uninhabitable, if continued occupancy would be illegal, or if LESSOR cannot or does not make repairs within 60 days, LESSEE may immediately vacate the Premises and notify LESSOR in writing within 7 days after vacating of their intent to terminate, in which case this Lease shall terminate as of the date of vacating and all prepaid rent shall be returned to the LESSEE. LESSOR reserves, and the LESSEE grants to the LESSOR, all rights which the LESSEE may have for damages or injury to the leased Premises for any taking by eminent domain, except for damage to the LESSEE's fixtures, property, inventory, or equipment.

23. SIGNS: The erection of any advertising, occupational or other sign, either exterior or interior if visible from the outside of the premises, must be approved in writing in advance by the LESSOR and the Historical District Commission of Nantucket.

24. DEFAULT AND BANKRUPTCY of LESSEE: In the event that: (a) The LESSEE shall default in the payment of any installment of rent or other sum herein specified and such default shall continue for ten (10) days after written notice thereof; or (b) The LESSEE shall default in the observance or performance of LESSEE's covenants, agreements, or obligations hereunder that such default shall not be corrected within fifteen (15) days after written notice thereof; or (c) The LESSEE shall be declared bankrupt or insolvent according to law, or if any assignment shall be made of the LESSEE's property for the benefit of creditors, then the LESSOR shall have the right thereafter, while such default continues, to re-enter and take possession of the leased premises, to declare the term of the this lease ended, and remove the

LESSEE's effects, without prejudice to any remedies which might be otherwise used for arrears of rent or other default. The LESSEE shall indemnify the LESSOR against all loss of rent and other payments which the LESSOR may incur by reason of such termination during the residue of the term. If the LESSEE shall default, after reasonable notice thereof, in the observance or performance of any conditions or covenants on LESSEE's part to be observed or performed under or by virtue of any of the provisions in any article of this lease. The LESSOR, without being under any obligation to do so and without thereby waiving such default, may remedy such default for the account and at the expense of the LESSEE. If the LESSOR makes any expenditures or incurs any obligations for the payment of money in connection therewith, including but not limited to, reasonable attorney's fees in instituting, prosecuting, or defending any action or proceeding, such sums paid or obligations incurred, with interest rate of 10% per annum and costs, shall be paid to the LESSOR by the LESSEE as additional rent.

25. SURRENDER: The LESSEE shall, at the expiration of the term, peaceably yield up to the LESSOR all and singular the Premises in such repair as the same are in at the commencement of the term or may be put in during the term, reasonable wear and use thereof and such other damage, the obligation for which has been hereinbefore been specifically provided for in this lease, only excepted. The LESSEE shall at the expiration or other termination of this lease remove all LESSEE's goods and effects from the leased premises. LESSEE shall deliver to the LESSOR the leased premises and all keys, locks thereto, and other fixtures, connected wherewith and all alterations made to or upon the leased premises, in good condition, damage by fire or other casualty only excepted. In the event of the LESSEE's failure to remove any of the LESSEE's property from the premises, LESSOR is hereby authorized, without liability to LESSEE for loss or damage thereto, and at the sole risk of the LESSEE, to remove and store any of the property at LESSEE's expense, or to retain same under LESSOR's control or to sell at public auction or private sale, without notice, any or all of the property not so removed and to apply the net proceeds of such sale to the payment of any sum due hereunder, or to destroy such property.

26. ABANDONMENT: Abandonment of the Premises by LESSEE shall be deemed conclusively to be 60 days' physical absence from the leased premises by LESSEE with rent being unpaid, or removal of a substantial portion of the LESSEE's personal property without rent being paid, and, in either case, reason, on the part of the LESSOR to believe LESSEE has vacated the Premises with no intent to again reoccupy it. LESSEE shall be deemed conclusively to have abandoned any personal property remaining in the Premises, and LESSEE's title to such personal property shall pass under this Lease as a bill of sale to LESSOR without additional payment or credit by LESSOR to Lessee.

27. INDEMNIFICATION: The LESSEE covenants and agrees that it will indemnify the LESSOR and save it harmless from any and all costs, expenses, and damages to property or injury to persons, or both, arising out of or caused by any act or omission, negligent or otherwise, of the LESSEE or its agents or servants and also from any such claims, demands, or liability however arising or caused, resulting from the use of the Premises by the LESSEE. In the event that any suit is instituted against the LESSOR on any claim so arising, the LESSEE shall defend the same at its own expense and pay any judgment rendered therein against the LESSOR, or at the election of the LESSOR, he may defend same. If LESSEE refuses or neglects to so defend any and all such actions upon the request of the LESSOR or if the LESSOR elects to defend such action, the LESSEE shall pay all reasonable attorney's fees and costs the LESSOR incurs in the defense of such action.

28. STOCK IN TRADE AND FIXTURES: The LESSEE's stock in trade and fixtures in the Premises shall be at the sole risk of the LESSEE, except if loss, cost, or damage in connection therewith is occasioned by the negligent act or omission, negligence of the LESSOR, his agents, servants, or employees.

29. LESSOR'S RIGHT TO REASSIGN LEASE: LESSEE agrees that LESSOR may, at any time and as often as desired, assign or reassign all of its rights under this Lease.

30. NOTICE: Any notice from the LESSOR to the LESSEE relating to the leased premises or to the occupancy thereof, shall be deemed served, if left at the leased Premises addressed to the LESSEE, or if

mailed to the leased premises at 11 West Creek, Nantucket, Massachusetts, Nantucket, MA 02554, registered or certified mail, return receipt requested, postage prepaid, addressed to the LESSEE, or mailed to the LESSEE, registered or certified mail, return receipt requested, postage prepaid, at such address as LESSEE may advise in writing.

Any notice from the LESSEE to the LESSOR relating to the leased premises or to the occupancy thereof, shall be deemed duly served, if mailed to the LESSOR by registered or certified mail, return receipt requested, postage prepaid, addressed to the LESSOR at such address as the LESSOR may from time to time advise in writing, with a copy to Kenneth A. Gullicksen, Reade, Gullicksen, Hanley 7 Gifford LLP, Attn: Kenneth A. Gullicksen, 6 Young's Way, PO Box 2669, Nantucket 02584. All rent notices shall be paid and sent to the LESSOR at: 11 West Creek, Nantucket, Massachusetts.

31. SEVERABILITY and ENTIRE AGREEMENT: This lease, with exhibits, constitutes the entire agreement between the parties superseding all prior or contemporaneous understandings. No amendment, modification, or alteration of the terms of this lease shall be binding unless the same be in writing, dated subsequent to the date hereof, and duly executed by the parties hereto. No waiver of default by either party of any of the terms, covenants, and conditions herein to be performed, kept, and observed by the other party shall be construed as, or shall operate as, a waiver of any subsequent default of any of the terms, covenants, or conditions herein contained, to be performed, kept, and observed by the other party. If one or more clauses, sections, articles, or provisions of this lease shall be held to be unlawful, invalid, or unenforceable, it is agreed that the remainder of the lease shall not be affected thereby. The paragraph headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provisions of this lease.

IN WITNESS WHEREOF, the said parties hereunto set their hands and seals this 1st day of April, 2024.

ACCEPTED AND AGREED TO:

LESSOR:

Evantide, LLC

By:

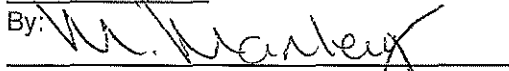

Evan D.J. Marley, Manager


Witness to LESSOR

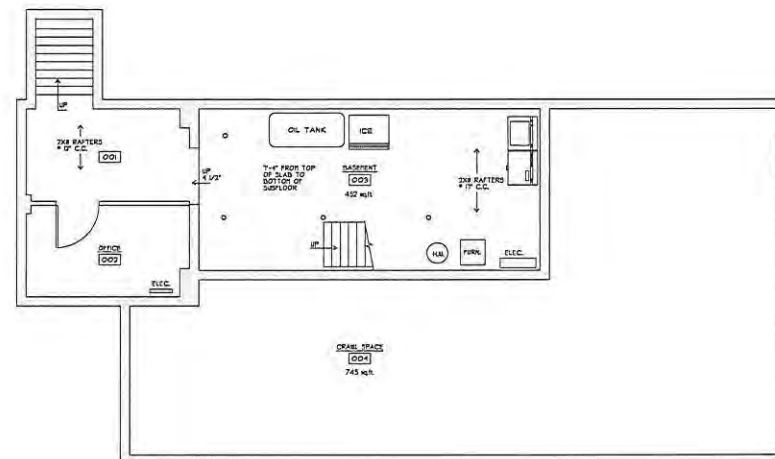
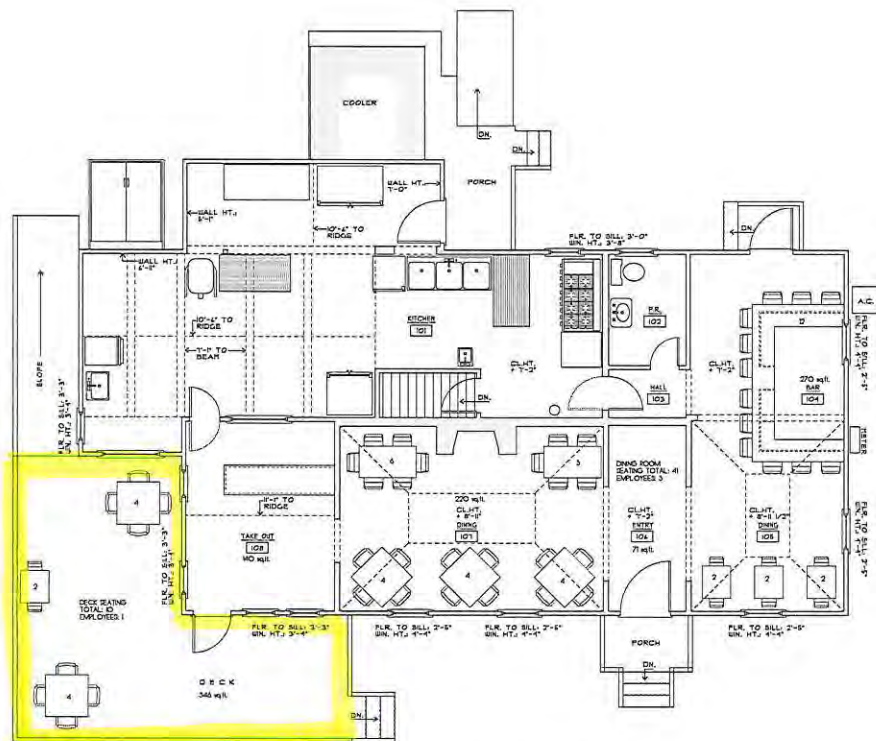
LESSEE:

Blazeworks, LLC

By:


Maria Constanzo Marley, Manager


Witness to LESSOR



REVISIONS:
6/17/2024: AS-BUILT MEASURING
4/9/2024: PROGRESS PRINT
4/22/2024: PROGRESS PRINT

NOTE:
IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO CAREFULLY REVIEW ALL WORKING DRAWINGS AND DETAILS FOR ACCURACY AND CONSISTENCY. THE DESIGNER / ENGINEER OF RECORD CANNOT BE HELD RESPONSIBLE FOR WORK INITIATED INCORRECTLY DUE TO MISUNDERSTANDING OR MISINTERPRETATION. IF THERE ARE ANY QUESTIONS AFTER THE STRUCTURAL DRAWINGS HAVE BEEN REVIEWED, PLEASE CALL THE ENGINEER OF RECORD BEFORE INITIATING ANY WORK.

NOTE:
ALL SITE WORK SHOULD BE VERIFIED BY A REGISTERED LAND SURVEYOR PRIOR TO AND DURING CONSTRUCTION FOR PROPER LOCATION OF PROPERTY & SETBACK LINES.

NOTE:
ALL FINAL DIMENSIONS SHALL BE VERIFIED IN THE FIELD. ANY DEVIATIONS FROM WHAT IS SHOWN SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER IN CHARGE.

COPYRIGHT NOTICE These drawings are the property of EvanTide Group LLC and shall remain the property of EvanTide Group LLC. No part of this drawing may be reproduced without the written consent of EvanTide Group LLC.	EVANTIDE LLC DESIGNER/ENGINEER PO BOX 812 MUSKOGEE, MS 39564 PHONE: 662.757.2222		WPT 13 PAGES: 06 FLOOR PLAN		SHEET NO. a1
	ADDRESS 1 WEST CREEK ROAD MUSKOGEE, MS 39564		DATE: 4/22/2024		
			SCALE: 1/4" = 1'-0"		



Agenda Item Summary

Agenda Item #	IV. 5.
Date	5/13/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Liquor License Alteration of Premises Application – **CRU ACK, LLC dba CRU, 49 Straight Wharf, License #00201-RS-0762**

Executive Summary

CRU ACK, LLC is applying for an Alteration of Premises for a **Seasonal Restaurant All Alcoholic Beverages** Liquor License for **DBA CRU** at **49 Straight Wharf**.

The Application requests the following amendment:

Alteration of Premises: Permanently add the seven tables added during COVID. The tables are located along the dockside of the building and adjacent to patio.

Staff Recommendation

Applicant has met all requirements to file an Alteration of Premises.

Requirements for Alteration of Premises as listed above of Liquor License Premises:

- ABCC Alteration of Premises Application
- Floor Plan for Licensed and Proposed Premises
- Supporting Financial Records (Required for any investment of \$50k or above)
- Legal Right to Occupy
- Advertisement and Abutter Notification

Background/Discussion

N/A

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

N/A

Board/Commission Recommendation

N/A



Public Outreach

Advertised in Inky; abutter notification

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

N/A

Attachments

ABCC Alteration of Premises Application; CRU Liquor License





The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

☐ For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Nantucket

City/Town

00201-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 |
| ☒ Outdoor Only
Alteration of Premises | | ☐ Other: <input type="text"/> | ☐ Change of DBA |

APPLICANT INFORMATION

Name of Licensee	CRU ACK, LLC	DBA	CRU
Street Address	49 Straight Wharf		Zip Code 02564
Manager	Jane Stoddard		
\$12 Restaurant	Seasonal	All Alcoholic Beverages	Granted under Special Legislation? Yes ☐ No ☐
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

3 Dining Rooms, 2 Bars and outdoor patio space to include seven 2-top tables alongside building on adjacent dock.. Main entrance in the front of the building with ramp to dining area. Exits located throughout the perimeter of the premises.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA:	Date:	04/28/24	Time:		
Advertised:	Yes ☒ No ☐	Date Published:	05/02/24	Publication:	Inquirer and Mirror
Abutters Notified:	Yes ☒ No ☐	Date of Notice:	05/02/24		
Date APPROVED by LLA	05/13/24	Decision of the LLA	Approves this Application		
Additional remarks or conditions (E.g. Days and hours)					
For Transfers ONLY:					
Seller License Number:		Seller Name:			

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

LICENSE #: 00201-RS-0762

LICENSE FEE: \$3,900.00

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

TO BE CONSUMED ON THE PREMISES

BUSINESS: CRU ACK, LLC
DBA: CRU
PREMISES: 49 Straight Wharf
Nantucket, MA 02554
MANAGER: Jane Stoddard

ON PREMISES DESCRIBED AS:
3 Dining Rooms, 2 Bars and outdoor patio space **to include seven 2-top tables alongside building on adjacent dock.** Main entrance in the front of the building with ramp to dining area. Exits located throughout the perimeter of the premises.

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

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

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

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 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	Municipality	ABCC License Number
CRU ACK LLC	Nantucket	00201-RS-0762

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

--

APPLICATION CONTACT

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

Name	Title	Email	Phone
Jane Stoddard	Manager	janes@crunantucket.com	508.332.9427

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.

In May of 2020 we adjusted outdoor seating to include the waterfront tables on the north side of the building. These tables have been approved by the Town of Nantucket for the past 4 seasons and we would like to continue for 2024

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.

Seating plan attached is reduced from 11 tables in prior years to 7 tables of 2 for a total of 14 seats. This number keeps our outdoor seating in compliance with approved occupancy for the patio and is part of the same parcel as our building. There is no public space or parking/sidewalk areas impacted.

Total Sq. Footage	3283	Seating Capacity	149	Occupancy Number	299
Number of Entrances	2	Number of Exits	2	Number of Floors	1

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):

Zero cost, status quo to existing operations

SOURCE OF CASH CONTRIBUTION

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

Name of Contributor	Amount of Contribution
Total:	

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No
			☐ Yes ☐ No

APPLICANT'S STATEMENT

I, Jane Stoddard the: ☐ sole proprietor; ☐ partner; ☐ corporate principal; ☒ LLC/LLP manager
Authorized Signatory
of CRU ACK 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:

Jane Stoddard

Date: March 28, 2024

Title:

Manager

ADDITIONAL INFORMATION

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

This application is to continue to provide beautiful outdoor dining to our guests for the 5th consecutive year.

ENTITY VOTE

The Board of Directors or LLC Managers of

CRU ACK LLC

Entity Name

duly voted to apply to the Licensing Authority of

Nantucket

City/Town

and the

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on

March 8, 2023

Date of Meeting

For the following transactions (Check all that apply):

☒ Alteration of Licensed Premises

☐ Change of Location

☐ Other

"VOTED: To authorize

Jane Stoddard

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,

Jane Stoddard

Corporate Officer /LLC Manager Signature

JANE STODDARD

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)



Agenda Item Summary

Agenda Item #	IV. 6.
Date	5/13/2024

Staff

Amy Baxter, Licensing Administrator

Subject

Entertainment License Modifications – **38 Main, LLC, DBA Or The Whale, 38 Main Street**

Executive Summary

38 Main, LLC is applying for an Entertainment Modification for an **Annual Live Entertainment License** for **DBA Or The Whale** at **38 Main Street**.

Staff Recommendation

Review and vote on Entertainment modification application.

- Application requests extension of Patio Hours from 9:30 pm to 10:00 pm for pre-recorded background music.
- 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

Or The Whale was granted a Liquor and Entertainment License 2018. Setting the end time for outdoor entertainment was set at that time due to complaints from neighbors in regards to previous operators. Original copy from 2018 application below:

The previous License dba Met on Main received numerous noise complaints from one of the neighbors abutting the back patio. A hearing was held in 2016 to review the complaints and agree on a compromise to allow for some music and address the concerns of the neighbors. The patio hours for background music were pulled back 30 minutes to end at 9:30 pm. The two allowed speakers were also required to be moved and pointed towards the building and away from abutters. Timers were required to make sure the music outdoors ended at 9:30 pm. The applicants have addressed these concerns with all abutters personally. One of the principals lives in the building where the original complaints originated and has met with the owner to address concerns. The applicants are taking steps to further abate noise from the small speakers



on the patio. They will continue to operate with only background taped music on the patio – no Live music.

The recommendation is to keep the current hours of the patio and not extend past 9:30 pm.

There are no objections to this request pending final approval of Fire and Building Departments

There have been complaints from the neighboring home again in 2023 when music on the patio was played after 9:30 pm. The manager again directly responded to the neighbor.

The music was not found to be at a reasonable level but did occur after 9:30 pm.

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

N/A

Board/Commission Recommendation

N/A

Public Outreach

Advertised in Inky; abutter notification

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

Attachments

Click or tap here to enter text Entertainment Modification Application; Or The Whale Entertainment License





Town & County of
NANTUCKET, MA

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)*

38 Main LLC

Doing Business As (D/B/A) (ex. Nantucket Cafe)

Or The Whale

First Name of Primary
Contact*

George

Last Name of Primary
Contact*

Kelly

Title of Primary Contact

Owner

i.e. Owner, Business Manager,
Attorney

Cell/Phone Number of Primary Contact:*

508-221-0864

Email of Primary Contact*

orthewhalenantucket@gmail.com

Public Hearing Representative email

george@etliessandbar.com

(Please add email of person representing Licensee at the Select Board Public Hearing held via Zoom)

LICENSE APPLICATION

Licensed Premise Address*

38 Main Street

ENTERTAINMENT FOR ON-PREMISE LICENSES

Select all that apply to your Entertainment Plan - to include existing approved Entertainment and proposed modification.

- ☒ NON-LIVE INDOORS: Background Streaming Music played through House System
- ☒ NON-LIVE OUTDOORS: Background Streaming Music played through House System
- ☐ NON-LIVE: Movie Theater
- ☐ 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 INDOORS LEVEL 3: Amplified Live Entertainment with Dance Floor, Occupancy <100
- ☐ LIVE INDOORS LEVEL 4: Nightclub - All of the above with Occupancy >100
- ☐ 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
- ☐ LIVE OUTDOORS LEVEL 3: Amplified Live Entertainment with Dance Floor

Please describe the proposed changes to the Entertainment License and the reason for modification:*

Extend Patio Entertainment Hours from 9:30 pm to 10:00 pm for non-live background music.

Entertainment Hours

9:00 am - 10:00 pm

Please provide requested hours for Entertainment - Interior and Exterior.

Will Furniture, tables, chairs be moved for Live Entertainment?

☐ Yes

☒ No

Do you plan to move furniture out of dining areas at any time to make room for Entertainment? (to include DJ, Dance Floor or any type of Entertainment)

Have you made or plan on making any renovations to the premises to accommodate Entertainment?

☐ Yes

☒ No

Describe renovations plan

Planning Board/Zoning

Is there a Special Permit or additional Planning Board/Zoning decisions involving Entertainment on this property? If Yes, include with application.

☐ Yes, Pending Hearing/Final Decision

☐ Yes, Approved but written decision not yet issued

☐ Yes, Decision included with Application

☒ No

☐ Unsure of status

Upload Floor Plan

No file chosen

Upload Floor Plan showing area for proposed Entertainment. All additional documents may also be submitted in person at 4 Fairgrounds Road or emailed to licensing@police.nantucket-ma.gov.

Upload Documents

No file chosen

Upload Additional Documents/Inspections/Permits required for this application. All additional documents may also be submitted in person at 4 Fairgrounds Road or emailed to licensing@police.nantucket-ma.gov.

ADDITIONAL COMMENTS, QUESTIONS

Let us know anything we haven't covered above or can assist with that has not been addressed.

LICENSE FEE: **\$100.00**

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

ENTERTAINMENT LICENSE

► **SEVEN DAYS** ◀

BUSINESS: 38 Main, LLC
DBA: Or The Whale
PREMISES: 38 Main Street
Nantucket, MA 02554
MANAGER: Emily Berger

LICENSED PREMISES DESCRIBED AS:

Restaurant with table and bar seating, outdoor patio and to-go food. Entrance/exit on Main Street. Two exits in back, one to alley; one to patio. Patio has one exit to alley.

Approved Entertainment INDOORS:

- INSTRUMENTAL LIVE MUSIC
- PRE-RECORDED/STREAMING MUSIC
- TELEVISION

Approved Entertainment OUTDOORS:

- PRE-RECORDED/STREAMING MUSIC
- NO LIVE MUSIC OR TV MONITORS

Conditions of License INDOORS:

- HOURS: 8:00 am to 1:00 am (Pre-Recorded Music)
- HOURS 8:00 am to 10:00 pm (Live Music)
- NO AMPLIFICATION
- Windows/Doors to patio must be kept closed after 9:30 pm.

Conditions of License OUTDOORS:

- HOURS: 9:00 am to ~~9:30 pm~~ 10:00 pm
- **AMPLIFICATION:** Maximum Two (2) Speakers
- Speakers to be pointed toward restaurant at all times and away from neighboring properties.
- Speakers on Automatic Timers for shut down at ~~9:30 pm~~ **10:00 pm**

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 xxth day of xx 202x.

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.**









Agenda Item Summary

Agenda Item #	IV. 7.
Date	5/13/24

Staff

Katie Cabral

Subject

Utility Petition- Verizon New England, Inc. & Nantucket Electric Company- Easton St.

Executive Summary

This joint petition proposes to relocate (1) JO pole 5/22 on the southerly side of Easton St approximately 40' west of its current location. This relocation is being requested to accommodate a driveway redesign.

Staff Recommendation

N/A

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Abutter notifications sent and 2 weeks of notices in I&M

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

n/a

Attachments

Departmental comments; NGrid petition



UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: Verizon New England Inc. & Nantucket Electric Company
TYPE: Petition for Joint or Identical Pole Locations
SITE ADDRESS: Easton Street
HEARING DATE: May 13, 2024

COMMENTS

NPD: No Issues.
FIRE: No Issues.
PLANNING: No Issues.
DPW: No Issues.
SEWER: Please contact sewer department to mark out sewer line.
WWCo: Please contact WWCo to mark out water line prior to work.

****Contractor must obtain all required Town permits prior to the commencement of work, including but not limited to Street Opening and Street Blocking permits.**

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

By the Select Board of NANTUCKET, Massachusetts.

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

that VERIZON NEW ENGLAND INC. and NANTUCKET ELECTRIC COMPANY be,
and they are hereby granted joint or identical locations for and permission to erect and maintain poles and
their respective wires and cables to be placed thereon, together with anchors, guys and other such sustaining
and protecting fixtures as said Companies may deem necessary, in public way or ways hereinafter referred
to, as requested in petition of said Companies dated the 15th day of March, 2024.

**Relocate one (1) JO pole, 5/22, on the southerly side of Easton Street
approximately forty (40) feet west of the current pole's existing location; and approximately
twenty-two (22) feet west of the centerline of Hulbert Avenue.**

This relocation is being requested to accommodate a homeowner's driveway redesign.

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

Poles shall be of sound timber, and reasonably straight and shall be set substantially at the points
indicated upon the plan marked-VZ N. E. Inc. No. **MA2024-24** in a package Dated **February 22,
2024** - filed with said petition.

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

Easton Street
One Jointly-Owned pole to be relocated

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

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

Select Board's Clerk

We hereby certify that on _____ 2024, at _____ o'clock _____ m., at the _____ a public hearing was held on the petition of the VERIZON NEW ENGLAND INC. and NANTUCKET ELECTRIC COMPANY for permission to erect the poles, wires, cables, fixtures and connections described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Companies are permitted to erect poles, wires, cables, fixtures and connections under said order. And that thereupon said order was duly adopted.

Select Board of the Town of NANTUCKET, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a joint location order and certificate of hearing with notice adopted by the Select Board of the Town of **NANTUCKET**, Massachusetts, on the _____ day of _____ 2024, and recorded with the records of location orders of said Town, Book _____, Page _____. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

Town Clerk

VZ N.E. INC. No. MA2024-24 MUNICIPALITY NANTUCKET

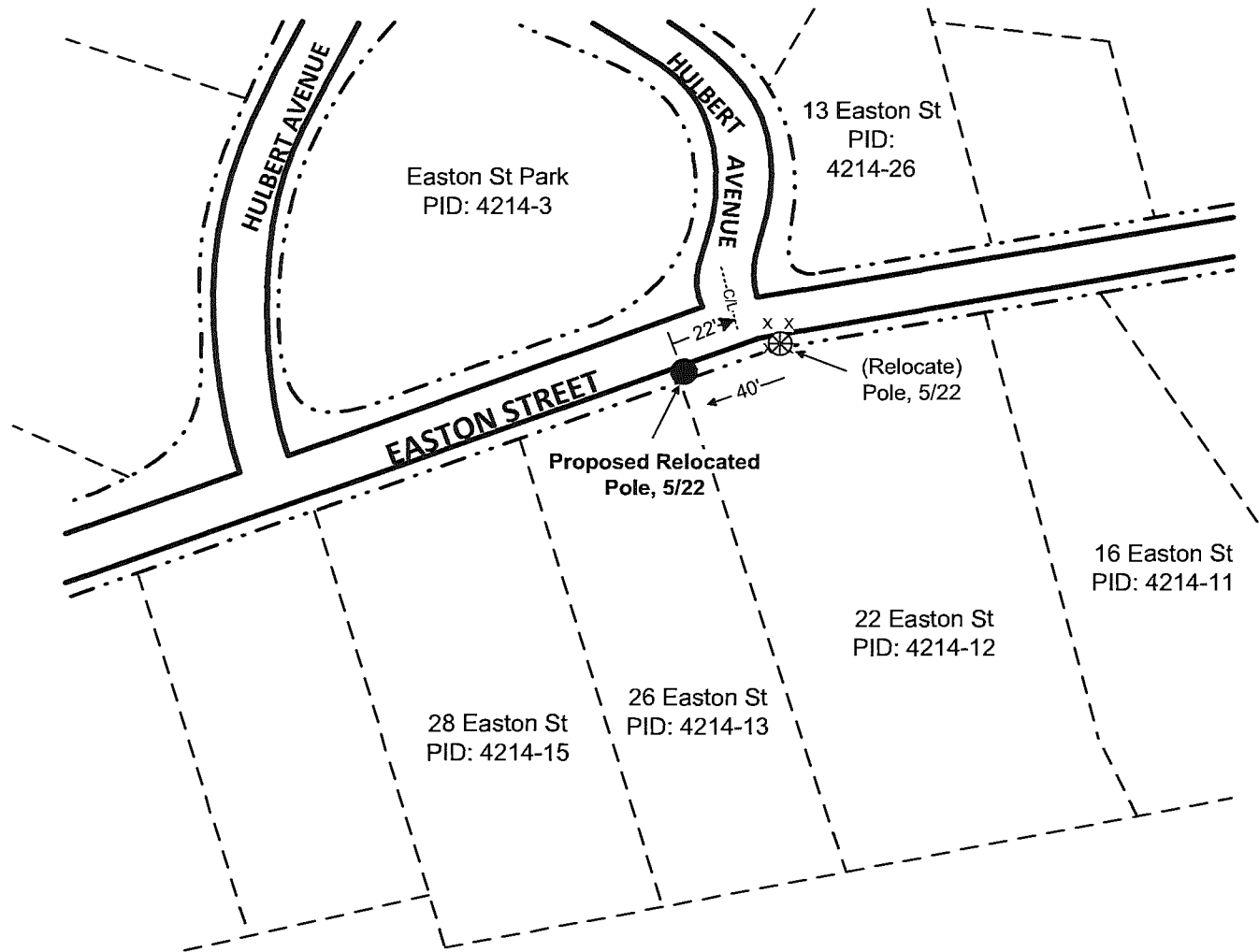
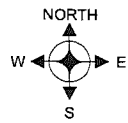
DATED 02/22/2024 NOT TO SCALE

PLAN FOR RELOCATION OF POLE ON EASTON ST

TO ACCOMPANY PETITION OF
VERIZON NEW ENGLAND INC. AND
NSTAR ELECTRIC COMPANY DBA EVERSOURCE ENERGY

LEGEND:

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





Agenda Item Summary

Agenda Item #	IV. 8.
Date	5/13/24

Staff

Katie Cabral

Subject

Utility Petition- Newtown Road- Nantucket Electric Company

Executive Summary

This petition proposes to install underground facilities-approximately 8' of conduit and a new handhole 6-1 on Newtown Rd. This is to accommodate a town project.

Staff Recommendation

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Abutter notifications sent and 2 weeks of notices in I&M

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

n/a

Attachments

Departmental comments; NGrid petition



UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: Nantucket Electric Company
TYPE: Petition for Manhole & Duct Location
SITE ADDRESS: Newtown Rd
HEARING DATE: May 13, 2024

COMMENTS

NPD: No Issues.
FIRE: No Issues.
PLANNING: No Issues.
DPW: No Issues.
SEWER: Please contact sewer department to mark out sewer line.
WWCo: Please contact WWCo to mark out the water line prior to work.

****Contractor must obtain all required Town permits prior to the commencement of work, including but not limited to Street Opening and Street Blocking permits.**

PETITION FOR MANHOLE AND DUCT LOCATION

Date 3/8/2024

To the Board of Selectmen

Of the Town of Nantucket, Massachusetts

NANTUCKET ELECTRIC COMPANY request permission to locate manholes, wires and ducts, including the necessary sustaining and protecting fixtures along the following public way:

Street Name Newton Road

Description of Work Beginning at a point approximately 15 feet North of the centerline of the intersection of Newton Road and continuing approximately 8 feet in a Northwest direction. Install underground facilities on Newton Road. National Grid petitions to install approximately 8' +/- of (1) 3" conduit and new handhole 6-1.

Wherefore it prays that after due notice and hearing as provided by law, it may be granted a location for and permission to install and maintain manholes, ducts, wires, together with such sustaining and protecting fixtures as it may find necessary said manholes and ducts to be installed substantially in accordance with the plan filed herewith marked:

NANTUCKET ELECTRIC COMPANY

Plan No. 30805097

NANTUCKET ELECTRIC COMPANY

BY: Robert Leonida

Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATION

Date 3/8/2024

By the Board of Selectmen

Of the Town of Nantucket

Notice having been giving and public hearing held, as provided by law, it is hereby ordered : that **NANTUCKET ELECTRIC COMPANY** be and they are hereby granted permission to excavate the public highways to run and maintain underground electric conduits together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to and to make the necessary house connections along said extensions as requested in petition of said company dated the 8th day of March, 2024.

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

NANTUCKET ELECTRIC COMPANY

Plan No. 30805097

Street Name Newton Road

Description of Work Beginning at a point approximately 15 feet North of the centerline of the intersection of Newton Road and continuing approximately 8 feet in a Northwest direction. Install underground facilities on Newton Road. National Grid petitions to install approximately 8' +/- of (1) 3" conduit and new handhole 6-1.

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

Held on the _____ day of _____ 2024

Clerk of Selectmen

Received and entered in the records of location orders of the Town of Nantucket, Massachusetts

Book: _____ Page: _____

Attest: _____

Town Clerk

I hereby certify that on _____, 20____ at _____ o'clock ____ M

At _____ a public hearing was held on the petition of

NANTUCKET ELECTRIC COMPANY

for permission to excavate the public highways and to run and maintain underground electric conduits described in the order herewith recorded and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the company is permitted to erect poles, wires and fixtures under said order. And that hereupon said order was duly adopted.

Selectmen of the Town of

Nantucket, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Nantucket, Massachusetts, on the _____

day of _____ 2024 and recorded with the records of location orders of said town,

Book _____ Page _____

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

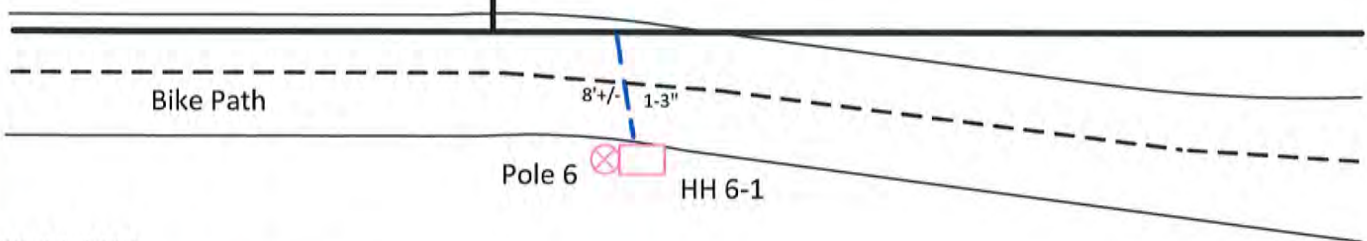
Attest: _____

Town Clerk



16 Newtown Road

18 Newtown Road



02-28-2024

Rob
Ranney

Digitally signed by Rob
Ranney
DN: cn=Rob Ranney, o=Town
of Nantucket, ou=Assessor,
email=r.ranney@nantucket-
ma.gov, c=US
Date: 2024.02.28 09:25:05
-05'00'
Adobe Acrobat version:
2023.008.20533

Newtown Road

UNDERGROUND PETITION

LEGEND



Existing Pole
(to be removed)



Proposed Conduit



Proposed Handhole

Job Description:

- National Grid is petitioning for approx. 8' of 1-3" conduit and 1 new handhole

Date: 2/27/24

Drawn By: Tim L

DRAWING NOT TO SCALE. DISTANCES ARE APPROXIMATE

nationalgrid

Work Order: 30805097

To the Town/City of:

Nantucket

Location:

Newtown Rd

Petition for Proposed:

- Conduit and Handhole



Agenda Item Summary

Agenda Item #	IV. 9.
Date	5/13/24

Staff

Katie Cabral

Subject

Utility Petition- Washington Street - Nantucket Electric Company & Verizon New England, Inc.

Executive Summary

This joint petition proposes to install 1 JO pole on Washington Street for building reconstruction of 34 Washington St.

Staff Recommendation

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Abutter notifications sent and 2 weeks of notices in I&M

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

n/a

Attachments

Departmental comments; NGrid petition



UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: Nantucket Electric Company & Verizon New England Inc.
TYPE: Petition for Joint or Identical Pole Locations
SITE ADDRESS: Washington Street
HEARING DATE: May 13, 2024

COMMENTS

NPD: No Issues.
FIRE: No Issues.
PLANNING: No Issues. -Holly Backus
DPW: No Issues.
SEWER: Please contact sewer department to mark out sewer line.
WWCo: Please contact WWCo to mark out the water line prior to work.

****Contractor must obtain all required Town permits prior to the commencement of work, including but not limited to Street Opening and Street Blocking permits.**

Questions contact – Arron Bourque #508-964-1026
PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

To the Board of Selectmen
Of Nantucket, Massachusetts

Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Washington Street - Install one JO Pole on Washington Street. Beginning at a point approximately 0 feet North of the centerline of the intersection of Fayette Street and Washington Street and continuing approximately 400 feet in a North direction. Installing one pole for building reconstruction.

Location approximately as shown on plan attached.

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Washington Street - Nantucket, Massachusetts.

No.# 30823195

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

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

Massachusetts Electric Company d/b/a
NATIONAL GRID *Robert Leonida*
BY _____
Engineering Department

VERIZON NEW ENGLAND, INC.
BY *Daryl Crossman* - 2/21/2024
Manager *Right of Way*

Dated: February 20, 2024

Questions contact – Arron Bourque #508-964-1026

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the Board of Selectmen
Nantucket, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED: that Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 20th day of February 2024.

All construction under this order shall be in accordance with the following conditions:
Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Washington Street - Nantucket, Massachusetts.

No.# 30823195

Filed with this order:

There may be attached to said poles by Massachusetts Electric Company d/b/a NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

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

Washington Street - Install one JO Pole on Washington Street. Beginning at a point approximately 0 feet North of the centerline of the intersection of Fayette Street and Washington Street and continuing approximately 400 feet in a North direction. Installing one pole for building reconstruction.

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

I hereby certify that the foregoing order was adopted at a meeting of the
Of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 ____.

City/Town Clerk.

Massachusetts 20 ____
Received and entered in the records of location orders of the City/Town of _____
Book _____ Page _____

Attest:

City/Town Clerk

I hereby certify that on _____ 20 ____, at _____ o'clock, M
At _____ a public hearing was held on the petition of
Massachusetts Electric Company d/b/a NATIONAL GRID and VERIZON NEW ENGLAND,
INC. for permission to erect the poles, wires, and fixtures described in the order herewith recorded,
and that we mailed at least seven days before said hearing a written notice of the time and place of
said hearing to each of the owners of real estate (as determined by the last preceding assessment
for taxation) along the ways or parts of ways upon which the Company is permitted to erect
Poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

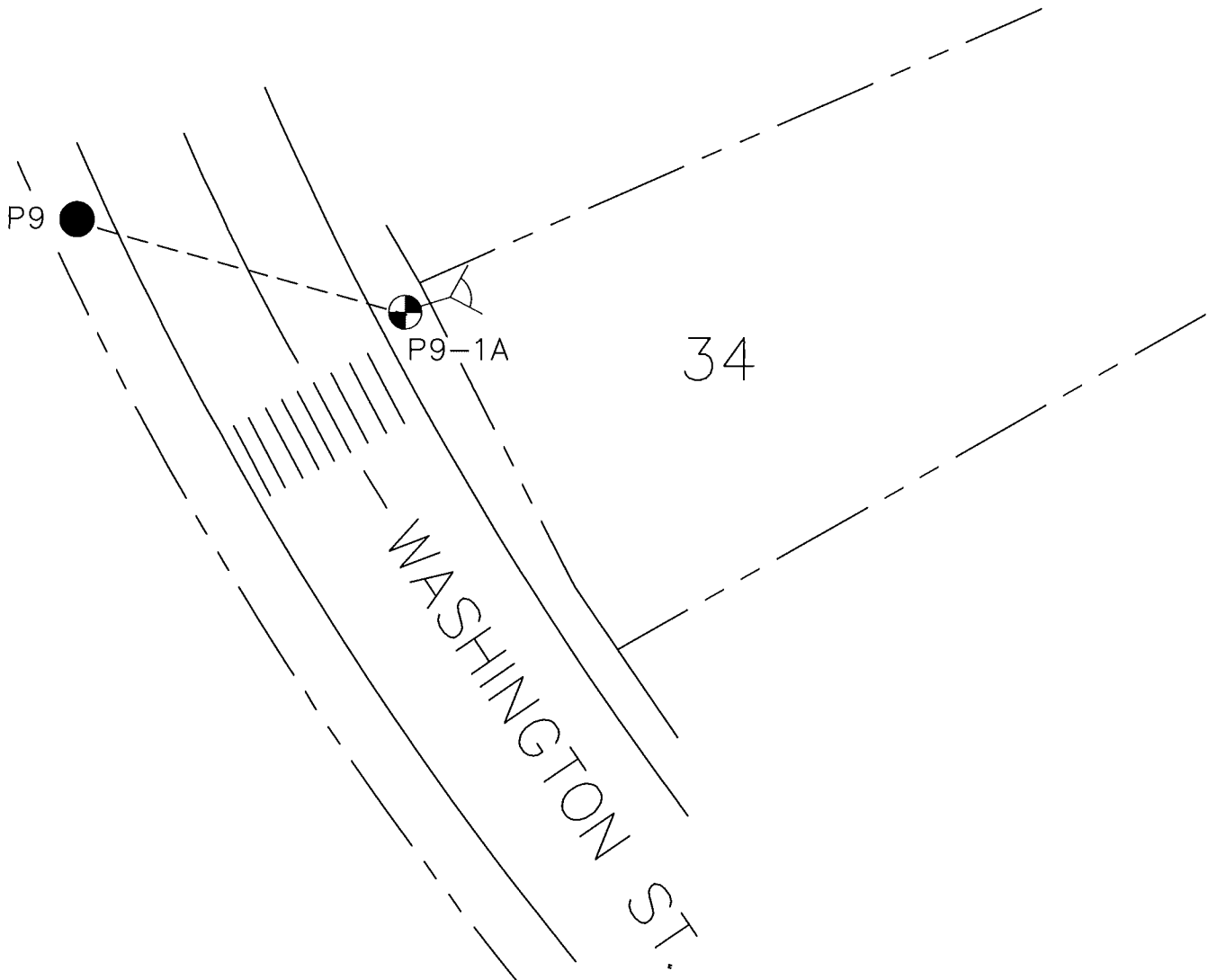
.....
.....
.....
.....
Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the _____ of the City of _____
Massachusetts, on the _____ day of 20 ____ and recorded with the records of location orders
of the said City, Book _____, and Page _____. This certified copy is made under the
provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:

City/Town Clerk



LEGEND

- EXISTING J/O POLE
- ⊙ PROPOSED J/O POLE
- △ GUY
- OVERHEAD CONDUCTOR

POLE 9-1A
PETITION

34 WASHINGTON ST.

NANTUCKET, MA.

Date: 2/15/2024

Designer: A.B.

W/R: 30823195

nationalgrid



Agenda Item Summary

Agenda Item #	IV. 10.
Date	5/13/24

Staff

Katie Cabral

Subject

Utility Petition- York St- Nantucket Electric Company

Executive Summary

This petition proposes to install one section of secondary conduit from handhole 1-1 to proposed handhole 1-2 on York St.

Staff Recommendation

Background/Discussion

n/a

Impact: Environmental ☐ Fiscal ☐ Community ☐ Other ☐

n/a

Board/Commission Recommendation

n/a

Public Outreach

Abutter notifications sent and 2 weeks of notices in I&M

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

n/a

Attachments

Departmental comments; NGrid petition



UTILITY PETITIONS DEPARTMENTAL COMMENTS

APPLICANT: Nantucket Electric Company
TYPE: Petition for Manhole and Duct Locations
SITE ADDRESS: York Street
HEARING DATE: May 13, 2024

COMMENTS

NPD: No Issues.
FIRE: No Issues.
PLANNING: Handhole should be brick colored to blend in with the bricks that exist, if it is located within the sidewalk. -Holly Backus
DPW: No Issues.
SEWER: Please contact Sewer Department to mark out sewer line.
WWCo: Please contact WWCo to mark out the water line prior to work.

****Contractor must obtain all required Town permits prior to the commencement of work, including but not limited to Street Opening and Street Blocking permits.**

PETITION FOR MANHOLE AND DUCT LOCATION

Date 1/15/2024

To the Board of Selectmen

Of the Town of Nantucket, Massachusetts

NANTUCKET ELECTRIC COMPANY request permission to locate manholes, wires and ducts, including the necessary sustaining and protecting fixtures along the following public way:

Street Name York Street

Description of Work Beginning at a point approximately 0 feet North of the centerline of the intersection of Orange Street and York Street and continuing approximately 160 feet in a West direction. Install underground facilities on York Street. Installing one section of secondary conduit from Hand Hole 1-1 to HH 1-2. Installing new Hand Hole 1-2.

Wherefore it prays that after due notice and hearing as provided by law, it may be granted a location for and permission to install and maintain manholes, ducts, wires, together with such sustaining and protecting fixtures as it may find necessary said manholes and ducts to be installed substantially in accordance with the plan filed herewith marked:

NANTUCKET ELECTRIC COMPANY

Plan No. 30866274

NANTUCKET ELECTRIC COMPANY

BY: Robert Leonida

Manager of Distribution Design

ORDER FOR MANHOLE AND DUCT LOCATION

Date 1/15/2024

By the Board of Selectmen

Of the Town of Nantucket

Notice having been giving and public hearing held, as provided by law, it is hereby ordered : that **NANTUCKET ELECTRIC COMPANY** be and they are hereby granted permission to excavate the public highways to run and maintain underground electric conduits together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to and to make the necessary house connections along said extensions as requested in petition of said company dated the 15th day of January, 2024.

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

NANTUCKET ELECTRIC COMPANY

Plan No. 30866274

Street Name York Street

Description of Work Beginning at a point approximately 0 feet North of the centerline of the intersection of Orange Street and York Street and continuing approximately 160 feet in a West direction. Install underground facilities on York Street. Installing one section of secondary conduit from Hand Hole 1-1 to HH 1-2. Installing new Hand Hole 1-2.

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

Held on the _____ day of _____ 2024

Clerk of Selectmen

Received and entered in the records of location orders of the Town of Nantucket, Massachusetts

Book: _____ Page: _____

Attest: _____

Town Clerk

I hereby certify that on _____, 20____ at _____ o'clock ____ M

At _____ a public hearing was held on the petition of

NANTUCKET ELECTRIC COMPANY

for permission to excavate the public highways and to run and maintain underground electric conduits described in the order herewith recorded and that I mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the company is permitted to erect poles, wires and fixtures under said order. And that hereupon said order was duly adopted.

Selectmen of the Town of

Nantucket, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order and certificate of hearing with notice adopted by the Board of Selectmen of the Town of Nantucket, Massachusetts, on the _____ day of _____ 2024 and recorded with the records of location orders of said town, Brook _____ Page _____

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

Attest: _____
Town Clerk



11

HH1-1

YORK ST. HH1-2

10

LEGEND

- EXISTING HANDHOLE
- PROPOSED HANDHOLE
- 2-3IN. PVC CONCRETE ENCASED

10 YORK ST.
PETITION

NANTUCKET

MA.

Date: 11/8/2023

Designer: A.B.

W/R: 30866274

nationalgrid