

SELECT BOARD

Minutes of Meeting of January 12, 2022. The meeting took place via remote participation using Zoom Webinar. Members of the Board present were Jason Bridges, Matt Fee and Dawn Hill Holdgate. Kristie Ferrantella and Melissa Murphy were absent.

I. CALL TO ORDER

Chair Bridges read a prepared statement as to how the meeting will be conducted via remote participation and the ground rules for any discussion and called roll for those present. He called the meeting to order at 5:33 PM.

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as posted.

III. ANNOUNCEMENT

Town Manager C. Elizabeth Gibson reviewed the following announcements:

1. The Select Board Meeting is Being Audio/Video Recorded.

2. Applicant Introduction/Review of Applications for Appointment to Council for Human Services to Fill Two New Seats Approved at 2021 Annual Town Meeting Scheduled for Wednesday, January 26, 2022, Pursuant to Select Board Committee Appointment Policy. It was noted that the applicants for Council for Human Services are: Kelly Steffen, Tara Restieri, Veronica Bolcik and Julianne Kever.

3. Town Offices will be Closed Monday, January 17, 2022 in Observance of Martin Luther King, Jr. Day.

4. Select Board Announcements/Comments. No comments.

IV. FOLLOW-UP ON COMMENTS FROM PRIOR SELECT BOARD MEETINGS

There were no follow-up comments.

V. PUBLIC COMMENT

There was no public comment.

VI. NEW BUSINESS

Chair Bridges said there is one new business item. Town Manager C. Elizabeth Gibson explained that a time sensitive Board vote has been requested by Representative Fernandes' office for some minor, non-substantive wording changes to a home rule petition approved at the 2021 annual town meeting involving real estate transactions between the Town and Land Bank for Mill Hill Park and the Nobadeer Playing Fields. The wording changes were shown on screen. Ms. Holdgate moved approval of the wording changes as presented; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Ms. Holdgate moved approval of items VII. 1 – 3; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes.

1. Approval of Minutes of January 5, 2022 at 5:30 PM.

2. Approval of Payroll Warrants for January 9, 2022.

3. Approval of Treasury Warrants for January 12, 2022.

VIII. CITIZEN/DEPARTMENTAL REQUESTS

1. Town Administration: Request for Approval of Scope of Services with Arcadis for Baxter Road Relocation Plan. Ms. Gibson introduced the item noting that this project is part of a series of recommendations contained within a report from Arcadis on Baxter Road options which was completed in October of 2021. She added that in various discussions regarding the Sconset Beach Preservation Fund (SBPF) erosion control project and a proposed modified or new project, it has been clear through discussions involving Conservation Commission members and other stakeholders that they have been wanting to see a solid long-term plan for Baxter Road. She reviewed the proposed scope of services as contained in the Board's packet, including the project cost and funding sources. Jennifer Lachmayr of Arcadis answered questions. Mr. Fee reviewed some questions he received by email shortly before the meeting. Ms. Gibson and Ms. Lachmayer responded. Ms. Gibson said that the questions could also be answered and posted on the website once they have been fully reviewed. Mr. Fee continued reading questions and Chair Bridges noted that the author of the questions needs to be identified. Mr. Fee identified D. Anne Atherton as the author. Ms. Gibson noted that receiving the questions just before the meeting does not provide sufficient time to make responses, at the meeting. She added that it sounded like several questions have already been answered on prior occasions and some of them are not answerable at this point. Ms. Lachmayer pointed out the Town is entering a "new era" with other similar projects going to be coming up around the island and that they will most likely be costly and time consuming.

Ms. Holdgate moved approval of the scope of services and to execute a contract with Arcadis as presented; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes.

Rick Atherton commented on his observation that roads which end up being relocated or constructed as part of this project should be taken over by the abutters and that should be made known at the outset of the project.

2. Coastal Resiliency Advisory Committee: Request for Final Review and Endorsement of Coastal Resilience Plan (Continued from December 1, 2021). Ms. Gibson reviewed the Board's prior discussion as to the Plan from its December 1, 2021 meeting. She said that Town Administration did not have further comments, although funding, prioritizing and organizing projects with stakeholders, regulatory agencies and the voters are outstanding tasks. Mary Longacre, Chair of the CRAC said she has no further comments and hopes the Board will approve the plan. Coastal Resilience Coordinator Vincent Murphy noted that he has already begun reviewing the plan with various town agencies. Mr. Fee moved to endorse the Plan as presented; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes.

3. Town Administration: Review of Proposed Next Steps Regarding Coastal Resilience Plan. Ms. Gibson introduced the item and reviewed a proposal from Arcadis that was provided to the Board in early December to assist with next steps using a "Design Thinking Workshop" program, noting that the information is in the Board's packet and a two-day workshop has been scheduled for March 7 – 8, subject

to the Board's final approval, with representatives from various town agencies requested to attend. Ms. Lachmayer reviewed the process, noting that it is a different way to come to solutions with town government stakeholders, that Arcadis has been using for several years now. Mr. Fee said he feels it will be a good way to consensus building for implementing the plan.

D. Anne Atherton commented on the Board's acceptance of the Coastal Resilience Plan and said it contains "key priorities", one of which is conserving Nantucket's beaches for as long as possible. She stated her opinion that the Board's decision to partner with SBPF for an erosion control project at Baxter Road is inconsistent with that priority of the Plan and she hopes the Board will reconsider that decision.

4. Applicant Introduction/Review of Applications and Appointment to Cannabis Advisory Committee, Pursuant to Select Board Committee Appointment Policy. It was noted that the applicants are: Ruth Tonico and Joseph Plandowski. Mr. Plandowski spoke on his experience, credentials and education which he said he feels would be of value for this committee. It was agreed that each member of the Board will send their vote to Operations Administrator Erika Mooney by email, who will read each vote individually. Votes were submitted, read by Ms. Mooney and confirmed by each member as follows: Ms. Holdgate – Mr. Plandowski; Chair Bridges – Mr. Plandowski; Mr. Fee – Mr. Plandowski. So voted to appoint Mr. Plandowski.

5. Applicant Introduction/Review of Applications and Appointment to Nantucket Affordable Housing Trust, Pursuant to Select Board Committee Appointment Policy. It was noted that the applicants are: Meg Browsers, Tarji Cummings, Darcy Volpe, Ruth Tonico, Shantaw Bloise, RJ Turcotte and Susan Nestor Levy. Ms. Bloise, Ms. Volpe, Ms. Levy, and Ms. Browsers spoke on their applications. Mr. Fee commented on having so many qualified applicants and expressed appreciation to each of them. Chair Bridges concurred. It was agreed that each member of the Board will send their vote to Operations Administrator Erika Mooney by email, who will read each vote individually. Votes were submitted, read by Ms. Mooney and confirmed by each member as follows:

Meg Browsers
Tarji Cummings
Darcy Volpe – Mr. Fee
Ruth Tonico
Shantaw Bloise – Ms. Holdgate and Chair Bridges
RJ Turcotte
Susan Nestor Levy

So voted to appoint Shantaw Bloise.

6. Request for Waiver of Sewer Connection Permit Fee for Covenant Lot Located at 10B Larrabee Lane (Lot 2 on Plan No. 2020-61). Housing Director Tucker Holland introduced the item, noting that the request is in line with the Board's sewer connection permit fee waiver policy. Mr. Fee commented that he is happy to see a covenant placed on this property, saying it is an ideal location.

Mr. Fee moved approval of the request as presented; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes.

7. Request for Approval and Execution of Discharge of Housing Rehabilitation Loan Program Mortgage for Property Located at 35 Somerset Road. Housing Director Tucker Holland introduced the item, noting that the request is consistent with prior similar approvals by the Board and reviewed the history of the loan.

Ms. Holdgate moved approval of the request as presented; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes.

8. Town Clerk: Request for Appointment of Constable. Ms. Holdgate moved to appoint James Perelman as Constable for a three-year term; seconded by Mr. Fee. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider Application for New Annual Common Victualler with All-Alcoholic Beverages Restaurant License for Servedwell Brotherhood, LLC dba The Brotherhood of Thieves, James T. Strombino, Manager, for Premises Located at 23 Broad Street; Request for Determination that the Premises Licensed to Sell Alcoholic Beverages is Not Detrimental to the Spiritual Activities of a Church Pursuant to Section 16C of MGL Chapter 138 (Continued from January 5, 2022). Chair Bridges reopened the hearing. Licensing Administrator Amy Baxter reviewed the application. She noted that many comments have been received and there seems to be some confusion as to these applications and a special permit application for the same property that is pending before the Planning Board. She reviewed the conditions of the prior license as issued by the Select Board and the special permit as had been previously issued by the Planning Board for the for the property; number of existing licenses of this type currently active on the Island; she said that are residential abutters to the property and that noise is a consideration. She reviewed the complaint history of the prior establishment, noting complaints have been few and promptly addressed. She reviewed recommendations as to hours, and occupancy. Attorney Mike Kehoe representing the applicant, introduced Attorney Sarah Alger, on-island attorney for the applicant. Ms. Alger said that there may be public comments as to the application before the Planning Board, which is a separate issue and should be set aside from this hearing. She said the current goal is to reopen the Brotherhood as soon as possible, as it was most recently open in 2020. She said the applicant wants to reopen seven days a week, 12 months a year. She spoke on the applicant's commitment to the community and noted that the property's location is indeed in close proximity to residential properties and that noise is inevitable but that the owners are committed to being good neighbors. James Frates, a neighbor, commented that there should be a "transition zone" for outside activity. He said that the Brotherhood is becoming part of a chain of restaurant/breweries and that the abutters' comments are in reaction to the owners' comments in the newspaper about "bringing the party into Town" from Cisco Brewers. Eliot Krause said he owns the name "Brotherhood of Thieves" and "The Brotherhood" and said that while negotiations are on-going as to use of the name and objects to the use of the name in the applications before the Board. Chair Bridges noted that is not an issue before the Board. Leah Hill spoke in favor of the application and said the applicant is responsible and reliable and has Nantucket in his best interest. Jonathan Pressment, an abutter, spoke on the application and his concerns as a nearby property owner. He objected to Ms. Alger's use of the word "noise" to describe abutter concerns and said that exemplifies issues with the applicant. He commented on public need and "want" as to the appropriateness of the liquor license, traffic issues and noise. He said the abutters do not want an in-town brewery at this location. He expressed concerns as to who the applicant is, citing issues with the name and other operational issues that are being proposed that are different from the prior operation. He spoke further about additional traffic and noise that will be generated from the larger proposed operation with a "party atmosphere". He said the Board should expect complaints. He spoke on complaints from other locations where this owner has other businesses. RC Saint-Amour, an abutter,

questioned the abutter notification process saying that she was not notified, believes she should have been and had submitted a letter which is not in the Board's packet. Anne Lingeman Davis, a neighbor, questioned the proposed patio hours, referencing the Planning Board special permit, saying she believes the Planning Board application should be determined before the liquor license. She concurred with Mr. Pressment's comments. She referenced other letters printed in the newspaper recently with similar concerns. Attorney Marianne Hanley representing Jim and Beth Frates, reviewed outdoor patio area guidelines of the state Alcoholic Beverages Control Commission (ABCC). She questioned the proposal specifics of outdoor use and areas of the building to be licensed. She said the plans are confusing, unclear and do not seem to be complete or even constructed. She said the Board should not vote on this without more information. Beth Frates, a neighbor, said she was alarmed to hear the name "Brotherhood" used, noting the debate with Mr. Krause. She said she enjoys Cisco Brewery, out of town. She concurred with Ms. Hanley as to the vagueness of the application. Martha Perry, a neighbor, said she agrees with all of the neighbor comments and emphasized traffic and parking concerns and said there needs to be clarity as to what is being proposed before the Board votes. Attorney Arthur Reade said that the application is clearly very different than the prior operation and that is obvious because the application is also before the Planning Board for a special permit for additional activities. He agreed it is premature to have this application before the Select Board at this point. Attorney Reade said he represents Susan Lingeman, a neighbor. Charles Graeber concurred with Attorney Reade. Chair Bridges asked if Ms. Baxter wished to clarify anything. Ms. Baxter said this application has been pending for at least a year and she has spent a lot of time with the applicants. She noted that Board has a limited amount of time to act upon a liquor license application, by law. Attorney Kehoe said he has read and heard the neighbor concerns and clarified that the applicants for the liquor license and the special permit are in fact, different. He spoke on the prior operation and said the applicant's hope is to restore that. He said that the applicant is not connected to the brewery components of the other locations referenced earlier, just the restaurant component for which there have not been complaints. He spoke on the intention of the applicant to be a good neighbor, saying it will not be a night club and will abide by conditions put forward by the Board. Steve Silverstein, applicant, spoke on his record, intentions and experience operating restaurants. He said he plans to operate the Brotherhood "the best it ever was". He said it is the intention to be open "363 – 365 for lunch and dinner". Mr. Fee commented on the plans submitted with the application and agreed there is confusion. He asked if the record that the Board is voting on must be exactly what is in the packet. Ms. Baxter said that the specifics as to the premises do need to be approved by the Board, as presented. Some discussion followed on clarity with the description of the premises. Mr. Fee said he thinks neighborhood impact must be considered by the Board, especially with regard to parking. He said if in fact, what is before the Board is exactly what was there before and that it is understood that any changes whatsoever would come back to the Board, he would not object. He said he does agree that other boards should approve this operation before the Select Board. He commented on the need for consistency with outdoor patio use around town. Ms. Holdgate said that if the Planning Board special permit conditions are different from what the Select Board approves, she expects the application to come back to the Board. She asked about differences between the neighboring liquor licensed establishments and this application. Ms. Baxter reviewed and explained. Town Counsel John Giorgio stated that anything approved by the Planning Board that is different from what the Select Board approves, must come back to the Select Board. Some discussion continued about hours of other nearby establishments.

There being no further public comment, Chair Bridges closed the hearing.

Ms. Holdgate moved approval of the application with the condition that outside seating is seating only with wait service and no standing bar, and that anything approved otherwise by the Planning Board must come

back to the Select Board; seconded by Mr. Fee. Discussion followed as to the proposed seating in different areas vs what was allowed with the previous operation. Mr. Silverstein said that the plan is to leave the outside area exactly as is. He reiterated that the intent is to operate the Brotherhood exactly as it previously existed. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes.

Mr. Fee moved to determine that the premises licensed to sell alcoholic beverages is not detrimental to the spiritual activities of a church pursuant to section 16C of MGL Chapter 138; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes.

2. Public Hearing to Consider Application for New Entertainment License for Servedwell Brotherhood, LLC dba The Brotherhood of Thieves, James T. Strombino, Manager, for Premises Located at 23 Broad Street (Continued from January 5, 2022). Chair Bridges opened the hearing. Licensing Administrator Amy Baxter reviewed the application and reviewed the conditions of the prior license; and recommended conditions for this application. Discussion followed as to what constitutes a “night club”. Mr. Fee commented on the proposed conditions and indicated general agreement, but noted he feels there should be no open doors or windows when live entertainment is occurring. Some discussion followed. Mr. Silverstein explained that they are seeking the same conditions as in the past. He asked about outdoor speakers in an outdoor tent. Ms. Baxter acknowledged that those were really not allowed. Rick Atherton said the Select Board should think about limiting expansion of establishments like this to retain the character of downtown. He urged the Board to “be firm” about limiting expansion. Attorney Hanley asked a question about stages and raised platforms, which was answered by Ms. Baxter. Attorney Reade agreed with a proposed condition to keep windows and doors closed during periods of live entertainment. He said a DJ and dancing would be inappropriate. Chair Bridges asked about events occurring at the Brotherhood when there might be dancing. Ms. Baxter said that would require a temporary permit from the Board. Ms. Frates expressed continued concern about the confusion with what is being proposed, saying the numbers have changed numerous times, requested for clarity as to what is and isn’t allowed and when. She added that she would prefer the “old Brotherhood”. Mr. Pressment said he heard Mr. Silverstein commit to keeping the business as is, and that would be appropriate. He requested the elimination of any amplified music and that the hours remain as with the prior license. Ms. Davis concurred with Mr. Pressment. Lydia Zinzi, commented on what is being requested at the Planning Board, citing a serious concern with occupancy; and other additional building improvements. Ms. Perry asked what the name is going to be, since it seems the Brotherhood name will be allowed. She said the name holds expectations. Discussion followed. Mr. Silverstein reiterated that the establishment is intended to remain the same for this summer. Discussion continued about hours, and amplification. Ms. Saint-Amour spoke against the application. Mr. Frates commented that confusion continues as to what is being requested, what is in the packet, and differences that have emerged. Mr. Graeber encouraged the Board not to approve any changes from the prior license.

There being no further public comment, Chair Bridges closed the hearing.

Mr. Fee commented on the Board’s ability to “roll back” allowances if need be, based on complaints. Ms. Baxter commented that the recommendation to increase the hours from 9pm to Noon was for pre-recorded, background music only. She agreed there is confusion as to what has been presented by the applicant and clarified the proposed conditions: interior premises only, no outdoor speakers or entertainment, pre-recorded music allowed beginning at Noon, no stages, or platforms, no amplification, windows and doors must be closed. Ms. Baxter noted that she told the property owners at the beginning of the permitting process that they may have to live with the prior license conditions and their business model should support that. Mr. Fee asked Ms. Baxter to review the license recommendations. Ms. Baxter noted the

recommended conditions: entertainment to be allowed in 2-story restaurant, interior only; no outdoor speakers, music or entertainment per Planning Board Special Permit # 13-04; interior hours for pre-recorded background music would be Noon to 1:00 AM; no dancefloor, staging or platforms; live music to be allowed 5:00 PM to 10:00 PM; no amplification and music should run through house system; windows and doors to be closed; streaming music and TVs allowed, and a DJ allowed under live entertainment from 5:00 PM to 10:00 PM.

Ms. Holdgate moved approval of the application with the conditions as presented by Ms. Baxter; seconded by Mr. Fee. Discussion continued as to the proposed conditions. Chair Bridges stated that the applicant is "on notice" as the neighbors will be watching. Mr. Fee moved to add an allowance for amplification of music from 5:00 PM to 10:00 PM to the pending motion; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes. Mr. Fee commented that he hopes the neighbors' concerns will be addressed and commented on ways the owners can mitigate noise.

X. TOWN MANAGER'S REPORT

1. Review of FY 2023 Enterprise Fund Budgets: Airport and Water Department. Ms. Gibson introduced the agenda item. Airport Manager Tom Rafter reviewed the FY 2023 Airport budget as contained within the Board's agenda packet and spoke about notable changes including PFAS.

Water Department Manager Mark Willett thanked Finance Director Brian Turbitt and his team for assistance with budget development. He proceeded to review the FY 2023 Nantucket Water Department budget and spoke on pending projects and goals, including groundwater modeling, project collaboration with other Town departments, and a solar project. He spoke about an increase in service connections and significant increases in supplies.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Continued Review/Potential Votes on Select Board-Sponsored 2022 Annual Town Meeting Warrant Articles. Ms. Gibson reviewed a draft warrant that has begun to be developed, as contained in a supplement agenda packet, noting several revisions and updates which have been made since the Board's January 5th meeting. Real Estate Specialist Ken Beaugrand and Planning Director Andrew Vorce reviewed real estate articles that have been added since the Board's meeting last week, displaying maps showing the various proposed transactions. Mr. Fee asked about the Sheep Pond Road transaction with respect to public access/rights in newly developed ways. Mr. Vorce responded, noting that will be up to the Select Board. Some discussion followed as to a proposed article for the acquisition of 31 Easy Street, which would be in conjunction with the Land Bank and the Steamship Authority and benefit all three parties. Ms. Gibson noted that work will continue on the development of the warrant, with an updated draft to be reviewed at the Board's January 19th meeting.

2. Committee Reports.

No committee reports.

XII. ADJOURNMENT

At 9:20 PM, Mr. Fee moved adjournment; seconded by Ms. Holdgate. So voted by roll call vote: Chair Bridges – Yes; Mr. Fee – Yes; Ms. Holdgate – Yes.

Approved the 19th day of January 2022.

SELECT BOARD
JANURY 12, 2022 – 5:30 PM
REMOTE PARTICIPATION VIA ZOOM
NANTUCKET, MASSACHUSETTS

List of documents used at the meeting:

- III. 2. UPDATED Council for Human Services membership & applicant list; CHS applications
- VI. 1. NEW BUSINESS – Email from Charity Grace Mofsen, Legislative Liaison; Redline of H.4104 with Rep. Fernandes changes
- VII. 1. Draft minutes of 1/5/2022
- VIII. 1. Arcadis - Baxter Rd Relocation Engineering Assistance - Project Summary; Arcadis - Baxter Rd Relocation Engineering Assistance - Scope of work, schedule, budget
- VIII. 2. Links to Coastal Resilience Plan; CRAC recommendation; Presentation on Coastal Resilience Plan
- VIII. 3. Arcadis Design Thinking Service Sheet
- VIII. 4 & 5. Committee Appointment Policy
- VIII. 4. Cannabis Advisory Committee membership & applicant list; CAC applications
- VIII. 5. UPDATED Affordable Housing Trust membership & applicant list; AHT applications
- VIII. 6. AIS re: Waiver of Sewer Connection Permit Fee for 10B Larrabee Ln; Lockley-Walker waiver request; Qualified Purchaser's Certificate; Certificate of Compliance; Lockley-Walker Deed; Plan No. 2020-61; Policy for Sewer Fee Waiver Requests
- VIII. 7. AIS re: Mortgage Discharge for 35 Somerset Rd; Email from Owner confirming compliance; 35 Somerset Rd mortgage; Discharge of Mortgage
- VIII. 8. AIS re: Appointment of Constable; Perelman request for appointment as Constable; MGL Ch. 41, s. 91A (Appointment of Constable)
- IX. 1. AIS re: Brotherhood of Thieves CV & liquor license application; SB Liquor License Public Hearing Process; ABCC application; Determination Letter; 2020 license; Proposed 2022 license; Planning Board Special Permits; Abutter letters
- IX. 2. AIS re: Brotherhood of Thieves entertainment license application; 2020 entertainment license; Proposed 2022 license; KP Law Entertainment Licensing Summary
- X. 1. Links for Airport and Water Department FY 2023 Enterprise Fund Budget Stories
- XI. 1. Outline 8 for 2022 ATM Warrant; DRAFT Warrant as of 1/9/2022 for 2022 ATM/ ATE; DRAFT Warrant as of 1/12/2022 for 2022 ATM/ ATE; new draft real estate articles with maps