

## **SELECT BOARD**

Minutes of the Meeting of March 15, 2023. The hybrid meeting took place in person at the Public Safety Facility Community Room at 4 Fairgrounds Road; and, via remote participation using Zoom Webinar. Members of the Board present were Jason Bridges, Matt Fee, Dawn Holdgate, Dr. Malcolm MacNab and Brooke Mohr.

### I. CALL TO ORDER

Chair Bridges called the meeting to order at 5:30 PM following the Pledge of Allegiance.

### II. SELECT BOARD ACCEPTANCE OF AGENDA

Chair Bridges noted that item IX. 8 has been requested to be continued and items IX. 12 and 13 will go last in that section. The agenda was otherwise accepted as posted.

### III. ANNOUNCEMENTS

Chair Bridges reviewed the following announcements.

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

2. Review of Application for Appointment to Council on Aging (Appointment to be Made on March 22, 2023). Operations Administrator Erika Mooney noted that since the Board went through a full appointment process for two other seats on the Council on Aging last month, there will be an abbreviated appointment process to fill the one remaining seat.

3. Select Board Announcements/Comments. Ms. Mohr said that Thursday, March 23 is Housing Advocacy Day in Boston and about 20 students from the Cyrus Pierce Middle School grade 8 Civics class will travel to Boston for the event.

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

There were no follow-up comments.

### V. PUBLIC COMMENT

Peter Burke, Chamber of Commerce Executive Director, said that the public comment period for Southcoast Wind is still open and there is a link on the Chamber website if people would like to comment.

Hillary Rayport asked if the HDC agenda item will have public comment. Chair Bridges noted that the agenda item is an update only and the Board will not be making any decisions. He added that if it is looking like the matter will come up late in the evening, the matter might be moved to a different date so the Board can give the matter the time it deserves. Mr. Fee noted the agenda tonight is lengthy and moved to table the HDC matter (item X-1) to a different meeting date; seconded by Ms. Holdgate. All in favor, so voted.

Meghan Perry said comments she has made at prior Board meetings have gone “unanswered”, relating to an “action plan” she believes is needed with respect to the Town’s receipt of state permits, such as a recent state permit relating to the Surfside Crossing 40B development, she is still looking to the Board to create an action plan or policy for staff.

## VI. NEW BUSINESS

There was no new business.

## VII. APPROVAL OF MINUTES AND WARRANTS

1. Approval of Minutes of March 8, 2023 at 5:30 PM; March 9, 2023 at 9:00 AM. The approval of minutes was tabled.

2. Approval of Treasury Warrants for March 15, 2023.

Ms. Holdgate moved approval of treasury warrants; seconded by Mr. Fee; all in favor, so voted.

## VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Short-Term Rental Work Group Update. Short-term Rental Work Group Facilitator Stacie Smith reported that the group met yesterday after a one-month hiatus and spoke with volunteers from communities struggling with short-term rentals in California, Arizona and Hawaii and how efforts to improve short-term rental regulations in those communities is going. Ms. Smith said the work group then reflected on key take-aways from the speakers. She said the hope as they wait for necessary data to become available is for the work group to identify options it feels are potentially promising. She noted there is a data collection sub-group meeting on Friday, March 17 with an expert from the Nantucket Association of Real Estate Brokers (NAREB); and that a meeting of the full work group is scheduled for May 4. The work group is hoping for a virtual public information session in early June. Mr. Fee asked if it is difficult to sync all the data sets from different groups and to ensure high confidence that the data is correct. Ms. Smith said that is a great question for the Process First team, the group contracted to analyze the data.

2. Contract Review Committee (Health and Human Services): Request for Additional Funding for Fiscal Year 2024 to Provide Youth-focused Grant to Support Prevention and Education on Substance Abuse and Wellness. Chair Bridges recused himself from this matter and Ms. Holdgate led the agenda item. Dorothy Hertz, Chair of the Contract Review Committee (CRC), reviewed the request for additional funding in the amount of \$175,000 for a youth-focused grant to support prevention and education on substance abuse and wellness in the school communities, as the CRC feels it is evident a problem exists at the schools. She said she presented the request to the Finance Committee last week and it was recommended that the CRC bring this request forward as an article for the Special Town Meeting in November 2023. Ms. Hertz said the CRC is looking at creating a foundation with four stakeholders - Fairwinds, Health Imperatives, ASAP/NAMI and Addiction Solutions - to get access to state and federal grants to help the needs of the community ages 0 to 25. She added the CRC saw this as a dire need in the community. Some discussion followed on metrics and the timing of the funding. Ms. Hertz said they will work with the fall town meeting if necessary, but the hope is to have early implementation before the new school year starts. Mr. Fee said he feels the purpose and need are correct and needed. Some discussion followed on multi-lingual information. Finance Director Brian E. Turbitt noted that both Town Administration and the Finance Committee recommend waiting on this funding request until the fall town meeting as there is a large number of financial unknowns to be considered. Ms. Holdgate said she doesn't feel this can wait and that this is a human services/quality of life situation that rises above other things. Mr. Fee agreed with Ms. Holdgate but said he understands Mr. Turbitt's concerns. Some discussion followed on a funding source. Ms. Holdgate spoke in favor of increasing the human services allocation to \$1 million permanently. Ms. Mohr moved to direct Town Administration to find an additional \$175,000 for FY 2024 for the purpose outlined in the request for pilot programming; Mr. Fee seconded. Further discussion followed on a funding source. On the motion, so voted 4-0.

3. Request for Acceptance of Surrender of Common Victualler with Seasonal All-Alcoholic Beverages Restaurant License for Nantucket Club Car, LLC dba The Club Car, for Premises Located at 1 Main Street. Licensing Administrator Amy Baxter reviewed the request, noting this precedes a later agenda item for a new liquor license at this location. Mr. Fee moved to accept the surrender of the liquor license for Nantucket Club Car, LLC d/b/a The Club Car; seconded by Ms. Mohr; all in favor, so voted.

## IX. PUBLIC HEARINGS

1. Public Hearing to Consider the Renewal of Private Shellfish Aquaculture Licenses Held by Simon Edwardes of 28 Kelley Road, Known as Licenses #9, #9A and #11 in Pocomo and Head of the Harbor, Totaling 10 Acres, Pursuant to MGL Chapter 130, Sections 57, 60 and 65 and Town Regulations, Fishing and Shellfishing, Section 260-4.44. Chair Bridges opened the hearing. Natural Resources Director Jeff Carlson reviewed the request for a full 10-year renewal period.

As there was no public comment, Ms. Holdgate moved to close the hearing; seconded by Ms. Mohr; all in favor, so voted.

Ms. Mohr moved approval of the aquaculture licenses renewal as presented; seconded by Ms. Holdgate; all in favor, so voted.

2. Public Hearing to Consider Adopting Surface Water and Ground Water Protection Regulations. Chair Bridges opened the hearing. Health Director Roberto Santamaria reviewed the proposed regulations. Ms. Mohr asked about the timeline for mapping and surveying and asked if it would be done within one year. Mr. Carlson said they are looking for people to map and photograph the existing system and they are just trying to track the discharge pipes in the ground coming from private properties at this time. Dr. MacNab asked if there are resources necessary to enforce the proposed regulations and for public education. Mr. Santamaria answered affirmatively. Some discussion followed regarding pool discharge. Emily Molden, Nantucket Land Council Executive Director, offered a general comment of support for the regulations.

Ms. Mohr moved to close the hearing; seconded by Ms. Holdgate; all in favor, so voted.

Ms. Mohr moved to adopt the regulations as proposed; seconded by Dr. MacNab; all in favor, so voted.

3. Public Hearing to Consider the Continuation of Sidewalk/Outdoor Dining Permits in Downtown Area (Permits Allowed by Chapter 42 of the Acts of 2022, Pandemic-relief Provisions Related to Restaurants, Expire on April 1, 2023; all Permits Issued after April 1 must be Approved by the Select Board and Approved as Alteration of Licensed Premises by Alcoholic Beverages Control Commission for Alcohol Service). Chair Bridges opened the hearing. Ms. Baxter reviewed the matter and explained the reasoning and requirements for allowing outdoor dining on public property and asked if the Board wishes to continue the outdoor dining program that started during COVID. Ms. Baxter answered questions from Board members, noting that public hearings for alteration of premises applications are scheduled for April 12. Mr. Fee asked who is “vetting” the sidewalk areas. Ms. Baxter answered that to do it fairly, parameters need to be set. Mr. Fee spoke in favor of finding a balance as some people felt outdoor service was a nuisance; he added that he is not in favor of granting sidewalk dining to a business that didn’t have sidewalk dining previously. Chair Bridges said he feels COVID was like a three-year pilot program that has been improved upon. Ms. Baxter reviewed proposed terms and conditions for sidewalk dining and associated fees. Mary Longacre spoke against sidewalk dining on Main Street. Chair Bridges said they have found a good compromise in offering sidewalk dining on Main Street for dinner service only. Ms. Baxter clarified that

these proposals would only apply to the downtown area, within Main Street, Federal Street, Broad Street to the Boat Basin.

Ms. Holdgate moved to close the public hearing; seconded by Ms. Mohr; all in favor, so voted.

Ms. Holdgate moved approval as proposed; seconded by Ms. Mohr; all in favor, so voted.

4. Public Hearing to Consider Application for Alteration of Premises of Annual All-Alcoholic Beverages Restaurant License for Four West Creek, LLC d/b/a Kitty Murtaugh's, Caroline Montgomery, Manager, for Premises Located at 4 West Creek Road, to Add Outdoor Dining Tables to Licensed Premises. Chair Bridges opened the hearing. Ms. Baxter reviewed the application, noting that Kitty's has already received Planning Board approval for the alteration and that this would be the same space as during COVID. She said when the outside space is in use, the basement will not be used for dining, there is no outside entertainment and a service bar only.

As there was no public comment, Ms. Holdgate moved to close the public hearing; seconded by Ms. Mohr; all in favor, so voted.

Ms. Holdgate moved approval as proposed; seconded by Ms. Mohr; all in favor, so voted.

5. Public Hearing to Consider Application for Alteration of Premises of Annual All-Alcoholic Beverages Restaurant License for C. Noble, LLC d/b/a The Charlie Noble, Denise Corson, Manager, for Premises Located at 15 S. Water Street, to Add Outdoor Dining Tables on Patio Facing Easy Street to Licensed Premises. Chair Bridges opened the hearing. Ms. Baxter reviewed the application. She noted there is no special permit required but the owners did update their Certificate of Inspection regarding occupancy.

As there was no public comment, Ms. Holdgate moved to close the public hearing; seconded by Ms. Mohr; all in favor, so voted.

Ms. Holdgate moved approval as proposed; seconded by Ms. Mohr; all in favor, so voted.

6. Public Hearing to Consider Application for Alteration of Premises of Seasonal All-Alcoholic Beverages Restaurant License for The Proprietors Restaurant Group, LLC d/b/a The Proprietors, Orla Murphy-LaScola, Manager, for Premises Located at 9 India Street, to Add Outdoor Seating to Licenses Premises. Mr. Fee recused himself from this matter. Chair Bridges opened the hearing. Ms. Baxter reviewed the application. She noted that the space on the patio was previously used during COVID.

As there was no public comment, Ms. Holdgate moved to close the hearing; seconded by Ms. Mohr; so voted 4-0.

Ms. Holdgate moved approval as proposed; seconded by Ms. Mohr; so voted 4-0.

7. Public Hearing to Consider Application for Multiple Amendments for Seasonal All-Alcoholic Beverages Restaurant License for Fish in the Spread, LLC d/b/a Slip 14, for Premises Located at 14 Old South Wharf to Add Outdoor Seating, Change of Beneficial Interest and Change of Licensed Manager from Jonas Baker to Timothy M. Farley, Proposed License Manager. Chair Bridges opened the hearing. Ms. Baxter reviewed

the application. Ms. Mohr asked if there would be additional seating. Ms. Baxter said the applicant is requesting additional seating. Jonas Baker, part-owner, spoke in favor of the application.

As there was no public comment, Ms. Holdgate moved to close the public hearing; seconded by Dr. MacNab; all in favor, so voted.

Ms. Holdgate moved approval as proposed; seconded by Mr. Fee; all in favor, so voted.

8. Public Hearing to Consider Application for Multiple Amendments for Seasonal All-Alcoholic Beverages Restaurant License for OSWACK Associates, LLC d/b/a Bar Yoshi, Terrance Noyes, Manager, for Premises Located at 21 Old South Wharf to Add Indoor and Outdoor Seating in Adjacent Structure, Change of Beneficial Interest and Change of Category (Request to Continue to April 12, 2023). Chair Bridges opened the hearing.

Ms. Holdgate moved to continue the hearing to April 12, 2023; seconded by Ms. Mohr; so voted 4-0. Mr. Fee abstained.

9. Public Hearing to Consider Application for Alteration of Premises of Seasonal All-Alcoholic Beverages Hotel License for Nantucket Island Management, LLC d/b/a White Elephant Hotel Residences, Bettina Landt, Manager, for Premises Located at 19 South Beach Street, to Remove Portion of Building 11 Including the Ballroom from Licensed Premises, Effective June 1, 2023. Mr. Fee recused himself from this matter. Chair Bridges opened the hearing. Ms. Baxter reviewed the application noting that this application and the next two for Grille 23 are related. She explained that this application removes a portion of Building 11 from the licensed premises, effective June 20, 2023 to allow for the Wine Festival to occur on premises. Ms. Baxter said Grille 23 is a pop-up restaurant that will be there for about six weeks. She added that the applicants will most likely file another alteration of premises to switch back. Attorney Rick Beaudette, representing Nantucket Island Management, noted there was a similar situation with the Jared Coffin House and Prime Restaurant but the “quirk” is that Grille 23 is temporary from June 20 to July 29 only. He said if these applications are approved tonight, he will immediately file to reverse the decision effective July 30 so there will be no interruption of service. Mr. Beaudette added that Grille 23 is having its 40<sup>th</sup> anniversary and they are renovating their Boston restaurant and want to keep their employees employed.

As there was no public comment, Ms. Holdgate moved to close the public hearing; seconded by Ms. Mohr; so voted 4-0.

Ms. Mohr moved approval as proposed; seconded by Ms. Holdgate; all in favor, so voted.

10. Public Hearing to Consider Application for New Common Victualler with Seasonal All-Alcoholic Beverages Restaurant License for Berkeley Place Restaurant Limited Partnership, LLC d/b/a Grille 23, Matthew Harrington, Manager, for Premises Located at 19 North Water Street, Building 11. Mr. Fee recused himself from this matter. Chair Bridges opened the hearing. Ms. Baxter reviewed the process for new liquor license applications and determinations that must be made. Matt Harrington of Grille 23 presented himself available for questions. Attorney Thomas Miller, representing the applicant, spoke in favor of the application.

As there was no public comment, Ms. Holdgate moved to close the public hearing; seconded by Ms. Mohr; so voted 4-0.

Ms. Holdgate moved approval as proposed; seconded by Dr. MacNab; so voted 4-0.

11. Public Hearing to Consider Application for New Entertainment License for Berkeley Place Restaurant Limited Partnership, LLC d/b/a Grille 23, Matthew Harrington, Manager, for Premises Located at 19 North Water Street, Building 11. Ms. Baxter noted this application is being withdrawn as it is not needed.

14. Public Hearing to Consider Application for New Common Victualler with Annual All-Alcoholic Beverages Restaurant License for One Main Street, LLC d/b/a The Club Car, Matthew Sullivan, Manager, for Premises Located at 1 Main 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. Chair Bridges opened the hearing. Ms. Baxter reviewed the application, noting the new proposed license is annual vs the prior seasonal license.

Ms. Holdgate left the meeting at 7:15 PM.

Attorney Kenneth Gullicksen, representing the applicant, spoke in favor of the application. Owner Matt Sullivan said he anticipated being open 10 months a year, closing in February and March.

As there was no public comment, Ms. Mohr moved to close the hearing; seconded by Mr. Fee; so voted 4-0.

Ms. Holdgate returned to the meeting at 7:18 PM.

Mr. Fee moved approval as proposed and determined 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. Mohr; so voted 4-0. Ms. Holdgate abstained.

15. Public Hearing to Consider Application for New Live Entertainment License for One Main Street, LLC d/b/a The Club Car, Matthew Sullivan, Manager, for Premises Located at 1 Main Street. Chair Bridges opened the hearing. Ms. Baxter reviewed the application, noting the applicant is asking for what was previously approved at this location.

As there was no public comment, Ms. Holdgate moved to close the public hearing; seconded by Ms. Mohr; all in favor, so voted.

Ms. Holdgate moved approval as proposed; seconded by Ms. Mohr; all in favor, so voted.

12. Public Hearing to Consider Application for New Common Victualler License with Seasonal Wine and Malt Beverages with Cordials Restaurant License for Straight Wharf Fish Market, LLC d/b/a Straight Wharf Fish Market, Gabriel Frasca, Manager, for Premises Located at 4 Harbor Square. Chair Bridges opened the hearing and explained he is going to follow a similar process to that of an HDC appeal and if the meeting gets to the point of repeat comments, he is going to stop taking in comments. Mr. Fee stated he is not doing business with this applicant yet, but he feels he will in the future. Attorney John Giorgio of Town Counsel's office said he feels Mr. Fee should recuse as it seems reasonable to assume Mr. Fee will sell bread to the applicant in the future. Mr. Fee recused himself from this matter. Ms. Baxter reviewed the application noting there is no history of a liquor license at this location. She added that the premises is

adjacent to an existing licensed premises and residential dwellings. Ms. Baxter reviewed the process for new liquor license applications and determinations that must be made. She said the application is for a 62-seat restaurant, with 48 seats inside and 14 seats outside on the deck/dock, and there are no plans for a bar, that this is seated dining only and no late-night service. She reviewed information from Town Counsel on the Board's requirement for action on the application, noting licenses for the sale of alcohol have a relatively short time frame to be acted on by the licensing authority – so if applications are filed by an applicant that may require approval from the Zoning/Planning Boards, the Select Board would need to schedule and conduct the hearings in accordance with the timing requirements. If approved, the vote to approve may say “with such license to be held by the Select Board pending the applicant's receipt of all other mandatory licenses or permits” or the like. MGL c.138, §16B was cited, which provides that if a local licensing authority (LLA) receives an application for a license to sell alcohol, it is supposed to be granted or denied within thirty days. Moreover, there is case law from the 1950's indicating that the LLA cannot refuse to act on an application because it believes that the applicant will be prohibited by zoning from operating at the location.

Dr. MacNab left the meeting at 7:29 PM; he returned at 7:30 PM.

Applicant Gabriel Frasca said he is working with Kevin Burleson, formerly of “167”, a fish market, and they want to return the building to a quality fish market in one half, with the other half (previously Stars Ice Cream and storage) to a clam shack with simple family food. He said he doesn't want a rowdy bar or loud music, just a place to get a good meal at a reasonable price on the water. He said they are proposing 48 seats inside even though they could fit 70; beer and wine service – no liquor; closing at 10:00 PM; and no amplified music, adding they won't be louder than the ferry boats or the harbor launch.

Attorney Sarah Alger, representing the Old North Wharf Cooperative, spoke against the application, noting one dwelling unit is only 18” away from the proposed premises. She said it was unfortunate that this application is before the Select Board before being vetted before other boards and the public, adding the premises never received a Chapter 91 license amendment, approval by the Massachusetts Department of Environmental Protection (DEP), or an amended Notice of Intent from the Conservation Commission and she feels the project triggers a Major Commercial Development Special Permit under Zoning Bylaw c. 139-11. Ms. Alger said she feels the application is incomplete as there is no mention of a change of use. She raised issues of occupancy when all establishments on this specific parcel of land are added together. She asked the Board not to approve a license for this location, but if the Board does, that it put “intense” conditions in place such as service inside only, limit on hours, how trash is handled, noise, etc.

Henry Sanford of 14 Old North Wharf said his family are members of the Cooperative but they disagree with Ms. Alger, stating the abutters are not unanimous.

Attorney Danielle DeBenedictis, representing the Johnson Family and Harvey Jones, said her clients have no objection to a fish store or an ice cream shop or take-out, but they do object to a sit-down restaurant. She said there are already five restaurants with 650 seats on Straight Wharf alone and “the community doesn't need any more”. She said she was in touch with the DEP today about this project violating the Waterways Act. She urged the Board not to approve the license request, or at least to deny outdoor dining and entertainment.

Attorney Rick Beaudette, representing Nantucket Island Resorts (NIR), said his client has not been involved in the permitting but disagreed that permits were not validly issued and to the extent that

something is not in order, they will take care of it. He added that Ms. Alger raised valid points regarding occupancy.

Ms. Baxter said the application before the Board is complete and that the music proposed is quiet background music only. She added that she was told no other permits from Town agencies were required.

Mr. Giorgio said building permit concerns should be deferred to the Building Commissioner. He said that the Board's discretion is limited to whether this is a suitable location, but if approved, the Board can condition subject to obtaining all required licenses and permits.

Chris Sleeper, Kenneth Stanley and Peter Engen spoke in favor of the application.

Harvey Jones spoke against the application, stating it will negatively impact Old North Wharf.

Dr. MacNab said he is concerned about the location and outside noise, adding he feels there are enough liquor licenses in this part of town. Ms. Holdgate said a recurring theme for her is how lacking Nantucket is in waterfront dining and she likes the casual concept with the fish market. She said she is sympathetic to the Old North Wharf residents but recognizes that town is inherently noisy. Ms. Holdgate noted that last year the Board discussed the lack of restaurant seats and the applicants have proven themselves with their other ventures. She said the Board needs to be careful of timing and noise but she would hate the idea of a restaurant on the water without outdoor dining. Ms. Mohr voiced the possibility of outdoor dining but no alcohol outside, adding she appreciates the applicant for asking for less seats than the square footage allows. She said that there is a dearth of opportunity for families to have dinner and expressed support for the concept of family friendly dining. Dr. MacNab reiterated he is not supportive of outside dining at this location at all and agreed restaurants are needed but not liquor licenses. Chair Bridges said the options he is hearing are closing earlier than 10:00 PM, no outside dining and no alcohol at all. He spoke in favor of the restaurant, noting the applicants have good reputations. Ms. Baxter spoke in favor of the applicants being experienced. Ms. Mohr asked how the applicants will address patrons waiting for seats with no reservations allowed. Mr. Frasca said they are working on an online waiting system that will text people when their table is ready. He said they are willing to amend the application to close at 9:00 PM the first year to prove the concept works. He reviewed the steps taken during the renovation in terms of soundproofing. He noted the premises is located in the commercial downtown zone. Ms. Holdgate spoke in favor of outdoor seating, noting the Board just allowed outdoor seating on public sidewalks and within private property and she feels it should be allowed, especially on the harbor. She spoke in favor of outside closing at 9:00 PM. Dr. MacNab said he still has an issue with outside dining even though it is allowed elsewhere, stating that the rest of town is different than Old North Wharf. Ms. Holdgate said many apartments abut sidewalk dining and she sees no difference there than Old North Wharf.

Ms. DeBenedictis suggested a closing time of 7:00 PM. Doug Massey said he has four children and they routinely sit at Millie's in the summer at 8:00 PM. He added that more restaurants are needed downtown.

Some discussion followed on last call for the restaurant and specifically outdoor service. Ms. Holdgate said the Board recently voted to grant a liquor license to 2 Broad Street and the Town Noise Bylaw is 10:00 PM; she suggested last call be 9:00 PM. She added that she wants to be fair and friendly to new ideas, and that the Greydon House and the Brotherhood abut residences. Some discussion followed on private rentals of the establishment for parties.



Liam Mackey, part owner of Nautilus and Gaslight, spoke in favor of the application and said more restaurant seats are needed. He cautioned the Board about putting forth too many restrictions, noting the renovation was expensive but it makes the building safer with sprinklers, ADA accessibility, etc.

Ms. Mohr moved to close the public hearing; seconded by Ms. Holdgate; so voted 4-0.

Ms. Holdgate moved approval with the license to be held by the Select Board pending the applicant's receipt of all other mandatory licenses or permits, with last call at 9:00 PM for the first year; seconded by Ms. Mohr; so voted 3-1. Dr. MacNab was opposed.

13. Public Hearing to Consider Application for New Non-Live Entertainment License for Straight Wharf Fish Market, LLC d/b/a Straight Wharf Fish Market, Gabriel Frasca, Manager, for Premises Located at 4 Harbor Square. Chair Bridges opened the hearing. Ms. Baxter reviewed the application noting it is non-live background music in the interior only.

As there was no public comment, Ms. Mohr moved to close the public hearing; seconded by Ms. Holdgate; so voted 4-0.

Ms. Holdgate moved approval as proposed; seconded by Ms. Mohr; so voted 4-0.

#### X. TOWN MANAGER'S REPORT

1. Update: Proposed Independent Review of Historic District Commission Operations (Tabled from February 15, 2023). This matter was moved to a future meeting.

#### XI. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports. Mr. Fee observed there are turkey vultures roosting in the trees in front of the Jared Coffin House. Ginger Andrews said they started at Pleasant Street and some have been sighted on roof walks on Orange Street.

Mr. Fee reported on a recent Coastal Resilience Advisory Committee meeting.

#### XII. ADJOURNMENT

Ms. Holdgate moved adjournment at 8:39 PM; seconded by Mr. Fee; all in favor, so voted.

Approved the 5<sup>th</sup> day of April 2023.

**SELECT BOARD**  
**MARCH 15, 2023 – 5:30 PM**  
**PSF COMMUNITY ROOM, 4 FAIRGROUNDS ROAD**  
**AND REMOTE PARTICIPATION VIA ZOOM WEBINAR**  
**NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- III. 2. Council on Aging membership/applicant list; COA application
- VIII. 2. Contract Review Committee additional funding request; FinCom recommendation
- VIII. 3. The Club Car liquor license surrender letter
- IX. 1. AIS re: Edwardes Aquaculture License renewal; Memo from Natural Resources Director with attachments
- IX. 2. AIS re: Surface Water & Ground Water Protection regulations; Proposed draft regulations; Draft Implementation Plan; Portion of 7/13/2022 SB minutes; Portion of 2/1/2023 SB minutes
- IX. 3-15. Liquor License Public Hearing Process; Chart of denial of liquor applications; KP Law eUpdate re: Entertainment Licensing
- IX. 3. AIS re: Sidewalk Dining Permits on Public Property/Fees; Sidewalk Seating Terms and Conditions; Sidewalk Dining Fees; ABCC Outdoor Dining Guidelines
- IX. 4. AIS re: Kitty Murtagh's Alteration of Premises; ABCC Summary Form; ABCC application; Planning Board Special Permit; Site Plan; Photo of proposed outdoor seating area; Proposed draft liquor license; Entertainment license
- IX. 5. AIS re: The Charlie Noble Alteration of Premises; ABCC Summary Form; ABCC application; Proposed draft liquor license; COI and Occupancy Report; site plans
- IX. 6. AIS re: The Proprietors Alteration of Premises; ABCC Summary Form; ABCC application; Proposed draft liquor license
- IX. 7. AIS re: Slip 14 Multiple Amendments; ABCC Summary Form; ABCC application; Site Plan; Proposed draft liquor license
- IX. 9. White Elephant Hotel Residences Alteration of Premises; ABCC Summary Form; ABCC application; Site Plan; Abutter notice; 2022 White Elephant Licenses
- IX. 10-11. AIS re: Grille 23 new CV, liquor and entertainment; ABCC Summary Form; Town application for liquor, CV, entertainment; ABCC application; Site plan; Abutter notice; Proposed draft liquor license
- IX. 12-13. AIS re: Straight Wharf Fish Market new CV, liquor and entertainment; ABCC Summary Form; Town application for liquor, CV, entertainment; ABCC application; HDC plans; Surrounding area licenses; Letters from the public
- IX. 14-15. AIS re: New Club Car applications; ABCC Summary Form; Town application for liquor, CV, entertainment; ABCC application; Abutter notice; Site plan; Proposed draft licenses; Determination Letter
- X. 1. AIS re: HDC proposed independent review; advisory committees; AIS from 2/15/2023 SB meeting; Select Board minutes 9/7/22; Select Board minutes 11/16/22; Agenda from 2/3/2023 Staff/Chairs meeting; DRAFT Proposed Scope for Independent Review of HDC Ops; 2/3/23 Email from S Welch re 2/2/23 HDC Special Meeting; 8/17/2022 Town Counsel legal opinion re HDC adv committees; 9/1/22 Town Counsel legal opinion re HDC adv committees; 1/10/23 Alternative legal opinion re HDC adv committees; 11/2/22 HDC memo to SB re requesting reinstating adv committees; 1/3/2023 HDC minutes; 2/9/2023 email from Town Counsel re: alternative legal opinion; 11/28/2022 email from Preservation Planner re: HDC review; DRAFT Proposed Scope for

Independent Review of HDC Ops with edits from PLUS; 2020 National Alliance of Preservation Commissions CAMP report; 11/17/2022 HDC adoption of best practices; 2/13/2023 letter from Nantucket Historical Commission; 2/13/2023 letter from Mickey Rowland (former chair of HSAB); 2/13/2023 letter from Nantucket Preservation Trust and Sconset Trust; 2/13/2023 email from Mick Rowland with HSAB Policies & Procedures; 2/15/2023 email from Christine Sanford; 2/15/2023 email from Cathy Ward; 2/15/2023 email from Anthony Vale; 3/10/2023 email from Stephen Welch with HDC adoption of Scope of Services for HDC Ops Review; 3/13/2023 email from Preservation Planner with draft s. 124-14; 3/13/2023 letter from Hillary Rayport; 3/14/2023 email from Topham Design; 3/15/2023 email from Hillary Rayport; 3/15/2023 email from Abby Camp; 3/15/2023 email from Preservation Planner re: Rayport email; 3/14/2023 email from Preservation Planner re: draft outline of scope from NAPC