

SELECT BOARD

Minutes of the Meeting of May 17, 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, Dawn Holdgate, Matt Fee, Dr. Malcolm MacNab and Brooke Mohr.

Vice Chair Holdgate expressed thanks and appreciation to Chair Bridges for his two terms of service on the Select Board, noting this is his last regular weekly meeting. Ms. Mohr also thanked Mr. Bridges for his service and being a mentor to her, as well as his leadership to the community at large. Dr. MacNab thanked Chair Bridges as well, saying he has been a “great leader”.

I. CALL TO ORDER

Chair Bridges called the meeting to order at 5:34 PM, following a meeting of the Nantucket Regional Transit Authority Advisory Board.

II. SELECT BOARD ACCEPTANCE OF AGENDA

The agenda was accepted as posted.

III. ANNOUNCEMENTS

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

2. Annual Town Election Scheduled for Tuesday, May 23, 2023 from 7:00 AM to 8:00 PM at Nantucket High School, 10 Surfside Road.

3. Police Department: Annual Appreciation Awards.

Police Chief William Pittman announced the awards, recognized each of the employees and briefly reviewed the purpose for each award as noted in the memo in the Board’s agenda packet:

Exception Duty – Officer Derek Witherell

Case Investigation – Detective Amanda Schwenk

Exceptional Duty – Dispatchers Camille Noble, Caio Gomes, Theresa Eger-Anderson, Jessica Norris and Megan Smith

Case Investigation – Sgt. Jacquelyn Hollis

Case Investigation – Detective Amanda Schwenk, Officers Joseph Tirone, James Olson, Nicholas Terino and Farrell Duce

Each employee was recognized and presented with a commendation.

4. Transportation Program Manager and Public Outreach Manager: Announcement of Nantucket Planning & Economic Development Commission Long-Range Transportation Plan Survey; and, Public Engagement Initiative. Transportation Program Manager Mike Burns and Communications Manager Florencia Rullo reviewed the survey, and the outreach and public engagement plans for it. It was noted that the survey will be available in multiple languages. Mr. Fee asked how many surveys have been submitted so far. Ms. Rullo said over 500.

5. Public Health Director: Update on Short-term Rental Registration Program Implementation. Public Health Director Roberto Santamaria provided an update on the status of implementation of the short-term

rental registration program authorized through regulations adopted jointly by the Select Board and Board of Health last year. He said that the Town's vendor for the program, Granicus, has started to register properties.

6. 2023 Committee/Board/Commission Vacancies. Town Manager C. Elizabeth Gibson reviewed the information in the Board's packet and noted that a committee to examine a Town Council form of government that was endorsed by voters at the 2023 Annual Town Meeting is not yet included in the packet.

7. Select Board Announcements/Comments. There were no comments.

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

There were no follow-up comments.

V. PUBLIC COMMENT

Denice Kronau thanked Chair Bridges for his service.

Amy Baxter thanked Chair Bridges for his service.

Courtney Bridges thanked her husband for his service and spoke on his commitment to citizen engagement.

Brian Deagle thanked Chair Bridges for his services, noting that his and the Board's leadership during Covid in particular was commendable and extraordinary.

Janet Schulte thanked Chair Bridges for his leadership, communication skills and calm presence and patience.

Tucker Holland thanked Chair Bridges for his service and leadership, especially in the area of housing, further expressing gratitude and citing a quote from Ralph Waldo Emerson.

Brooke Mohr reiterated some of Mr. Holland's comments and said the community owes Chair Bridges thanks for where the Town is with housing, today.

Chair Bridges spoke on his tenure with the Board and what he has learned during his terms in office and what he is most proud of.

VI. NEW BUSINESS

There was no new business.

VII. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS

Ms. Mohr moved approval of items VII 1-3; seconded by Mr. Fee; all in favor, so voted.

1. Approval of Minutes of May 9, 2023 at 4:00 PM; May 10, 2023 at 5:30 PM.

2. Approval of Payroll Warrants for May 14, 2023.

3. Approval of Treasury Warrants for May 17, 2023.

VIII. CITIZEN/DEPARTMENTAL/COMMITTEE REQUESTS

1. Finance Department: Request for Approval of Clean Water Trust Notes for Sewer Force Main Project.

Finance Director Brian Turbitt thanked Chair Bridges for his service. He explained the request. Ms. Mohr moved approval of the documents as requested and presented and as worded in the Board's packet; seconded by Dr. MacNab; all in favor, so voted.

2. Nantucket Conservation Foundation: Request for Waiver of Town Noise Bylaw from 10:00 PM to 11:00 PM for Bash in the Bog to be held Saturday, July 8, 2023 at Cranberry Bogs, 220 Milestone Road.

Licensing Administrator Amy Baxter reviewed the request. Ms. Mohr moved approval as requested; seconded by Mr. Fee; all in favor, so voted.

3. Nantucket Boys and Girls Club: Annual Request for Waiver of Town Noise Bylaw from 10:00 PM to 11:00 PM for Tim Russert Summer Groove to be held Saturday, August 19, 2023 Under Tents on Field at Nantucket Boys and Girls Club, 61 Sparks Avenue. Ms. Mohr moved approval as requested; seconded by Dr. MacNab; all in favor, so voted.

IX. PUBLIC HEARINGS

1. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30692598 to Install Approximately 30' of 2-3" Conduit Across Hulbert Avenue and Two Handholes (HH17-1 and HH 17-2) for Service to 50 Hulbert Avenue. Chair Bridges opened the hearing. Tim Lyford of National Grid reviewed the petition.

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

Ms. Holdgate moved approval of the petition as presented and in accordance with any departmental comments; seconded by Ms. Mohr; all in favor, so voted.

2. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30724323 to Install Approximately 20' of 2-3" Conduit Across Surfside Bike Path and One Handhole (HH28-50-2) for Service to 65B Surfside Road. Chair Bridges opened the hearing. Mr. Lyford reviewed the petition.

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

Ms. Mohr moved approval of the petition as presented and in accordance with any departmental comments; seconded by Ms. Holdgate; all in favor, so voted.

3. Public Hearing to Consider a Utility Petition from National Grid/Nantucket Electric Company, Plan #30709038 to Install Approximately 30' of 2-3" Conduit Across Fairgrounds Road and One Handhole (HH22-2) for Service to 71R Fairgrounds Road. Chair Bridges opened the hearing. Mr. Lyford reviewed the petition.

There being no public comment, Ms. Mohr moved to close the hearing; seconded by Mr. Fee; all in favor, so voted.

Ms. Holdgate moved approval of the petition as presented and in accordance with any departmental comments; seconded by Ms. Mohr; all in favor, so voted.

Mr. Fee recused from the remaining public hearings and left the table.

4. Public Hearing to Consider Application for Multiple Amendments for Seasonal All-Alcoholic Beverages Restaurant License for Beachside Associates, LLC d/b/a Summer House Bistro, for Premises Located at 16 Ocean Avenue to Add Outdoor Seating on Beach Area Adjacent to Existing Deck Dining Area and Change of Licensed Manager from Juan Manuel Ponce to Sergio Jimenez Orozco, Proposed License Manager; and, Change of Licensed Manager from Juan Manuel Ponce to Sergio Jimenez Orozco for Summer House Restaurant. Chair Bridges opened the hearing. Ms. Baxter reviewed the components of the applications and spoke on the Licensing comments contained in the Board's packet. She reviewed various violations and notices that have accrued with this establishment and another establishment under the same ownership. She noted the establishment has a documented history with being unprepared, late and in violation of various license conditions, and code requirements. Chair Bridges asked how to divide up the various components into specific motions. Ms. Baxter explained. Curtis Barnes spoke on the violations that are contained in the Board's packet and said the license should be "substantially suspended" if there are any further violations. Mayo Stuntz, a neighbor to the establishment, said there are two problematic issues with the application: parking and noise. He spoke on both of these as negatively impacting the neighborhood. He spoke against approving the application, as well as enforcement of existing restrictions. Chair Bridges asked for clarification on the specifics of the seating and whether or not there is actually an increase. Ms. Baxter explained that the number of total seats is not increasing. She spoke on the various conditions of the liquor license. Some discussion followed on these and if there are any remaining COVID allowances for liquor licensees. Ms. Baxter explained. Dr. MacNab confirmed there is no expansion of seats and asked if the Conservation Commission has any role in approval of the requested beach seating. Ms. Baxter said no. Dr. MacNab said he has concerns about the violations and about seating on the beach. Chair Bridges noted that other establishments have beach seating. Ms. Holdgate said she is also concerned about violations and agrees with the concept of a significant penalty if there are any further violations. Some discussion followed as to occupancy. Ms. Mohr asked if the fines have been paid. Ms. Baxter said yes and added that there are other outstanding fees and charges. John Shea spoke in favor of the application and reviewed the history of the property going back to when a railroad station was in Sconset. Danielle DeBenedictis spoke on the outstanding fees and stated that the property tax bills have always been paid on time. She acknowledged an outstanding landfill bill that she recently learned of. She spoke on outstanding taxes on a separate property that related to a prior owner. She confirmed that additional seats are not being requested. She spoke on the application and commented on the enjoyment of the guests with use of the beach area. She acknowledged that the violations of last summer were not addressed properly, and that her own involvement in the business was impacted by the death of her husband. Some discussion followed. Beth Jekanowski spoke in favor of the application.

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

Ms. Mohr said she is prepared to approve the Change of Manager application and so moved approval; seconded by Ms. Holdgate; all in favor, so voted.

Ms. Mohr said she is uncomfortable with the change of premises and would prefer to see an improvement in the business and take this up again next year. Ms. Holdgate said she would prefer to give the business a chance this year. Dr. MacNab said he is still concerned about the violation history, noting it is a long history and said unless there is an absolute guarantee that there will be no further violations, he tends to agree with Ms. Mohr. Some discussion followed as to the process if there are further violations.

Ms. Holdgate moved approval, with the condition that upon any further violations, a public hearing to consider penalty(s) would be scheduled immediately; seconded by Dr. MacNab; so voted, with Ms. Holdgate, Chair Bridges and Dr. MacNab voting yes and Ms. Mohr voting no.

5. Public Hearing to Consider Application for Change of Category for Seasonal Wine and Malt Beverages Restaurant License for JKRK, LLC d/b/a Company of the Cauldron, Joseph Keller, Manager, to Seasonal All-Alcoholics Beverages Restaurant License, for Premises Located at 5 India Street. Chair Bridges opened the hearing. Ms. Baxter reviewed the application.

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

Ms. Holdgate moved approval as presented; seconded by Dr. MacNab; all in favor, so voted.

6. Public Hearing to Consider Application for Transfer of Annual All-Alcoholic Beverages General On Premises License from Nantucket Culinary Center, LLC d/b/a Nantucket Culinary Center, Gregory Margolis, Manager to Un Altro, LLC d/b/a Nantucket Culinary Center, Andrea Solimeo, Manager, for Premises Located at 22 Federal Street. Chair Bridges opened the hearing. Ms. Baxter reviewed the application.

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

Ms. Holdgate moved approval as presented; seconded by Dr. MacNab; all in favor, so voted.

7. Public Hearing to Consider Application for Transfer of Live Entertainment License from Nantucket Culinary Center, LLC d/b/a Nantucket Culinary Center, Gregory Margolis, Manager to Un Altro, LLC d/b/a Nantucket Culinary Center, Andrea Solimeo, Manager, for Premises Located at 22 Federal Street. Chair Bridges opened the hearing. Ms. Baxter explained the application.

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

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

It was noted that a determination that the license in item IX-5 is not detrimental to the spiritual activities of a church pursuant to Mass General Law, chapter 138, section 16C, needs to be made. So moved by Ms. Holdgate; seconded by Ms. Mohr; all in favor, so voted.

8. Public Hearing to Consider Application for New Seasonal Wine and Malt Beverages Package Store License for Foggy Bottom Kitchen, LLC d/b/a Foggy Nantucket, Shaun Riley, Manager, for Premises

Located at 147 Orange Street. Chair Bridges opened the hearing. Ms. Baxter explained the Town's package store quota, noting this is the last license available in this category. Amanda Riley, owner of the establishment spoke on the application.

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

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

9. Public Hearing to Consider Application for Amendment to Entertainment License for Servedwell Brotherhood, LLC d/b/a The Brotherhood of Thieves, James Strombino, Manager, for Premises Located at 23 Broad Street, to Add Background Music on Outdoor Patio and Live Music on Ground Level per Approval of Special Permit Amendment. Chair Bridges opened the hearing. Ms. Baxter reviewed the application and noted a recent Planning Board hearing at which this request was approved, noting that it is contingent upon Select Board approval. She spoke on the discussion that occurred at the Planning Board hearing. Ms. Baxter reviewed the specifics of the request and the Licensing office recommendations. Jonas Baker, manager of the Brotherhood, spoke in favor of the application. He acknowledged neighbor concerns and said he would work with neighbors and do his best to address concerns. Anne Lingeman Davis spoke against the expansions approved by the Planning Board, specifically the music allowances. She asked that music not be audible beyond the premises; and, that stand-up occupancy be restricted to no more than twice a month. She said without stronger restrictions there will be a detrimental impact on the neighbors in the Ash Lane area. Roberta Anamore reviewed comments made by Chair Bridges when the original license a year or so ago was approved, relating to patio use and music and noise allowances. She questioned what has changed since the Board's original approval and said she has witnessed, recorded and submitted evidence of violations. She said those reports have not changed the activities of the licensee. She expressed concern that the establishment is turning from a restaurant into a special events venue. She spoke on the "creep" of additional activities that is occurring. John Pressman spoke on the application, stating that he realizes a balance needs to be struck between the neighbors and the restaurant. He said the biggest concern is the music and relayed instances where bands have played there after they are supposed to. He requested that lesser music allowances be granted and to re-evaluate anything additional in a year. Mr. Baker said he has "no problem" working with the neighbors on their concerns. Ms. Baxter spoke on what is existing at the establishment.

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

Ms. Holdgate said she would like to see the events limited to perhaps 8 per year. Chair Bridges agreed and said he would be amenable to up to 10 with a restriction during the summer. Some discussion followed. Chair Bridges said keeping the music low is in everyone's best interest. Ms. Mohr asked why music outside and later, is necessary. Mr. Baker spoke on "mood". He said it is part of the "hospitality experience". He added he is not in the "bar business".

Ms. Holdgate moved approval for low level prerecorded background music on the patio ending at 10:00 PM; standup service is allowed on the patio for special events not open to the public, no increase in occupancy and limiting events to no more than twice per month and 10 per year and none between June 15 and September 15; and acoustic live music until 10:00 PM in the ground floor restaurant only; seconded by Ms. Mohr. Dr. MacNab said he remains concerned about noise on the patio. Some discussion followed; all in favor, so voted.

X. TOWN MANAGER'S REPORT

Ms. Gibson noted that she does not have a prepared report and noted items scheduled for upcoming Board meetings. Ms. Gibson also expressed thanks and appreciation for Chair Bridges' service, his support for Town Administration and his unique understanding of Town operations and administration when he was a Town Administration employee prior to his election to the Board.

XI. SELECT BOARD'S REPORTS/COMMENT

1. Committee Reports. Chair Bridges reiterated that he really enjoyed serving on the Board and hopes that he made positive change. He credited his wife and expressed appreciation for her unwavering support throughout his tenure. He said he will miss the experience of being a board member.

XII. ADJOURNMENT

Chair Bridges moved adjournment at 8:22 PM; seconded by Mr. Mohr; all in favor, so voted.

Approved the 24th day of May 2023.

**SELECT BOARD
MAY 17, 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. 3. NPD Awards
- III. 4. Long-Range Transportation Plan Survey; Draft Long-Range Transportation Plan Update presentation
- III. 6. Annual Committee Openings
- VII. 1. Draft minutes of 5/9/2023; 5/10/2023
- VIII. 1. AIS re: Clean Water Trust Notes; Vote on Notes
- VIII. 2 & 3. Town Noise Bylaw
- VIII. 2. Nantucket Conservation Foundation - noise bylaw waiver request
- VIII. 3. Nantucket Boys & Girls Club - noise bylaw waiver request
- IX. 1. AIS re: NGrid petition re: Hulbert Ave; Departmental Comments; NGrid Hulbert Ave petition; Hulbert Ave plan
- IX. 2. AIS re: NGrid petition re: Surfside Rd; Departmental Comments; NGrid Surfside Rd petition; Surfside Rd plan
- IX. 3. AIS re: NGrid petition re: Fairgrounds Rd; Departmental Comments; Fairgrounds Rd petition; Fairgrounds Rd plan
- IX. 4. AIS re: Summer House Bistro; Summer House Bistro ABCC application; License; ABCC Guidelines for Outdoor Alcoholic Beverages Service Areas; Summer House Bistro compliance issues; Letters from public
- IX. 5. AIS re: Company of the Cauldron; License; Company of the Cauldron ABCC application; Determination letter
- IX. 6 & 7. AIS re: Nantucket Culinary Center; Nantucket Culinary Center ABCC application; ZBA Special Permit; Licenses
- IX. 8. AIS re: Foggy Nantucket; License; Quotas; Foggy Nantucket ABCC application
- IX. 9. AIS re: The Brotherhood of Thieves; Entertainment License Modification Application; License; KP Law eUpdate re: Entertainment Licensing