

**Town and County of Nantucket**  
**Board of Selectmen • County Commissioners**

Robert R. DeCosta, Chairman  
Rick Atherton  
Matt Fee  
Tobias Glidden  
Dawn E. Hill Holdgate



16 Broad Street  
Nantucket, Massachusetts 02554

Telephone (508) 228-7255  
Facsimile (508) 228-7272  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

C. Elizabeth Gibson  
Town & County Manager

**AGENDA FOR THE MEETING OF THE  
BOARD OF SELECTMEN  
MARCH 16, 2016 - 6:00 PM  
PUBLIC SAFETY FACILITY COMMUNITY ROOM  
4 FAIRGROUNDS ROAD  
NANTUCKET, MASSACHUSETTS**

***I. CALL TO ORDER***

***II. BOARD ACCEPTANCE OF AGENDA***

***III. ANNOUNCEMENTS***

1. The Board of Selectmen Meeting is Being Video/Audio Recorded.
2. 2016 Annual Town Meeting Starts Saturday, April 2, 2016 at 9:00 AM at Nantucket High School Auditorium, 10 Surfside Road; Annual Town Election is Tuesday, April 12, 2016 - Polls Open from 7:00 AM to 8:00 PM at Nantucket High School.

***IV. PUBLIC COMMENT\****

***V. NEW BUSINESS\****

***VI. APPROVAL OF MINUTES, WARRANTS AND PENDING CONTRACTS***

1. Approval of Payroll Warrants for Weeks Ending March 6, 2016; March 13, 2016.
2. Approval of Treasury Warrants for March 9, 2016; March 16, 2016.
3. Approval of Pending Contracts for March 16, 2016 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference.

***VII. CONSENT ITEMS***

1. Resignation Acceptance: Agricultural Commission.

2. Request for Approval of Application for New Officers/Directors for Annual All-Alcoholic Beverages Club License for Sankaty Head Golf Club, Inc. d/b/a Sankaty Head Golf Club Located at 100 Sankaty Road.
3. Request for Approval of Application for New Officers/Directors for Seasonal All-Alcoholic Beverages Club License for Sankaty Head Beach Club, Inc. d/b/a Sankaty Head Beach Club Located at 18 Hoicks Hollow Road.

#### ***VIII. CITIZEN/DEPARTMENTAL REQUESTS***

1. Request for Approval of Change of Manager of Annual All-Alcoholic Beverages Club License for Sankaty Head Golf Club, Inc. d/b/a Sankaty Head Golf Club from Robert Kuratek, Manager to Mark J. Kohler, Manager, for Premises Located at 100 Sankaty Road.
2. Request for Approval of Change of Manager of Seasonal All-Alcoholic Beverages Club License for Sankaty Head Beach Club, Inc. d/b/a Sankaty Head Beach Club from Robert Kuratek, Manager to Bailey Miller, Manager, for Premises Located at 18 Hoicks Hollow Road.
3. Request for Approval of Change of Manager of Seasonal Wine/Malt Beverages Restaurant License for Nantucket Rotary LLC d/b/a Lola Burger from Timothy Smiles, Manager to Alexandra Starzyk, Manager, for Premises Located at 1 Sparks Avenue.
4. Nantucket Preservation Trust: Request for Approval of Preservation Restriction to be Held by Nantucket Preservation Trust for Maria Mitchell Association Library at 2 Vestal Street.
5. Housing Nantucket: Request for Waiver of Sewer Connection and Sewer Privilege Fees for Two "Community Housing Units" at 18 Ticcoma Way (Tabled from March 2, 2016).
6. NCTV 18: Request to Change Designation of Franchise Fee Recipient from Nantucket Community Television to Community Foundation for Nantucket on Behalf of Nantucket Community Television.
7. Kingdom County Productions: Multiple Requests Regarding "Wetware" Film Production on Nantucket April 11 to May 3, 2016:
  - Permission to Film on Town-Owned Property and Approval of Various Street and Sidewalk Blockings;
  - Waivers of Town Noise Bylaw for Multiple Dates, Times and Locations;
  - Approval of Film Permit;
  - Reductions of Fees to Rate of \$25/Day.

#### ***IX. PUBLIC HEARINGS***

1. Public Hearing to Consider Petition for Verizon Communications Plan # MA2016-02 to Install Approximately 650' of One 4" PVC Conduit and Associated Serving Pedestals from Boston Avenue Easterly along the Northerly Sideline of Monomoy Road, Removing Five Poles.

2. Public Hearing to Consider Application for New Common Victualler License for R.J. Diamond, Inc. d/b/a A.K. Diamond's, Richard Diamond, Manager, for Premises Located at 16 Macys Lane.
3. Public Hearing to Consider Application for Alteration of Premises for Annual All-Alcoholic Beverages Restaurant License for R.J. Diamond, Inc. d/b/a A.K. Diamond's, Richard Diamond, Manager, for Premises Located at 16 Macys Lane.
4. Public Hearing to Consider Application for New Annual Wine/Malt Beverages Restaurant License for Nobuchi, Inc. d/b/a Sushi by Yoshi, Terrance J. Noyes, Manager, for Premises Located at 2 East Chestnut Street.
5. Public Hearing to Consider Application for New Annual All-Alcoholic Beverages Restaurant License for J. Etc. LLC d/b/a Oran Mor Bistro, Jon Tancinco, Manager, for Premises Located at 2 South Beach Street.
6. Public Hearing to Consider Application for New Annual All-Alcoholic Beverages Restaurant/Hotel License for Faros 17 Broad LLC, Alexander Leventhal, Manager, for Premises Located at 17 Broad Street.
7. Public Hearing to Consider Application for New Annual All-Alcoholic Beverages Restaurant License for Forty-Five Surfside Road LLC d/b/a 45 Surfside, Rebecca A. Moesinger, Manager, for Premises Located at 45 Surfside Road; Request for Determination that the Premises is Not Detrimental to the Educational and Spiritual Activities of a Church or School Pursuant to Section 16C of MGL Chapter 138.
8. Public Hearing to Consider 2016 Seasonal Liquor License Renewals, Seasonal Entertainment License Renewals and Junk Dealers License Renewals.
9. Public Hearing to Consider Amending Chapter 200, Traffic Rules and Regulations to Review Residential Parking Permit Rates (Continued from February 17, 2016).

***X. TOWN MANAGER'S REPORT***

1. New Fire Station Update.

***XI. SELECTMEN'S REPORTS/COMMENT***

1. Committee Reports.

***XII. ADJOURNMENT***

*\* Identified on Agenda Protocol Sheet.*

**Board of Selectmen Agenda Protocol:**

- **Roberts Rules:** The Board of Selectmen follows Roberts Rules of Order to govern its meetings as per the Town Code and Charter.
- **Public Comment:** For bringing matters of public interest to the attention of the Board. The Board welcomes concise statements on matters that are within the purview of the Board of Selectmen. At the Board's discretion, matters raised under Public Comment may be directed to Town Administration or may be placed on a future agenda, allowing all viewpoints to be represented before the Board takes action. Except in emergencies, the Board will not normally take any other action on Public Comment. Any personal remarks or interrogation or any matter that appears on the regular agenda are not appropriate for Public Comment.

*Public Comment is not to be used to present charges or complaints against any specifically named individual, public or private; instead, all such charges or complaints should be presented in writing to the Town Manager who can then give notice and an opportunity to be heard to the named individual as per MGL Ch. 39, s 23B.*

- **New Business:** For topics not reasonably anticipated 48 hours in advance of the meeting.
- **Public Participation:** The Board welcomes valuable input from the public at appropriate times during the meeting with recognition by the Chair. For appropriate agenda items, the Chair will introduce the item and take public input. Individual Selectmen may have questions on the clarity of information presented. The Board will hear any staff input and then deliberate on a course of action.
- **Selectmen Report and Comment:** Individual Selectmen may have matters to bring to the attention of the Board. If the matter contemplates action by the Board, Selectmen will consult with the Chair and/or Town Manager in advance and provide any needed information by the Thursday before the meeting. Otherwise, except in emergencies, the Board will not normally take action on Selectmen Comment.

**EXHIBIT 1**  
**AGREEMENTS TO BE EXECUTED BY TOWN MANAGER**  
**UNLESS RESOLUTION OF DISAPPROVAL BY BOARD OF SELECTMEN**  
**March 16, 2016**

Type of Agreement/Description	Department	With	Amount	Other Information	Source of Funding
4 <sup>th</sup> Amendment to Lease Agreement	Town Admin	Mass DOT/RMV Office	(\$9,223.56)	Annual rent for RMV office	n/a
Service Agreement	Marine Dept	AGM Marine	\$1,017,680	Construction of Easy Street Bulkhead	State Loan
Purchase Agreement	Fire Dept	Fire-1 Manufacturing, Inc.	\$234,400 for two tankers	Purchase of two replacement fire department tankers	Art. 10/2014 ATM

## Erika Mooney

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**From:** Libby Gibson  
**Sent:** Monday, March 07, 2016 3:27 PM  
**To:** 'Patrica Myers'; 'John Kuszpa'  
**Cc:** Erika Mooney  
**Subject:** RE: Agricultural Commission

Patty: this is fine, thank you for your service. We'll put it on an upcoming BOS agenda for acceptance.

C. Elizabeth Gibson  
Town Manager  
Town of Nantucket  
(508) 228-7255

MAR 8 2016 PM 1:27

-----Original Message-----

From: Patrica Myers [<mailto:nantucketblooms@comcast.net>]  
Sent: Monday, March 07, 2016 12:11 PM  
To: John Kuszpa; Libby Gibson  
Subject: Agricultural Commission

Libby and John,

This is to inform you that I am no longer able to serve on the Town's Agricultural Commission.

Is there anything, beyond this e-mail, that I need to do in order to put this resignation into effect?

Thanks,

Patty Myers

**Agricultural Commission**

Richard Arnold		2016
VACANT		2016
John Kuszpa	Chairman	2017
Campbell Sutton	Secretary	2017
Patricia C. Myers		2017
Tracey Pattenden		2018
Michelle Whelan	Vice Chairman	2018

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The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

For Reconsideration

**FORM 43**  
**MUST BE SIGNED BY LOCAL LICENSING AUTHORITY**

076200040

ABCC License Number

Nantucket

City/Town

March 16, 2016

Local Approval Date

**TRANSACTION TYPE (Please check all relevant transactions):**

- |   |  |   |   |
|---|--|---|---|
| <input type="checkbox"/> New License              | <input checked="" type="checkbox"/> New Officer/Director | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change Corporate Name      |
| <input type="checkbox"/> Transfer of License      | <input type="checkbox"/> Change of Location              | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Seasonal to Annual         |
| <input type="checkbox"/> Change of Manager        | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock          | <input type="checkbox"/> Change of License Type     |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> Issuance of Stock               | <input type="checkbox"/> New Stockholder            | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License   | <input type="checkbox"/> Management/Operating Agreement  | <input type="checkbox"/> Wine & Malt to All Alcohol |   |

Name of Licensee

EIN of Licensee

D/B/A

Manager

ADDRESS:

CITY/TOWN:

STATE

ZIP CODE

Annual or Seasonal

Category: (All Alcohol; Wine & Malt; Wine, Malt & Cordials; Wine; Malt)

Type: (Restaurant, Club, Package Store, General On Premises, Etc.)

Granted under Special Legislation? Yes  No

If Yes,

Chapter

Year

**Complete Description of Licensed Premises:**

100 Sankaty Road: First Floor: Clubroom, kitchen, bar, reception room. Basement: Ladies and mens locker rooms, small bar.

Application Filed:

Date & Time

Advertised:

Date & Attach Publication

Abutters Notified: Yes  No

Licensee Contact Person for Transaction

Phone:

ADDRESS:

CITY/TOWN:

STATE

ZIP CODE

Remarks:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission  
 Ralph Sacramone  
 Executive Director

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Remarks:

VAUGHAN, DALE, HUNTER AND BEAUDETTE

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

WHEALER'S LANE

P.O. BOX 659

NANTUCKET, MASSACHUSETTS 02554

TEL: (508) 228-4455

FAX: (508) 228-3070

EDWARD FOLEY VAUGHAN

KEVIN F. DALE

RICHARD P. BEAUDETTE

—  
LORI D'ELIA

BRYAN J. SWAIN

RECEIVED  
MAR - 9 2016

BY: ALC 10:58

WILLIAM F. HUNTER  
OF COUNSEL

March 8, 2016

**HAND DELIVERY**

Anne McAndrew, Licensing Agent  
Fairgrounds Road  
Nantucket, Massachusetts 02554

**RE:     *Petition for New Officers and Directors  
The Sankaty Head Golf Club, Inc.***

Dear Anne:

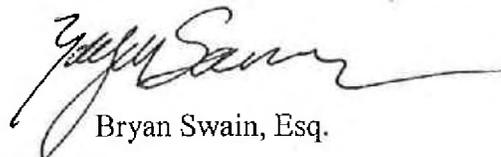
As you are aware, our firm represents The Sankaty Head Golf Club, Inc.

On behalf of our client, enclosed please find an Application for New Officers and Directors with the requisite supporting documentation.

Please schedule this matter for the next Board of Selectmen's meeting.

Thank you for your help and please call me should you have any questions or concerns.

Sincerely,



Bryan Swain, Esq.

Encs.

cc: The Sankaty Head Golf Club, Inc.



Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street, First Floor  
 Boston, MA 02114

PETITION FOR TRANSFER OF OWNERSHIP, TRANSFER OF STOCK, NEW OFFICER(S),  
 DIRECTOR(S), STOCKHOLDER(S) AND LLC MANAGER(S)

076200040

ABCC License Number

Nantucket

City/Town

The licensee A. The Sankaty Head Golf Club, Inc. and the proposed transferee B. N/A

respectfully petition the Licensing Authorities to approve the following transfer of ownership. Any Corporation, LLC or Association, Partnership, Individual, Sole Proprietor Listed in box (A.) must submit a certificate of good standing from the Massachusetts Department of Revenue (DOR).

Is the PRESENT licensee a Corporation/LLC listed in box (A.), duly registered under the laws of the Commonwealth of Massachusetts?

Yes  No If YES, please list the officers, directors and stockholders, their residences, and shares owned by each.

Name	Title	Address	Stock or % Owned
SEE EXHIBIT "A" ATTACHED	HERETO		

Is the PROPOSED transferee a Corporation/LLC listed in box (B.), duly registered under the laws of the Commonwealth of Massachusetts?

Yes  No

TO: (Place an \* before the name of each DIRECTOR/LLC Manager.)

Name	Title	Address	Stock or % Owned
SEE EXHIBIT "B" ATTACHED	HERETO		

The above named proposed transferee hereby joins in this petition for transfer of said license.

SIGNATURE OF LAST-APPROVED LICENSEE: K J Dale, Secretary Clerk  
 (If a Corporation/LLC, by its authorized representative)

Date Signed 2/16/16

SIGNATURE OF PROPOSED TRANSFEREE: K J Dale, Secretary Clerk  
Sankaty Head Golf Club

APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

City/Town

Siasconset, MA

1. LICENSEE INFORMATION:

A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual)

B. Business Name (if different) :  C. Manager of Record:

D. ABCC License Number (for existing licenses only) :

E. Address of Licensed Premises:  City/Town:  State:  Zip:

F. Business Phone:  G. Cell Phone:

H. Email:  I. Website:

J. Mailing address (If different from E.):  City/Town:  State:  Zip:

2. TRANSACTION:

- New License     New Officer/Director     Transfer of Stock     Issuance of Stock     Pledge of Stock  
 Transfer of License     New Stockholder     Management/Operating Agreement     Pledge of License

The following transactions must be processed as new licenses:

- Seasonal to Annual     (6) Day to (7)-Day License     Wine & Malt to All Alcohol

IMPORTANT ATTACHMENTS (1): The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.

3. TYPE OF LICENSE:

- §12 Restaurant     §12 Hotel     §12 Club     §12 Veterans Club     §12 Continuing Care Retirement Community  
 §12 General On-Premises     §12 Tavern (No Sundays)     §15 Package Store

4. LICENSE CATEGORY:

- All Alcoholic Beverages     Wines & Malt Beverages     Wines     Malt  
 Wine & Malt Beverages with Cordials/Liqueurs Permit

5. LICENSE CLASS:

- Annual     Seasonal

6. CONTACT PERSON CONCERNING THIS APPLICATION (ATTORNEY IF APPLICABLE)

NAME:

Kevin F. Dale, Esq.

ADDRESS:

2 Whalers Lane, PO BOX 659

CITY/TOWN:

Nantucket

STATE: MA

ZIP CODE: 02554

CONTACT PHONE NUMBER:

508-228-4455

FAX NUMBER:

508-228-3070

EMAIL: kevin@vdhlaw.com

7. DESCRIPTION OF PREMISES:

Please provide a complete description of the premises. Please note that this must be identical to the description on the Form 43. **Your description MUST include: number of floors, number of rooms on each floor, any outdoor areas to be included in licensed area, and total square footage.** i.e.: "Three story building, first floor to be licensed, 3 rooms, 1 entrance 2 exits (3200 sq ft); outdoor patio (1200 sq ft); Basement for storage (1200 sq ft). Total sq ft = 5600."

100 Sankaty Road. First Floor: clubroom, kitchen, bar, reception room. Basement: ladies and mens locker rooms, small bar.

Total Square Footage:

6,547

Number of Entrances:

11

Number of Exits:

11

Occupancy Number:

150

Seating Capacity:

150

IMPORTANT ATTACHMENTS (2): The applicant must attach a floor plan with dimensions and square footage for each floor & room.

8. OCCUPANCY OF PREMISES:

By what right does the applicant have possession and/or legal occupancy of the premises?

Own

IMPORTANT ATTACHMENTS (3): The applicant must submit a copy of the final lease or documents evidencing a legal right to occupy the premises.

Other:

Landlord is a(n):

Please Select

Other:

Name:

Phone:

Address:

City/Town:

State:

Zip:

Initial Lease Term: Beginning Date

Ending Date

Renewal Term:

Options/Extensions at:

Years Each

Rent:

Per Year

Rent:

Per Month

Do the terms of the lease or other arrangement require payments to the Landlord based on a percentage of the alcohol sales?

Yes  No

If Yes, Landlord Entity must be listed in Question # 10 of this application.

If the principals of the applicant corporation or LLC have created a separate corporation or LLC to hold the real estate, the applicant must still provide a lease between the two entities.

**9. LICENSE STRUCTURE:**

The Applicant is a(n):

Corporation

Other :

If the applicant is a Corporation or LLC, complete the following:

Date of Incorporation/Organization:

10/8/1921

State of Incorporation/Organization:

Massachusetts

Is the Corporation publicly traded? Yes  No

**10. INTERESTS IN THIS LICENSE:**

List all individuals involved in the entity (e.g. corporate stockholders, directors, officers and LLC members and managers) and any person or entity with a direct or indirect, beneficial or financial interest in this license.

**IMPORTANT ATTACHMENTS (4):**

A. All individuals or entities listed below are required to complete a Personal Information Form.

B. All shareholders, LLC members or other individuals with any ownership in this license must complete a CORI Release Form (unless they are a landlord entity)

Name	All Titles and Positions	Specific % Owned	Other Beneficial Interest
n/a			

\*If additional space is needed, please use last page.

**11. EXISTING INTEREST IN OTHER LICENSES:**

Does any individual listed in §10 have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  If yes, list said interest below:

Name	License Type	Licensee Name & Address
	Please Select	

\*If additional space is needed, please use last page.

**12. PREVIOUSLY HELD INTERESTS IN OTHER LICENSES:**

Has any individual listed in §10 who has a direct or indirect beneficial interest in this license ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No  If yes, list said interest below:

Name	Licensee Name & Address	Date	Reason Terminated
			Please Select
			Please Select
			Please Select

**13. DISCLOSURE OF LICENSE DISCIPLINARY ACTION:**

Have any of the disclosed licenses to sell alcoholic beverages listed in §11 and/or §12 ever been suspended, revoked or cancelled? Yes  No  If yes, list said interest below:

Date	License	Reason of Suspension, Revocation or Cancellation

**14. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR A (§15) PACKAGE STORE LICENSE ONLY :**

**A.) For Individual(s):**

1. Are you a U.S. Citizen? Yes  No
2. Are you a Massachusetts Residents? Yes  No

**B.) For Corporation(s) and LLC(s) :**

1. Are all Directors/LLC Managers U.S. Citizens? Yes  No
2. Are a majority of Directors/LLC Managers Massachusetts Residents? Yes  No
3. Is the License Manager a U.S. Citizen? Yes  No

**C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):**

1. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No

**15. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR (§12) RESTAURANT, HOTEL, CLUB, GENERAL ON PREMISE, TAVERN, VETERANS CLUB LICENSE ONLY:**

**A.) For Individual(s):**

1. Are you a U.S. Citizen? Yes  No

**B.) For Corporation(s) and LLC(s) :**

1. Are a majority of Directors/LLC Managers NOT U.S. Citizen(s)? Yes  No
2. Is the License Manager or Principal Representative a U.S. Citizen? Yes  No

**C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):**

1. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No

**16. COSTS ASSOCIATED WITH LICENSE TRANSACTION:**

A. Purchase Price for Real Property:	\$0.00
B. Purchase Price for Business Assets:	\$0.00
C. Costs of Renovations/Construction:	\$0.00
D. Initial Start-Up Costs:	\$0.00
E. Purchase Price for Inventory:	\$0.00
F. Other: (Specify)	\$0.00
G: TOTAL COST	\$0.00
H. TOTAL CASH	\$0.00
I. TOTAL AMOUNT FINANCED	\$0.00

**IMPORTANT ATTACHMENTS (5):** Any individual, LLC, corporate entity, etc. providing funds of \$50,000 or greater towards this transaction, must provide proof of the source of said funds. Proof may consist of three consecutive months of bank statements with a minimum balance of the amount described, a letter from your financial institution stating there are sufficient funds to cover the amount described, loan documentation, or other documentation.

The amounts listed in subsections (H) and (I) must total the amount reflected in (G).

**17. PROVIDE A DETAILED EXPLANATION OF THE FORM(S) AND SOURCE(S) OF FUNDING FOR THE COSTS IDENTIFIED ABOVE (INCLUDE LOANS, MORTGAGES, LINES OF CREDIT, NOTES, PERSONAL FUNDS, GIFTS):**

n/a

\*If additional space is needed, please use last page.

**18. LIST EACH LENDER AND LOAN AMOUNT(S) FROM WHICH "TOTAL AMOUNT FINANCED" NOTED IN SUB-SECTIONS 16(I) WILL DERIVE:**

A.

Name	Dollar Amount	Type of Financing
n/a		

\*If additional space is needed, please use last page.

B. Does any individual or entity listed in §17 or §18 as a source of financing have a direct or indirect, beneficial or financial interest in this license or any other license(s) granted under Chapter 138? Yes  No

If yes, please describe:

**19. PLEDGE: (i.e. COLLATERAL FOR A LOAN)**

A.) Is the applicant seeking approval to pledge the license?  Yes  No

1. If yes, to whom:

2. Amount of Loan:  3. Interest Rate:  4. Length of Note:

5. Terms of Loan :

B.) If a corporation, is the applicant seeking approval to pledge any of the corporate stock?  Yes  No

1. If yes, to whom:

2. Number of Shares:

C.) Is the applicant pledging the inventory?  Yes  No

If yes, to whom:

**IMPORTANT ATTACHMENTS (6):** If you are applying for a pledge, submit the pledge agreement, the promissory note and a vote of the Corporation/LLC approving the pledge.

**20. CONSTRUCTION OF PREMISES:**

Are the premises being remodeled, redecorated or constructed in any way? If YES, please provide a description of the work being performed on the premises:  Yes  No

21. ANTICIPATED OPENING DATE:

**IF ALL OF THE INFORMATION AND  
ATTACHMENTS ARE NOT COMPLETE  
THE APPLICATION WILL BE  
RETURNED**

APPLICANT'S STATEMENT

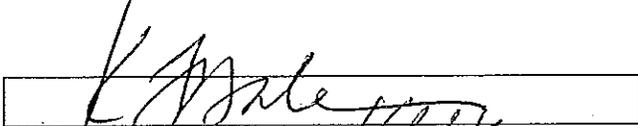
I, Kevin F. Dale the:  sole proprietor;  partner;  corporate principal;  LLC/LLP member  
Authorized Signatory

of The Sankaty Head Golf Club, hereby submit this application for New Officers or Directors  
Name of the Entity/Corporation Transaction(s) you are applying for

(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 statement 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 does not violate any requirement of the ABCC or other state law or local ordinances;
- (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 Application information 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.

Signature:  Date: 2/16/16  
Title: Corporate Officer  
Sankaty Head Golf Club

**THE SANKATY HEAD GOLF CLUB, INC.**

**CORPORATE CERTIFICATE**

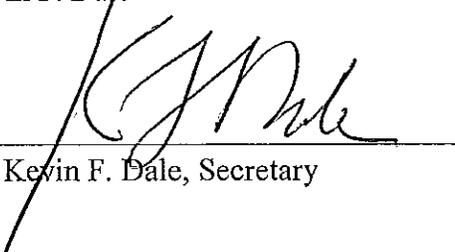
The undersigned being the Secretary of the Sankaty Head Golf Club, Inc., organized under the laws of the Commonwealth of Massachusetts (The "Company") hereby certifies as follows:

1. That the undersigned is the Secretary of the Company;
2. That as of this date, the Company is in full force and effects and is authorized to transact business in the Commonwealth of Massachusetts;
3. That the undersigned has been directly and duly authorized by the Company to file this Petition with the Alcohol Beverages Control Commission for the Commonwealth of Massachusetts (The "ABCC"),
4. That the undersigned has been directed and duly authorized by the Company to execute any and all documents and perform any and all acts to effectuate the foregoing, all upon such terms and provisions as the undersigned deems appropriate.

Executed under seal this 16<sup>th</sup> day of January, 2016

The Sankaty Head Golf Club, Inc.

By: Kevin F. Dale

  
\_\_\_\_\_  
Kevin F. Dale, Secretary

Charter issued Oct. 3, 1921, to  
Lakewood Grove and The Birches Improvement Association, Inc.,  
as a new corporation, a copy of which Charter or Certificate of In-  
corporation is recorded in Volume 380, Page 203.

We, Frederick H. Webster President, David Gray Treasurer,  
H. Emerson Armstrong Clerk, and Frederick P. Hill, Lewis S. McCreary,  
Reginald T. FitzRandolph Horace G. Preston being a majority of the  
directors of The Sankaty Head Golf Club in compliance with the re-  
quirements of the sixth section of chapter one hundred and eighty of  
the General Laws, do hereby certify that the following is a true copy  
of the agreement of association to constitute said Corporation, with  
the names of the subscribers thereto:-

"We, whose names are hereto subscribed, do, by this agreement asso-  
ciate ourselves with the intention to constitute a Corporation accord-  
ing to the provisions of the one hundred and eightieth chapter of  
the General Laws of the Commonwealth of Massachusetts, and the Acts  
in amendment thereof and in addition thereto.

The name by which the Corporation shall be known is

The Sankaty Head Golf Club

The Corporation is constituted for the purpose of promoting athlet-  
ic exercises especially that of the game of golf  
The place within which the Corporation is established or located  
is the town of Nantucket within said Commonwealth.

We hereby waive all requirements of the statutes of Massachusetts  
for notice of the first meeting for organization, and appoint the  
tenth day of September, 1921, at 11 o'clock A.M., at Nantucket as the  
time and place of holding said first meeting

In Witness Whereof, we have hereunto set our hands, this tenth day  
of \_\_\_\_\_ in the year nineteen hundred and twenty-one.

Horace G. Preston	2581 Beecker Ave., Detroit, Mich.
Frederick P. Hill	Nantucket, Mass.
Frederk. H. Webster	458 Clinton Ave. Brooklyn, N. Y.
David Gray	915 Hammond Bldg. Detroit Mich.
H. Emerson Armstrong	Nantucket, Mass
Lewis S. McCreary	Belmont, Mass
Reginald T. FitzRandolph	Nantucket, Mass.

X  
Sankaty Head Golf  
Club, The

Certificate of  
Organization

General Laws.  
Chap. 180.  
Sect. 7.

Filed,  
Oct. 8, 1921.

Fee \$5.00 pd.

edk. H. Webster  
vid Gray  
Emerson Armstrong  
wis S. McCreary  
ginald T. FitzRandolph

915 Hammond Bldg. Detroit Mich.  
Nantucket, Mass  
Belmont, Mass  
Nantucket, Mass.

That the first meeting of the subscribers to said agreement was held on the tenth day of September in the year nineteen hundred and twenty-one

The name, residence and post office address of each of the officers are as follows, Frederick H. Webster President, 458 Clinton Ave. Brooklyn, N. Y. Vice President Horace G. Preston, 2581 Beecker Ave. Detroit, Mich. Treasurer, David Gray, Hammond Bldg. Detroit, Mich. Clerk, H. Emerson Armstrong, Nantucket, Mass. Other Directors, Frederick P. Hill and Reginald T FitzRandolph both of Nantucket, Mass. Lewis S. McCreary, Belmont, Mass., all officers are directors.

In Witness Whereof, we have hereunto signed our names, this tenth day of September in the year nineteen hundred and twenty-one

Fredk. H. Webster  
Horace G. Preston  
David Gray  
H. Emerson Armstrong  
Lewis S McCreary  
Frederick P. Hill.  
Reginald T FitzRandolph

THE COMMONWEALTH OF MASSACHUSETTS

Nantucket ss.

Sept. 10, 1921.

Then personally appeared the above-named Frederick H. Webster, Horace G. Preston, David Gray, H. Emerson Armstrong, Lewis S. McCreary, Frederick P. Hill, and Reginald T. FitzRandolph and severally made oath that the foregoing certificate, by them subscribed, is true to the best of their knowledge and belief.

Before me,

F. Dorothy Fitz-Randolph  
Notary Public

I hereby certify that it appears, upon an examination of the within written certificate and the records of the corporation duly submitted to my inspection, that the requirements of chapter one hundred and eighty of the General Laws have been complied with, and I hereby approve said certificate, this twenty-ninth day of September A.D. nineteen hundred and twenty-one.

Henry F. Long

Commissioner of Corporations and taxation.

Charter issued Oct. 8, 1921, to

The Sankaty Head Golf Club,

as a new corporation, a copy of which Charter or Certificate of Incorporation is recorded in Volume 380, Page 205.

"Exhibit A"

**2015 Sankaty Head Golf Club Officers and Governors**

<b>Name</b>	<b>Title</b>	<b>Address</b>	<b>% Owned</b>
Thomas F. Cunningham	President & Governor	6 Emily Street, Nantucket, MA 02554	0%
Charles Pagnam	Vice-President & Governor	100 Sankaty Road, PO BOX 293, Siasconset, MA 02564	0%
Stephen Anderson	Treasurer & Governor	100 Sankaty Road, Siasconset, MA 02564	0%
Kevin Dale	Secretary, Clerk & Governor	7 Sesapana Road, Nantucket, MA 02554	0%
John Gallagher	Governor	100 Sankaty Road, PO BOX 293, Siasconset, MA 02564	0%
Kathleen Poole	Governor	43 Main Street, Siasconset, MA 02564	0%
Gail McRobie	Governor	8736 Lakeside Blvd, Vero Beach, FL 32963	0%
Eugene Goodwillie, Jr.	Governor	7190 E Desert Star Court. Tucson, AZ, 85750	0%
Michael Jemison	Governor	2038 Meadow Glen, Wyomissing, PA 19610	0%
Albert Antonez	Director	315 Polpis Road, Nantucket, MA 02554	0%
Timothy Moran	Governor	750 Ocean Royale Way PH-5, Juno Beach, FL 3408	0%
Alice F. Emerson	Governor	PO BOX 206, Siasconset, MA 02564	0%
Karen Urban	Governor	200 Riverside Blvd, 39B, New York, New York, 10069	0%
Pam Hogen	Governor	12 Coffin Street, Siasconset, MA 02564	0%

"Exhibit B"

2016 Sankaty Head Golf Club Officers and Governors

Name	Title	Address	% Owned
Thomas F. Cunningham	President & Governor	6 Emily Street, Nantucket, MA 02554	0%
Charles Pagnam	Vice-President & Governor	100 Sankaty Road, PO BOX 293, Siasconset, MA 02564	0%
Stephen Anderson	Treasurer & Governor	100 Sankaty Road, Siasconset, MA 02564	0%
Kevin Dale	Secretary, Clerk & Governor	7 Sesapana Road, Nantucket, MA 02554	0%
John Gallagher	Governor	100 Sankaty Road, PO BOX 293, Siasconset, MA 02564	0%
Michael Jemison	Governor	2038 Meadow Glen, Wyomissing, PA 19610	0%
Timothy Moran	Governor	750 Ocean Royale Way PH-5, Juno Beach, FL 3408	0%
Alice F. Emerson	Governor	PO BOX 206, Siasconset, MA 02564	0%
Karen Urban	Governor	200 Riverside Blvd, 39B, New York, New York, 10069	0%
Pam Hogen	Governor	12 Coffin Street, Siasconset, MA 02564	0%
Jane Fitzgerald	Governor	62B Orange Street, Nantucket, MA 02554	0%
Christopher Quick	Governor	62R Cliff Road, Nantucket, MA 02554	0%



MASSACHUSETTS DEPT. OF REVENUE  
PO BOX 7066  
BOSTON, MA 02204



MARK E. NUNNELLY, COMMISSIONER  
CHARLENE HANNAFORD, ACTING DEPUTY COMMISSIONER



SANKATY HEAD GOLF CLUB INC  
100 SANKATY ROAD  
SIASCONSET, MA 02564

243M

Notice 80619  
T/P ID 041 807 755  
Date 11/19/15  
Bureau CERTIFICATE

OP

### CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE

The Commissioner of Revenue certifies as of the above date, that the above named individual or entity is in compliance with its tax obligations payable under M.G.L. c. 62C, including corporation excise, sales and use taxes, sales tax on meals, sales and use tax on Boats/RV, withholding taxes, room occupancy excise and personal income taxes, with the following exceptions.

This Certificate certifies that individual taxpayers are in compliance with income tax obligations and any sales and use taxes, sales tax on meals, withholding taxes, and/or room occupancy taxes related to a sole proprietorship. Persons deemed responsible for the payment of these taxes on behalf of a corporation, partnership or other business entity may not use our automated process to obtain a Certificate.

This Certificate does not certify that the entity's standing as to taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law. Taxpayers required to collect or remit the following taxes must submit a separate request to certify compliance: Alcoholic Beverage Excise, Cigarette Excise, International Fuels Tax Agreement, Smokeless Tobacco or Ferry Embarkation.

THIS IS NOT A WAIVER OF LIEN ISSUED UNDER GENERAL LAWS, CHAPTER 62C,  
SECTION 52.

Very truly yours,

Charlene Hannaford, Acting Deputy Commissioner



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

For Reconsideration

**FORM 43**  
**MUST BE SIGNED BY LOCAL LICENSING AUTHORITY**

076200041

ABCC License Number

Nantucket

City/Town

March 16, 2016

Local Approval Date

**TRANSACTION TYPE (Please check all relevant transactions):**

- |   |  |   |   |
|---|--|---|---|
| <input type="checkbox"/> New License              | <input checked="" type="checkbox"/> New Officer/Director | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change Corporate Name      |
| <input type="checkbox"/> Transfer of License      | <input type="checkbox"/> Change of Location              | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Seasonal to Annual         |
| <input type="checkbox"/> Change of Manager        | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock          | <input type="checkbox"/> Change of License Type     |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> Issuance of Stock               | <input type="checkbox"/> New Stockholder            | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License   | <input type="checkbox"/> Management/Operating Agreement  | <input type="checkbox"/> Wine & Malt to All Alcohol |   |

Name of Licensee  EIN of Licensee

D/B/A  Manager

ADDRESS:  CITY/TOWN:  STATE:  ZIP CODE:

Seasonal  All Alcohol  Club  Granted under Special Legislation? Yes  No

Annual or Seasonal  Category: (All Alcohol; Wine & Malt; Wine, Malt & Cordials; Wine; Malt)  Type: (Restaurant, Club, Package Store, General On Premises, Etc.)

If Yes, Chapter  Year

Complete Description of Licensed Premises:

Application Filed:  Date & Time Advertiser:  Date & Attach Publication Abutters Notified: Yes  No

Licensee Contact Person for Transaction  Phone:

ADDRESS:  CITY/TOWN:  STATE:  ZIP CODE:

Remarks:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission  
 Ralph Sacramone  
 Executive Director

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ABCC Remarks:

VAUGHAN, DALE, HUNTER AND BEAUDETTE

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

WHALER'S LANE

P.O. BOX 659

NANTUCKET, MASSACHUSETTS 02554

TEL: (508) 228-4455

FAX: (508) 228-3070

EDWARD FOLEY VAUGHAN

KEVIN F. DALE

RICHARD P. BEAUDETTE

LORI D'ELIA

BRYAN J. SWAIN

RECEIVED  
MAR - 9 2016

BY: AW 10:58

WILLIAM F. HUNTER  
OF COUNSEL

March 8, 2016

**HAND DELIVERY**

Anne McAndrew, Licensing Agent

Fairgrounds Road

Nantucket, Massachusetts 02554

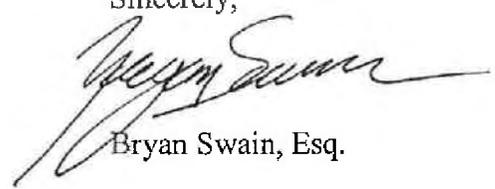
**RE: *Petition for New Officers and Directors  
Sankaty Head Beach Club, Inc.***

Dear Anne:

As you are aware, our firm represents Sankaty Head Beach Club, Inc. On behalf of our client, enclosed please find an Application for New Officers and Directors with the requisite supporting documentation.

Please schedule this matter for the next Board of Selectmen's meeting. Thank you for your help and please call me should you have any questions or concerns.

Sincerely,



Bryan Swain, Esq.

Encs.

cc: Sankaty Head Beach Club, Inc.



Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street, First Floor  
 Boston, MA 02114

PETITION FOR TRANSFER OF OWNERSHIP, TRANSFER OF STOCK, NEW OFFICER(S),  
 DIRECTOR(S), STOCKHOLDER(S) AND LLC MANAGER(S)

076200041

ABCC License Number

Nantucket

City/Town

The licensee A. Sankaty Head Beach Club, Inc. and the proposed transferee B. N/A respectfully petition the Licensing Authorities to approve the following transfer of ownership. Any Corporation, LLC or Association, Partnership, Individual, Sole Proprietor Listed in box (A.) must submit a certificate of good standing from the Massachusetts Department of Revenue (DOR).

Is the PRESENT licensee a Corporation/LLC listed in box (A.), duly registered under the laws of the Commonwealth of Massachusetts?

Yes  No If YES, please list the officers, directors and stockholders, their residences, and shares owned by each.

Name	Title	Address	Stock or % Owned
SEE EXHIBIT "A" ATTACHED	HERETO		

Is the PROPOSED transferee a Corporation/LLC listed in box (B.), duly registered under the laws of the Commonwealth of Massachusetts?

Yes  No

TO: (Place an \* before the name of each DIRECTOR/LLC Manager.)

Name	Title	Address	Stock or % Owned
SEE EXHIBIT "B" ATTACHED	HERETO		

The above named proposed transferee hereby joins in this petition for transfer of said license.

SIGNATURE OF LAST-APPROVED LICENSEE:

*R. J. Mole Secretary/Club*

(If a Corporation/LLC, by its authorized representative)

Date Signed

2/16/16

SIGNATURE OF PROPOSED TRANSFEREE:

*R. J. Mole Secretary/Club  
 Sankaty Head Beach Club Inc*

APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

City/Town

Nantucket

1. LICENSEE INFORMATION:

A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual)

B. Business Name (if different) :  C. Manager of Record:

D. ABCC License Number (for existing licenses only) :

E. Address of Licensed Premises:  City/Town:  State:  Zip:

F. Business Phone:  G. Cell Phone:

H. Email:  I. Website:

J. Mailing address (If different from E.):  City/Town:  State:  Zip:

2. TRANSACTION:

- New License     New Officer/Director     Transfer of Stock     Issuance of Stock     Pledge of Stock  
 Transfer of License     New Stockholder     Management/Operating Agreement     Pledge of License

The following transactions must be processed as new licenses:

- Seasonal to Annual     (6) Day to (7)-Day License     Wine & Malt to All Alcohol

IMPORTANT ATTACHMENTS (1): The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.

3. TYPE OF LICENSE:

- §12 Restaurant     §12 Hotel     §12 Club     §12 Veterans Club     §12 Continuing Care Retirement Community  
 §12 General On-Premises     §12 Tavern (No Sundays)     §15 Package Store

4. LICENSE CATEGORY:

- All Alcoholic Beverages     Wines & Malt Beverages     Wines     Malt  
 Wine & Malt Beverages with Cordials/Liqueurs Permit

5. LICENSE CLASS:

- Annual     Seasonal

**6. CONTACT PERSON CONCERNING THIS APPLICATION (ATTORNEY IF APPLICABLE)**

NAME:

Kevin F. Dale, Esquire

ADDRESS:

2 Whalers Lane, PO BOX 659

CITY/TOWN:

Nantucket

STATE: MA

ZIP CODE:

02554

CONTACT PHONE NUMBER:

508-228-4455

FAX NUMBER:

508-228-3070

EMAIL: kevin@vdhlaw.com

**7. DESCRIPTION OF PREMISES:**

Please provide a complete description of the premises. Please note that this must be identical to the description on the Form 43. **Your description MUST include: number of floors, number of rooms on each floor, any outdoor areas to be included in licensed area, and total square footage.** i.e.: "Three story building, first floor to be licensed, 3 rooms, 1 entrance 2 exits (3200 sq ft); outdoor patio (1200 sq ft); Basement for storage (1200 sq ft). Total sq ft = 5600."

Bar, Kitchen and Dining Facility.

Total Square Footage:

2874

Number of Entrances:

4

Number of Exits:

4

Occupancy Number:

140

Seating Capacity:

140

**IMPORTANT ATTACHMENTS (2):** The applicant must attach a floor plan with dimensions and square footage for each floor & room.

**8. OCCUPANCY OF PREMISES:**

By what right does the applicant have possession and/or legal occupancy of the premises?

Own

**IMPORTANT ATTACHMENTS (3):** The applicant must submit a copy of the final lease or documents evidencing a legal right to occupy the premises.

Other:

Landlord is a(n):

Please Select

Other:

Name:

Phone:

Address:

City/Town:

State:

Zip:

Initial Lease Term: Beginning Date

Ending Date

Renewal Term:

Options/Extensions at:

Years Each

Rent:

Per Year

Rent:

Per Month

Do the terms of the lease or other arrangement require payments to the Landlord based on a percentage of the alcohol sales?

Yes  No

If Yes, Landlord Entity must be listed in Question # 10 of this application.

If the principals of the applicant corporation or LLC have created a separate corporation or LLC to hold the real estate, the applicant must still provide a lease between the two entities.

**12. PREVIOUSLY HELD INTERESTS IN OTHER LICENSES:**

Has any individual listed in §10 who has a direct or indirect beneficial interest in this license ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No  If yes, list said interest below:

Name	Licensee Name & Address	Date	Reason Terminated
			Please Select
			Please Select
			Please Select

**13. DISCLOSURE OF LICENSE DISCIPLINARY ACTION:**

Have any of the disclosed licenses to sell alcoholic beverages listed in §11 and/or §12 ever been suspended, revoked or cancelled? Yes  No  If yes, list said interest below:

Date	License	Reason of Suspension, Revocation or Cancellation

**14. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR A (§15) PACKAGE STORE LICENSE ONLY :**

**A.) For Individual(s):**

1. Are you a U.S. Citizen? Yes  No
2. Are you a Massachusetts Residents? Yes  No

**B.) For Corporation(s) and LLC(s) :**

1. Are all Directors/LLC Managers U.S. Citizens? Yes  No
2. Are a majority of Directors/LLC Managers Massachusetts Residents? Yes  No
3. Is the License Manager a U.S. Citizen? Yes  No

**C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):**

- 1.. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No

**15. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR (§12) RESTAURANT, HOTEL, CLUB, GENERAL ON PREMISE, TAVERN, VETERANS CLUB LICENSE ONLY:**

**A.) For Individual(s):**

1. Are you a U.S. Citizen? Yes  No

**B.) For Corporation(s) and LLC(s) :**

1. Are a majority of Directors/LLC Managers **NOT** U.S. Citizen(s)? Yes  No
2. Is the License Manager or Principal Representative a U.S. Citizen? Yes  No

**C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):**

- 1.. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No

**16. COSTS ASSOCIATED WITH LICENSE TRANSACTION:**

A. Purchase Price for Real Property:	\$0.00
B. Purchase Price for Business Assets:	\$0.00
C. Costs of Renovations/Construction:	\$0.00
D. Initial Start-Up Costs:	\$0.00
E. Purchase Price for Inventory:	\$0.00
F. Other: (Specify)	\$0.00
<b>G: TOTAL COST</b>	\$0.00
<b>H. TOTAL CASH</b>	\$0.00
<b>I. TOTAL AMOUNT FINANCED</b>	\$0.00

**IMPORTANT ATTACHMENTS (5):** Any individual, LLC, corporate entity, etc. providing funds of \$50,000 or greater towards this transaction, must provide proof of the source of said funds. Proof may consist of three consecutive months of bank statements with a minimum balance of the amount described, a letter from your financial institution stating there are sufficient funds to cover the amount described, loan documentation, or other documentation.

The amounts listed in subsections (H) and (I) must total the amount reflected in (G).

**17. PROVIDE A DETAILED EXPLANATION OF THE FORM(S) AND SOURCE(S) OF FUNDING FOR THE COSTS IDENTIFIED ABOVE (INCLUDE LOANS, MORTGAGES, LINES OF CREDIT, NOTES, PERSONAL FUNDS, GIFTS):**

n/a

\*If additional space is needed, please use last page.

**18. LIST EACH LENDER AND LOAN AMOUNT(S) FROM WHICH "TOTAL AMOUNT FINANCED" NOTED IN SUB-SECTIONS 16(I) WILL DERIVE:**

A.

Name	Dollar Amount	Type of Financing
n/a		

\*If additional space is needed, please use last page.

B. Does any individual or entity listed in §17 or §18 as a source of financing have a direct or indirect, beneficial or financial interest in this license or any other license(s) granted under Chapter 138? Yes  No

If yes, please describe:

**19. PLEDGE: (i.e. COLLATERAL FOR A LOAN)**

A.) Is the applicant seeking approval to pledge the license?  Yes  No

1. If yes, to whom:

2. Amount of Loan:  3. Interest Rate:  4. Length of Note:

5. Terms of Loan:

B.) If a corporation, is the applicant seeking approval to pledge any of the corporate stock?  Yes  No

1. If yes, to whom:

2. Number of Shares:

C.) Is the applicant pledging the inventory?  Yes  No

If yes, to whom:

**IMPORTANT ATTACHMENTS (6):** If you are applying for a pledge, submit the pledge agreement, the promissory note and a vote of the Corporation/LLC approving the pledge.

**20. CONSTRUCTION OF PREMISES:**

Are the premises being remodeled, redecorated or constructed in any way? If YES, please provide a description of the work being performed on the premises:  Yes  No

21. ANTICIPATED OPENING DATE:

**IF ALL OF THE INFORMATION AND  
ATTACHMENTS ARE NOT COMPLETE  
THE APPLICATION WILL BE  
RETURNED**

APPLICANT'S STATEMENT

I, Kevin F. Dale the:  sole proprietor;  partner;  corporate principal;  LLC/LLP member  
Authorized Signatory

of The Sankaty Head Beach Club, hereby submit this application for New Officers or Directors  
Name of the Entity/Corporation Transaction(s) you are applying for

(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 statement 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 does not violate any requirement of the ABCC or other state law or local ordinances;
- (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 Application information 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.

Signature: [Handwritten Signature]  
Title: Corporate Officer

Date: 2/16/16

THE SANKATY HEAD BEACH CLUB, INC.

CORPORATE CERTIFICATE

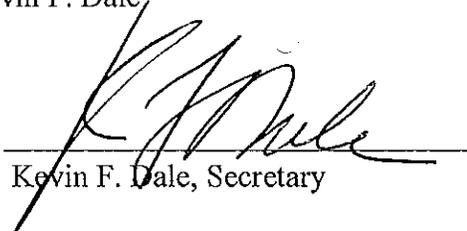
The undersigned being the Secretary of the Sankaty Head Beach Club, Inc., organized under the laws of the Commonwealth of Massachusetts (The "Company") hereby certifies as follows:

1. That the undersigned is the Secretary of the Company;
2. That as of this date, the Company is in full force and effects and is authorized to transact business in the Commonwealth of Massachusetts;
3. That the undersigned has been directly and duly authorized by the Company to file this Petition with the Alcohol Beverages Control Commission for the Commonwealth of Massachusetts (The "ABCC"),
4. That the undersigned has been directed and duly authorized by the Company to execute any and all documents and perform any and all acts to effectuate the foregoing, all upon such terms and provisions as the undersigned deems appropriate.

Executed under seal this 16<sup>th</sup> day of February, 2016

The Sankaty Head Beach Club, Inc.

By: Kevin F. Dale

  
Kevin F. Dale, Secretary



**The Commonwealth of Massachusetts**  
**William Francis Galvin**

Minimum Fee: \$35.00

Secretary of the Commonwealth, Corporations Division  
One Ashburton Place, 17th floor  
Boston, MA 02108-1512  
Telephone: (617) 727-9640

**Articles of Organization**  
(General Laws, Chapter 180)

Identification Number: 001171841

**ARTICLE I**

The exact name of the corporation is:

SANKATY HEAD BEACH CLUB, INC.

**ARTICLE II**

The purpose of the corporation is to engage in the following business activities:

THE CORPORATION IS CONSTITUTED FOR THE PURPOSE OF PROMPTING ATHLETIC EXERCISES ESPECIALLY THAT OF THE GAME OF GOLF.

**ARTICLE III**

A corporation may have one or more classes of members. If it does, the designation of such classes, the manner of election or appointments, the duration of membership and the qualifications and rights, including voting rights, of the members of each class, may be set forth in the by-laws of the corporation or may be set forth below:

**ARTICLE IV**

Other lawful provisions, if any, for the conduct and regulation of the business and affairs of the corporation, for its voluntary dissolution, or for limiting, defining, or regulating the powers of the corporation, or of its directors or members, or of any class of members, are as follows:

*(If there are no provisions state "NONE")*

NONE

*Notes: The preceding four (4) articles are considered to be permanent and may only be changed by filing appropriate Articles of Amendment.*

**ARTICLE V**

The by-laws of the corporation have been duly adopted and the initial directors, president, treasurer and clerk or other presiding, financial or recording officers, whose names are set out on the following page, have been duly elected.

**ARTICLE VI**

The effective date of organization of the corporation shall be the date approved and filed by the Secretary of the Commonwealth. If a *later* effective date is desired, specify such date which shall not be more than *thirty days* after the date of filing.

05/04/2015

**ARTICLE VII**

The information contained in Article VII is not a permanent part of the Articles of Organization.

**a. The street address (post office boxes are not acceptable) of the principal office of the corporation in Massachusetts is:**

No. and Street: 18 HOICKS HOLLOW RD  
PO BOX 293  
 City or Town: SIASCONSET State: MA Zip: 02564 Country: USA

**b. The name, residential street address and post office address of each director and officer of the corporation is as follows:**

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code	Expiration of Term
PRESIDENT	THOMAS F. CUNNINGHAM	6 EMILY STREET NANTUCKET, MA 02554 USA 6 EMILY STREET NANTUCKET, MA 02554 USA	10/31/2015
TREASURER	STEPHEN ANDERSON	5 SOUTH VALLEY ROAD NANTUCKET, MA 02554 USA PO BOX 293 SIASCONSET, MA 02564 USA	10/31/2015
CLERK	KEVIN F. DALE	7 SESAPANA ROAD NANTUCKET, MA 02554 USA 2 WHALERS LANE NANTUCKET, MA 02554 USA	10/31/2015
GOVERNOR	CHARLES PAGNAM	100 SANKATY ROAD NANTUCKET, MA 02554 USA PO BOX 293 SIASCONSET, MA 02564 USA	10/31/2015
SECRETARY	KEVIN F. DALE	7 SESAPANA ROAD NANTUCKET, MA 02554 USA 2 WHALERS LANE NANTUCKET, MA 02554 USA	10/31/2015
GOVERNOR	KEVIN F. DALE	7 SESAPANA ROAD NANTUCKET, MA 02554 USA 2 WHALERS LANE NANTUCKET, MA 02554 USA	10/31/2015
GOVERNOR	STEPHEN ANDERSON	5 SOUTH VALLEY ROAD NANTUCKET, MA 02554 USA PO BOX 293 SIASCONSET, MA 02564 USA	10/31/2015
GOVERNOR	JOHN GALLAGHER	3 CANNONBURY LANE SIASCONSET, MA 02564 USA PO BOX 293 SIASCONSET, MA 02564 USA	10/31/2015
GOVERNOR	THOMAS F. CUNNINGHAM	6 EMILY STREET NANTUCKET, MA 02554 USA 6 EMILY STREET NANTUCKET, MA 02554 USA	10/31/2016
GOVERNOR	GAIL K. MCROBIE	21 COFFIN STREET SIASCONSET, MA 02564 USA PO BOX 293 SIASCONSET, MA 02564 USA	10/31/2015
GOVERNOR	KATHLEEN POOLE	43 MAIN STREET SIASCONSET, MA 02564 USA 43 MAIN STREET SIASCONSET, MA 02564 USA	10/31/2015
GOVERNOR	MICHAEL JEMINSON	195C HUMMOCK POND ROAD NANTUCKET, MA 02554 USA	10/31/2016

		195C HUMMOCK POND ROAD NANTUCKET, MA 02554 USA	
GOVERNOR	ENGENE GOODWILLIE JR.	7190 E DESERT STAR COURT TUCSON, AZ 85750 USA 7190 E DESERT STAR COURT TUCSON, AZ 85750 USA	10/31/2015
VICE PRESIDENT	CHARLES PAGNAM	100 SANKATY ROAD NANTUCKET, MA 02554 USA PO BOX 293 SIASCONSET, MA 02564 USA	10/31/2015
GOVERNOR	ALICE F. EMERSON	901 MONTGOMERY AVE, # 506 BRYN MAWR, PA 19010 USA PO BOX 206 SIASCONSET, MA 02564 USA	10/31/2016
GOVERNOR	TOMOTHY MORAN	5 LILY STREET NANTUCKET, MA 02554 USA 750 OCEAN ROYALE WAY PH-5 JUNO BEACH, FL 33408 USA	10/31/2016
GOVERNOR	KAREN URBAN	200 RIVERSIDE BLVD, 39B NEW YORK, NY 10069 USA 33 MAIN STREET SIASCONSET, MA 02564 USA	10/31/2016
GOVERNOR	PAM HOGEN	12 COFFIN STREET SIASCONSET, MA 02564 USA 12 COFFIN STREET SIASCONSET, MA 02564 USA	10/31/2016
DIRECTOR	ALBERT ANTONEZ	315 POLPIS ROAD NANTUCKET, MA 02554 USA 100 SANKATY ROAD SIASCONSET, MA 02564 USA	10/31/2016

c. The fiscal year (i.e., tax year) of the business entity shall end on the last day of the month of:  
December

d. The name and business address of the resident agent, if any, of the business entity is:

Name: KEVIN F. DALE, ESQ.  
 No. and Street: 2 WHALERS LANE  
PO BOX 659  
 City or Town: NANTUCKET State: MA Zip: 02554 Country: USA

I/We, the below signed incorporator(s), do hereby certify under the pains and penalties of perjury that I/we have not been convicted of any crimes relating to alcohol or gaming within the past ten years. I/We do hereby further certify that to the best of my/our knowledge the above-named officers have not been similarly convicted. If so convicted, explain:

IN WITNESS WHEREOF AND UNDER THE PAINS AND PENALTIES OF PERJURY, I/we, whose signature(s) appear below as incorporator(s) and whose name(s) and business or residential address (es) beneath each signature do hereby associate with the intention of forming this business entity under the provisions of General Law, Chapter 180 and do hereby sign these Articles of Organization as incorporator(s) this 4 Day of May, 2015. (If an existing corporation is acting as incorporator, type in the exact name of the business entity, the state or other jurisdiction where it was incorporated, the name of the person signing on behalf of said business entity and the title he/she holds or other authority by which such action is taken.)

KEVIN F. DALE, ESQ.

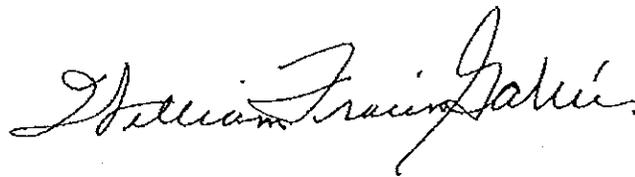
© 2001 - 2015 Commonwealth of Massachusetts  
All Rights Reserved

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

May 04, 2015 02:47 PM

A handwritten signature in cursive script that reads "William Francis Galvin". The signature is written in dark ink and is centered on the page.

WILLIAM FRANCIS GALVIN

*Secretary of the Commonwealth*

"Exhibit A"

**2015 Sankaty Head Beach Club Officers and Governors**

<b>Name</b>	<b>Title</b>	<b>Address</b>	<b>% Owned</b>
Thomas F. Cunningham	President & Governor	6 Emily Street, Nantucket, MA 02554	0%
Charles Pagnam	Vice-President & Governor	100 Sankaty Road, PO BOX 293, Siasconset, MA 02564	0%
Stephen Anderson	Treasurer & Governor	100 Sankaty Road, Siasconset, MA 02564	0%
Kevin Dale	Secretary, Clerk & Governor	7 Sesapana Road, Nantucket, MA 02554	0%
John Gallagher	Governor	100 Sankaty Road, PO BOX 293, Siasconset, MA 02564	0%
Kathleen Poole	Governor	43 Main Street, Siasconset, MA 02564	0%
Gail McRobie	Governor	8736 Lakeside Blvd, Vero Beach, FL 32963	0%
Eugene Goodwillie, Jr.	Governor	7190 E Desert Star Court. Tucson, AZ, 85750	0%
Michael Jemison	Governor	2038 Meadow Glen, Wyomissing, PA 19610	0%
Albert Antonez	Director	315 Polpis Road, Nantucket, MA 02554	0%
Timothy Moran	Governor	750 Ocean Royale Way PH-5, Juno Beach, FL 3408	0%
Alice F. Emerson	Governor	PO BOX 206, Siasconset, MA 02564	0%
Karen Urban	Governor	200 Riverside Blvd, 39B, New York, New York, 10069	0%
Pam Hogen	Governor	12 Coffin Street, Siasconset, MA 02564	0%

"Exhibit B"

**2016 Sankaty Head Beach Club Officers and Governors**

<b>Name</b>	<b>Title</b>	<b>Address</b>	<b>% Owned</b>
Thomas F. Cunningham	President & Governor	6 Emily Street, Nantucket, MA 02554	0%
Charles Pagnam	Vice-President & Governor	100 Sankaty Road, PO BOX 293, Siasconset, MA 02564	0%
Stephen Anderson	Treasurer & Governor	100 Sankaty Road, Siasconset, MA 02564	0%
Kevin Dale	Secretary, Clerk & Governor	7 Sesapana Road, Nantucket, MA 02554	0%
John Gallagher	Governor	100 Sankaty Road, PO BOX 293, Siasconset, MA 02564	0%
Michael Jemison	Governor	2038 Meadow Glen, Wyomissing, PA 19610	0%
Timothy Moran	Governor	750 Ocean Royale Way PH-5, Juno Beach, FL 3408	0%
Alice F. Emerson	Governor	PO BOX 206, Siasconset, MA 02564	0%
Karen Urban	Governor	200 Riverside Blvd, 39B, New York, New York, 10069	0%
Pam Hogen	Governor	12 Coffin Street, Siasconset, MA 02564	0%
Jane Fitzgerald	Governor	62B Orange Street, Nantucket, MA 02554	0%
Christopher Quick	Governor	62R Cliff Road, Nantucket, MA 02554	0%



MASSACHUSETTS DEPT. OF REVENUE  
 PO BOX 7066  
 BOSTON, MA 02204



MARK E. NUNNELLY, COMMISSIONER  
 CHARLENE HANNAFORD, ACTING DEPUTY COMMISSIONER



SANKATY HEAD GOLF CLUB INC  
 100 SANKATY ROAD  
 SIASCONSET, MA 02564

243M

Notice 80619  
 T/P ID 041 807 755  
 Date 11/19/15  
 Bureau CERTIFICATE

OP

**CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE**

The Commissioner of Revenue certifies as of the above date, that the above named individual or entity is in compliance with its tax obligations payable under M.G.L. c. 62C, including corporation excise, sales and use taxes, sales tax on meals, sales and use tax on Boats/RV, withholding taxes, room occupancy excise and personal income taxes, with the following exceptions.

This Certificate certifies that individual taxpayers are in compliance with income tax obligations and any sales and use taxes, sales tax on meals, withholding taxes, and/or room occupancy taxes related to a sole proprietorship. Persons deemed responsible for the payment of these taxes on behalf of a corporation, partnership or other business entity may not use our automated process to obtain a Certificate.

This Certificate does not certify that the entity's standing as to taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law. Taxpayers required to collect or remit the following taxes must submit a separate request to certify compliance: Alcoholic Beverage Excise, Cigarette Excise, International Fuels Tax Agreement, Smokeless Tobacco or Ferry Embarkation.

THIS IS NOT A WAIVER OF LIEN ISSUED UNDER GENERAL LAWS, CHAPTER 62C, SECTION 52.

Very truly yours,

Charlene Hannaford, Acting Deputy Commissioner



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
 www.mass.gov/abcc

For Reconsideration

**FORM 43**  
**MUST BE SIGNED BY LOCAL LICENSING AUTHORITY**

076200040

ABCC License Number

Nantucket

City/Town

March 16, 2016

Local Approval Date

**TRANSACTION TYPE (Please check all relevant transactions):**

- |   |  |   |   |
|---|--|---|---|
| <input type="checkbox"/> New License                  | <input type="checkbox"/> New Officer/Director            | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change Corporate Name      |
| <input type="checkbox"/> Transfer of License          | <input type="checkbox"/> Change of Location              | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Seasonal to Annual         |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock          | <input type="checkbox"/> Change of License Type     |
| <input type="checkbox"/> Cordials/Liqueurs Permit     | <input type="checkbox"/> Issuance of Stock               | <input type="checkbox"/> New Stockholder            | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License       | <input type="checkbox"/> Management/Operating Agreement  | <input type="checkbox"/> Wine & Malt to All Alcohol |   |

Name of Licensee  EIN of Licensee

D/B/A  Manager

ADDRESS:  CITY/TOWN:  STATE  ZIP CODE

Granted under Special Legislation? Yes  No   
 Annual or Seasonal Category: (All Alcohol; Wine & Malt; Wine, Malt & Cordials; Wine; Malt) Type: (Restaurant, Club, Package Store, General On Premises, Etc.)  
 If Yes, Chapter  Year

Complete Description of Licensed Premises:

Application Filed:  Advertiser:  Abutters Notified: Yes  No   
 Date & Time Date & Attach Publication

Licensee Contact Person for Transaction  Phone:

ADDRESS:  CITY/TOWN:  STATE  ZIP CODE

Remarks:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission  
 Ralph Sacramone  
 Executive Director

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

CC Remarks:

VAUGHAN, DALE, HUNTER AND BEAUDETTE

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

WHALER'S LANE

P.O. BOX 659

NANTUCKET, MASSACHUSETTS 02554

TEL: (508) 228-4455

FAX: (508) 228-3070

EDWARD FOLEY VAUGHAN

KEVIN F. DALE

RICHARD P. BEAUDETTE

—  
LORI D'ELIA

BRYAN J. SWAIN

RECEIVED

FEB 18 2016

BY: ALC 11:12 am

WILLIAM F. HUNTER  
OF COUNSEL

February 18, 2016

**HAND DELIVERY**

Anne McAndrew, Licensing Agent  
Nantucket Board of Selectmen  
Fairgrounds Road  
Nantucket, Massachusetts 02554

RE: Change of Manager Application  
The Sankaty Head Golf Club, Inc.

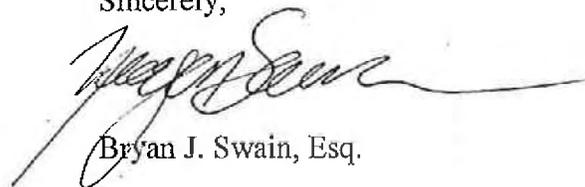
Dear Anne:

As you are aware, I represent The Sankaty Head Golf Club, Inc. On behalf of my client, I would like to submit the following documentation to change the manager of their liquor license.

1. Retail Transmittal Form
2. \$200.00 check made payable to the "Commonwealth of Massachusetts"
3. \$20.00 check made payable to the "Town of Nantucket"
4. Petition for a Change of Manager
5. Manger's Form
6. Personal Information
7. CORI Application
8. Corporate vote of Sea Dog Nantucket, LLC
9. Proof of Citizenship
10. Change of Manager Cover Sheet
11. TIPS Certification

Thank you for your help and please call me if you have any questions or concerns.

Sincerely,



Bryan J. Swain, Esq.





The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
 www.mass.gov/abcc

**MANAGER APPLICATION**

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

**1. LICENSEE INFORMATION:**

Legal Name of Licensee:  Business Name (dba):

Address:

City/Town:  State:  Zip Code:

ABCC License Number:  Phone Number of Premise:   
 (If existing licensee)

**2. MANAGER INFORMATION:**

A. Name:  B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises:

**3. CITIZENSHIP INFORMATION:**

A. Are you a U.S. Citizen: Yes  No  B. Date of Naturalization:  C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as U.S. Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

**4. BACKGROUND INFORMATION:**

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes  No

If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes  No

If yes, please describe:

C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes  No

If yes, please describe:

D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

Date

**THE SANKATY HEAD GOLF CLUB**

**CORPORATE CERTIFICATE**

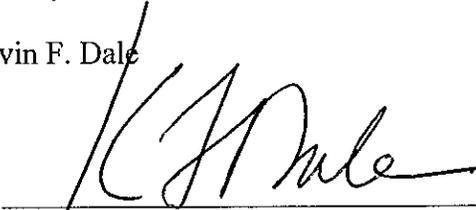
The undersigned being the Secretary of The Sankaty Head Golf Club, Inc., organized under the laws of the Commonwealth of Massachusetts (The "Company") hereby certifies as follows:

1. That the undersigned is the Secretary of the Company;
2. That as of this date, the Company is in full force and effects and is authorized to transact business in the Commonwealth of Massachusetts;
3. That the undersigned has been directly and duly authorized by the Company to file this Petition with the Alcohol Beverages Control Commission for the Commonwealth of Massachusetts (The "ABCC"),
4. That the undersigned has been directed and duly authorized by the Company to execute any and all documents and perform any and all acts to effectuate the foregoing, all upon such terms and provisions as the undersigned deems appropriate.

Executed under seal this 16<sup>th</sup> day of February, 2016

The Sankaty Head Golf Club

By: Kevin F. Dale

  
\_\_\_\_\_  
Kevin F. Dale, Secretary

Additional Space

Please note which question you are using this space for.

2015- Present: Manager, The Sankaty Head Golf Club: 100 Sankaty Road, Siasconset, MA 02564, 508-257-6655

2010- 2015: Assistant General Manager, Nantucket Yacht Club, 1 S. Beach Street, Nantucket, MA 02554. 508-228-1400

2014-2015: Lodge Manager, Yellowstone Club, 1 Yellowstone Club Trail, Big Sky, MT59716. 406-995-4900

2008-2012: Sales Manager, St. Regis Deer Crest Resort, 2300 Deer Valley Dr, Park City, UT, 84060. 435-940-5700

2002-2008: Owner, Master Machinery LLC, 13392 E. 9 Mile Road, Warren, MI48089. 313-963-6576

## TIPS® Trainer Certification Card.

Carry it with you as evidence of your skills, knowledge and ability to train others in the TIPS training program.

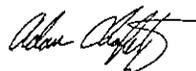
### Congratulations!

By successfully obtaining your TIPS trainer certification, you have taken your place in the forefront of a nationwide movement to reduce the tragedies resulting from the misuse of alcohol.

By instructing others in the techniques you have learned, and by leading others in a positive approach towards alcohol use, you will help to provide a safer environment for your patrons, peers and/or colleagues. As a certified trainer, we value your contributions to the TIPS program.

If you have any information you think would enhance the TIPS program, or if we can assist you in any way, please contact us at 703-524-1200. Thank you for your dedication to training the TIPS program to ensure the responsible sale and consumption of alcohol.

Sincerely,



Adam F. Chafetz  
President, HCI

**IMPORTANT:** Keep a copy of this card for your records. Write down your trainer number because you will need it when contacting TIPS. For assistance or additional information, contact Health Communications, Inc. by using the information provided on the reverse side of your certification card. There is a minimal charge for a replacement card if your original card becomes lost, damaged or stolen.

**TIPS**

Issued: 3/27/2015

Expires: 6/1/2016

ID#: 55684

Trainer Year: 03

Mark J Kohler  
1 S Beach St  
Nantucket, MA 02554-6100

**Trainer Certification Card**

LICENSE #: 76200040

LICENSE FEE: \$1,000.00

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

**TO BE CONSUMED ON THE PREMISES**

**BUSINESS:** Sankaty Head Golf Club, Inc.      **ON PREMISES DESCRIBED AS:**  
**DBA:** Sankaty Head Golf Club                      First floor: club room, kitchen, bar, office,  
**PREMISES:** 100 Sankaty Avenue                      reception room. Basement. Ladies and Mens  
Siasconset, MA 02564                                      locker rooms, small bar.  
**MANAGER:** Change of Manager Pending  
Request must be filed by  
02/01/16

**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 his official signature on this 16th day of December 2015.



Robert De Costa  
Chairman, Board of Selectmen

**THIS LICENSE WILL EXPIRE DECEMBER 31, 2016**

*\*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  
 239 Causeway Street  
 Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

For Reconsideration

**FORM 43**  
**MUST BE SIGNED BY LOCAL LICENSING AUTHORITY**

076200041 Nantucket March 16, 2016  
 ABCC License Number City/Town Local Approval Date

**TRANSACTION TYPE (Please check all relevant transactions):**

- |   |  |   |   |
|---|--|---|---|
| <input type="checkbox"/> New License                  | <input type="checkbox"/> New Officer/Director            | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change Corporate Name      |
| <input type="checkbox"/> Transfer of License          | <input type="checkbox"/> Change of Location              | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Seasonal to Annual         |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock          | <input type="checkbox"/> Change of License Type     |
| <input type="checkbox"/> Cordials/Liqueurs Permit     | <input type="checkbox"/> Issuance of Stock               | <input type="checkbox"/> New Stockholder            | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License       | <input type="checkbox"/> Management/Operating Agreement  | <input type="checkbox"/> Wine & Malt to All Alcohol |   |

Name of Licensee  EIN of Licensee

D/B/A  Manager

ADDRESS:  CITY/TOWN:  STATE:  ZIP CODE:

Seasonal  All Alcohol  Club  Granted under Special Legislation? Yes  No   
 Annual or Seasonal Category: (All Alcohol; Wine & Malt; Wine, Malt & Cordials; Wine; Malt) Type: (Restaurant, Club, Package Store, General On Premises, Etc.) If Yes,  Chapter  Year

Complete Description of Licensed Premises:

Application Filed:  Advertiser:  Abutters Notified: Yes  No   
Date & Time Date & Attach Publication

Licensee Contact Person for Transaction  Phone:

ADDRESS:  CITY/TOWN:  STATE:  ZIP CODE:

Remarks:

The Local Licensing Authorities By: Alcoholic Beverages Control Commission  
Ralph Sacramone  
Executive Director

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ABCC Remarks:

VAUGHAN, DALE, HUNTER AND BEAUDETTE

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

WHALER'S LANE

P.O. BOX 659

NANTUCKET, MASSACHUSETTS 02554

TEL: (508) 228-4455

FAX: (508) 228-3070

RECEIVED  
MAR - 7 2016

BY: AL 12:53

EDWARD FOLEY VAUGHAN

KEVIN F. DALE

RICHARD P. BEAUDETTE

LORI D'ELIA

BRYAN J. SWAIN

WILLIAM F. HUNTER

OF COUNSEL

March 7, 2016

**HAND DELIVERY**

Anne McAndrew, Licensing Agent

Fairgrounds Road

Nantucket, Massachusetts 02554

**RE:     *Change of Manager Application  
Sankaty Head Beach Club, Inc.***

Dear Anne:

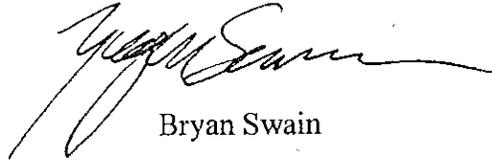
As you are aware, our firm represents Sankaty Head Beach Club, Inc. d/b/a **Sankaty Head Beach Club**. On behalf of our client, enclosed please find an *Application for a Change of Manager* with supporting documentation. Our client would like to change the Manager on its Seasonal All Alcoholic Liquor License from Robert Kuratek to Bailey Miller.

Further to this Application, enclosed please find the following:

1. Retail Transmittal Form
2. \$200.00 check made payable to the "Commonwealth of Massachusetts"
3. \$20.00 check made payable to the "Town of Nantucket"
4. Petition for a Change of Manager
5. Manger's Form
6. Personal Information
7. CORI Application
8. Corporate vote of Sankaty Head Beach Club, Inc.
9. TIPS Certification

Please schedule this matter for the Board of Selectmen's meeting. Thank you for your help and please call me should you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Swain", written in a cursive style.

Bryan Swain

Encs.

cc: Sankaty Head Beach Club, Inc.





The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
 www.mass.gov/abcc

**MANAGER APPLICATION**

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

**1. LICENSEE INFORMATION:**

Legal Name of Licensee:  Business Name (dba):

Address:

City/Town:  State:  Zip Code:

ABCC License Number:  (If existing licensee) Phone Number of Premise:

**2. MANAGER INFORMATION:**

A. Name:  B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises:

**3. CITIZENSHIP INFORMATION:**

A. Are you a U.S. Citizen: Yes  No  B. Date of Naturalization:  C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as U.S. Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

**4. BACKGROUND INFORMATION:**

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes  No

If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes  No

If yes, please describe:

C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes  No

If yes, please describe:

D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

Date

Additional Space

Please note which question you are using this space for.

4D. Employment for the past 10 years (dates, position, employer, address, telephone):

Present:	Assistant General Manager Sankaty Head Golf Club 100 Sankaty Road, Siasconset, MA 02564 508-257-6391
May 2011 - January 2015:	Operations Manager and Assistant General Manager The Tuxedo Club 1 West Lake Road, Tuxedo Park, NY 10987 845-351-4791
August 2008 - January 2011:	Server Manhattan Country Club 1531 N. 10th Street, Manhattan, KS 66502 785-539-6221
May 2009 - August 2009:	Intern Milwaukee Country Club 8000 N. Range Line Road, River Hills, WI 53217 414-362-5200
May 2008 - August 2008:	Intern Hallbrook Country Club 11200 Oberbrook Road Leawood, KS 66211 913-345-9292
May 2007 - August 2007:	Hostess Applebees Manhattan Town Center, 100 Discovery Trail P5, Manhattan, KS 66502 785-537-0408

**SANKATY HEAD BEACH CLUB, INC.**

**CORPORATE CERTIFICATE**

The undersigned being the Secretary of the Sankaty Head Beach Club, Inc., organized under the laws of the Commonwealth of Massachusetts (The "Company") hereby certifies as follows:

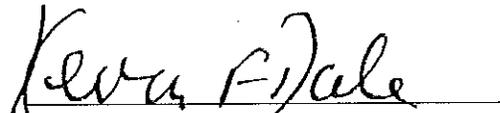
1. That the undersigned is the Secretary of the Company;
2. That as of this date, the Company is in full force and effects and is authorized to transact business in the Commonwealth of Massachusetts;
3. That the undersigned has been directly and duly authorized by the Company to file this Petition to change the manager of its liquor license to Bailey Teneil Miller with the Alcohol Beverages Control Commission for the Commonwealth of Massachusetts (The "ABCC"),
4. That the undersigned has been directed and duly authorized by the Company to execute any and all documents and perform any and all acts to effectuate the foregoing, all upon such terms and provisions as the undersigned deems appropriate.

**SIGNATURE PAGE TO FOLLOW**

Executed under seal this 7 day of March, 2016

Sankaty Head Beach Club, Inc.

By: Kevin F. Dale

  
Kevin F. Dale, Secretary



On Premise

SSN: XXX-XX-XXXX

Issued: 9/23/2013

Expires: 9/10/2016

ID#: 3571657

D.O.B.: XXX/XXX/XXXX

BAILEY T MILLER  
1 W Lake Rd  
Tuxedo Park, NY 10987-4066

For service visit us online at [www.getlips.com](http://www.getlips.com)  
Lorrie McFarland, 29498

**LICENSE  
ALCOHOLIC BEVERAGES**

**76200041**

**THE LICENSING BOARD OF  
THE TOWN OF NANTUCKET, MASSACHUSETTS,  
HEREBY GRANTS A SEASONAL 2015**

**CLUB**

**License to Expose, Keep for Sale, and to Sell**

**ALL ALCOHOLIC BEVERAGES**

*To Be Drunk on the Premises*

**Sankaty Head Beach Club, Inc. dba  
Sankaty Head Beach Club**

Robert Kuratek, Manager

**Described Premises: Bar, Kitchen, Dining Facilities**

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 General Laws, as amended and any rules or regulations made thereunder by the licensing authorities. This license is effective **April 1, 2015 through January 15, 2016**, unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned has hereunto affixed his official signature this 18th day of March 2015.

*The hours during which alcoholic beverages may be sold:* In accordance with MGL Chapter 138 and amendments thereto with the provision that patrons shall not be served after 1:00AM and that the patrons must be off the license premises and said premises must be closed by 1:30AM. In accordance with Article 40 ATM 2001 Chapter 86.1 Board of Health Regulations, Prohibition of Smoking in Certain Places within the Town of Nantucket applies.

Board of Selectmen



Rick Atherton, Chairman

**This License Shall Be Displayed  
on the Premises in a Conspicuous  
Place Where it May Be Easily Read.**

**License Fee: \$2900.00**



VAUGHAN, DALE, HUNTER AND BEAUDETTE

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

WHALER'S LANE

P.O. BOX 659

NANTUCKET, MASSACHUSETTS 02554

TEL: (508) 228-4455

FAX: (508) 228-3070

EDWARD FOLEY VAUGHAN

KEVIN F. DALE

RICHARD P. BEAUDETTE

—  
LORI D'ELLA

BRYAN J. SWAIN

WILLIAM F. HUNTER  
OF COUNSEL

RECEIVED  
MAR - 9 2016  
BY: ACL 10:58

March 8, 2016

**HAND DELIVERY**

Anne McAndrew, Licensing Agent  
Fairgrounds Road  
Nantucket, Massachusetts 02554

**RE:     *Change of Manager Application  
Nantucket Rotary LLC.***

Dear Anne:

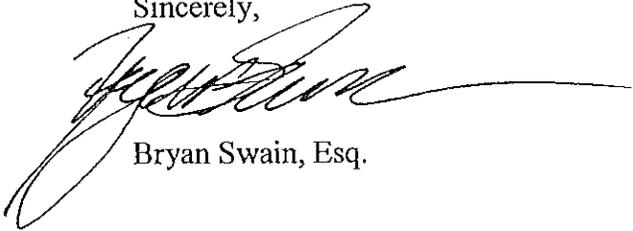
As you are aware, our firm represents Nantucket Rotary LLC, Inc. d/b/a **Lola Burger**. On behalf of our client, enclosed please find an *Application for a Change of Manager* with supporting documentation. Our client would like to change the Manager on its Seasonal Liquor License from Timothy Smiles to Alexandra Starzyk.

Further to this Application, enclosed please find the following:

1. Retail Transmittal Form
2. \$200.00 check made payable to the "Commonwealth of Massachusetts"
3. \$20.00 check made payable to the "Town of Nantucket"
4. Petition for a Change of Manager
5. Manger's Form
6. Personal Information
7. CORI Application
8. Corporate vote of Nantucket Rotary LLC.
9. TIPS Certification

Please schedule this matter for the Board of Selectmen's meeting. Thank you for your help and please call me should you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bryan Swain', with a long horizontal flourish extending to the right.

Bryan Swain, Esq.





The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
 www.mass.gov/abcc

**MANAGER APPLICATION**

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

**1. LICENSEE INFORMATION:**

Legal Name of Licensee:  Business Name (dba):

Address:

City/Town:  State:  Zip Code:

ABCC License Number:  (If existing licensee) Phone Number of Premise:

**2. MANAGER INFORMATION:**

A. Name:  B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises:

**3. CITIZENSHIP INFORMATION:**

A. Are you a U.S. Citizen: Yes  No  B. Date of Naturalization:  C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as U.S. Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

**4. BACKGROUND INFORMATION:**

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes  No

If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes  No

If yes, please describe:

C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes  No

If yes, please describe:

D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature  Date

Team Hospitality Management (September 2015-Present) Station 21 21 South Water Street,  
Nantucket, MA 02554 (508) 228 2121

Sommelier (February 2015 - September 2015) Great Harbor Yacht Club 96 Washington Street,  
Nantucket MA 02554 (508) 325-5200

Winemaker's Assistant (September 2014-November 2014) Knob Hall Winery 14108 Saint Paul  
Rd, Clear Spring, MD 21722 (301) 842-2777

Office Assistant (July 2014 - August 2014) Nantucket Island Retail 44 Main St; Nantucket,  
Massachusetts 02554 44 Main St; Nantucket, Massachusetts 02554 (508) 228 7501

Manager (June 2012 - July 2014) Dupree and Company 7 Old South Wharf; Nantucket  
Massachusetts 02554 (508) 228-0501

Gardener (September 2013-May 2014) Garden Design Company 24 Mary Ann Dr, Nantucket, MA  
02554 (508) 325-4080

Bartender (September 2012-October 2012) Met on Main 38 Main St, Nantucket, MA 02554 (508)  
325-5111

Server (June 2011 - December 2011) 56 Union 56 Union Street, Nantucket, MA 02554 (508)  
228-6135

Server (April 2010 - May 2011) Yogybee 137 Franklin Tpke, Waldwick, NJ 07463 (201) 444-4622

Cashier (June 2009 - September 2009) Bourbon Barbeque 529 Goffle Rd, Wyckoff, NJ 07481  
(201) 444-4744

NANTUCKET ROTARY LLC

CORPORATE CERTIFICATE

The undersigned being an authorized signatory of Nantucket Rotary LLC., organized under the laws of the Commonwealth of Massachusetts (The "Company") hereby certifies as follows:

1. That the undersigned is an Authorized Signatory of the Company;
2. That as of this date, the Company is in full force and effects and is authorized to transact business in the Commonwealth of Massachusetts;
3. That the undersigned has been directly and duly authorized by the Company to file this Petition with the Alcohol Beverages Control Commission for the Commonwealth of Massachusetts (The "ABCC"),
4. That the undersigned has been directed and duly authorized by the Company to execute any and all documents and perform any and all acts to effectuate the foregoing, all upon such terms and provisions as the undersigned deems appropriate.

Executed under seal this 7<sup>th</sup> day of March, 2016

Nantucket Rotary LLC

By: Kevin F. Dale

  
Kevin F. Dale, Authorized Signatory

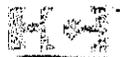
# Certificate of Completion

This Certificate of Completion of  
eTIPS On Premise 2.0  
For coursework completed on February 27, 2016  
provided by Health Communications, Inc.  
is hereby granted to:

Alexandra Starzyk

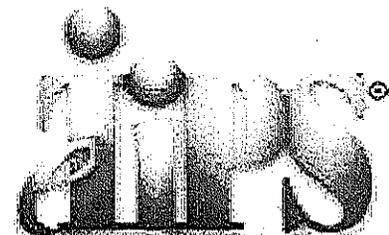
Certification to be sent to:

3 Bartlett Rd  
Nantucket MA, 02554-2707 USA



HEALTH COMMUNICATIONS INC.

*This document is not proof of TIPS certification. It signifies only that you have completed the course. Valid certification documents will be forwarded to you.*



**LICENSE  
ALCOHOLIC BEVERAGES  
076200199**

**THE LICENSING BOARD OF  
THE TOWN OF NANTUCKET, MASSACHUSETTS,  
HEREBY GRANTS A SEASONAL 2015**

**RESTAURANT**

**License to Expose, Keep for Sale, and to Sell**

**WINE/MALT BEVERAGES**

**To be Drunk on the Premises**

**Nantucket Rotary LLC d/b/a**

**LOLA BURGER**

**1 Sparks Avenue**

**Ryan Mercure, Manager**

*Hold for  
COM  
approval*

**Described Premises:** See Attachment A for diagram of 1152 s/f structure at 1 Sparks Avenue, Nantucket, MA 02554, located on lot of 9530 s/f, Lot 10, Land Court Plan 40116-C. Service of alcoholic beverages will take place inside the structure, which is a restaurant, and on the enclosed porch on the right hand side of the structure, shown with four picnic tables. As shown in diagram, restaurant has 6 exterior doors, two of which open from the restaurant to the side porch. Side porch has a handicapped ramp.

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 General Laws, as amended and any rules or regulations made thereunder by the licensing authorities. This license is effective **April 1, 2015 through January 15, 2016**, unless earlier suspended, cancelled or revoked.

**IN TESTIMONY WHEREOF**, the undersigned has hereto affixed her official Signature this 18th day of March 2015.

**The hours during which alcoholic beverages may be sold.** In accordance with MGL Chapter 138 and amendments thereto with the provision that patrons shall not be served after 1:00AM and that patrons must be off the license premises and said premises must be closed by 1:30AM. In accordance with Article 40 ATM 2001 Chapter 86.1 Board of Health Regulations, Prohibition of Smoking in Certain Places within the Town of Nantucket applies.

This License Shall Be Displayed on the  
Premises in a Conspicuous Place Where  
It May be Easily Read.  
**License Fee: \$1600.00**

Board of Selectmen  
*Rick Atherton*  
Rick Atherton, Chairman



# KOPELMAN AND PAIGE, P.C.

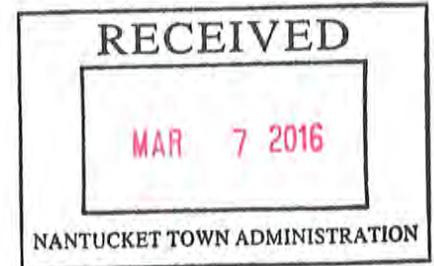
*The Leader in Public Sector Law*

101 Arch Street  
Boston, MA 02110  
T: 617.556.0007  
F: 617.654.1735  
www.k-plaw.com

March 2, 2016

**Vicki S. Marsh**  
vmarsh@k-plaw.com

Hon. Robert DeCosta and  
Members of the Board of Selectmen  
Nantucket Town Hall  
16 Broad Street  
Nantucket, MA 02554



Re: Historic Preservation Restriction – Maria Mitchell Library

Dear Members of the Board of Selectmen:

You have requested that I review the Historic Preservation Restriction (the “Restriction”) from the Maria Mitchell Association to the Nantucket Preservation Trust, Inc., on the property located at 2 Vestal Street, Nantucket and known as the “Maria Mitchell Library” (the “Property”). The only revisions I recommend to the Restriction reference the Community Preservation Committee’s recommendation to the Town Meeting to appropriate funds for the historic preservation of the Property. Enclosed please find a copy of the Restriction containing my red-lined revisions and a clean copy as well for your reference. Upon my review of the Restriction, it is my opinion that it is in good form for presentation to this Board for your approval and determination as to whether the Restriction is in the public interest. The Restriction is in a form acceptable to the Massachusetts Historical Commission (the “MHC”).

I have also reviewed the Vote under Article 26 of the 2014 Annual Town Meeting, and find that the Restriction is consistent with the requirements of that Vote to record “an appropriate historic preservation restriction” running in favor of an entity authorized to hold such preservation restrictions for expenditures for historic resources which meets the requirements of G.L. c. 184.

I compared the title reference in the Restriction of the Deed and the plan of the copies forwarded to me and I find that they are consistent. But I did not perform a title examination of the Property to determine whether (1) the Deed is of the Property; and (2) the Maria Mitchell Association is the owner of the Property free of mortgages that would have a priority over the Restriction, or if foreclosed could result in a termination of the Restriction.

Since the Town did not execute a grant agreement with the Maria Mitchell Association, I am unable to render an opinion as to whether the Restriction is consistent with any requirements of a Community Preservation Committee grant agreement.

**KOPELMAN AND PAIGE, P.C.**

Hon. Rick Atherton and  
Members of the Board of Selectmen  
March 2, 2016  
Page 2

If I can be of further assistance to you in this matter, please do not hesitate to contact me.

Very truly yours,



Vicki S. Marsh

VSM/ao

Enc.

cc: Town Manager  
Mr. Michael May,  
Executive Director of Nantucket Preservation Trust

437172/NANT/19713/0001

**GRANT OF  
HISTORIC PRESERVATION RESTRICTION**

**THIS HISTORIC PRESERVATION RESTRICTION** is made this \_\_\_\_ day of \_\_\_\_\_, 2016, by and between THE NANTUCKET MARIA MITCHELL ASSOCIATION, a nonprofit Massachusetts corporation with a mailing address of Four Vestal Street, Nantucket, Massachusetts 02554 (hereinafter "Grantor") and the NANTUCKET PRESERVATION TRUST, INC., a nonprofit Massachusetts corporation with a mailing address of Post Office Box 158 Nantucket, Massachusetts 02554 (hereinafter "Grantee").

**WITNESSETH:**

WHEREAS, Grantor is the owner of that certain parcel of land, together with the building thereon, located in Nantucket, Nantucket County, Massachusetts, now known and numbered as Two Vestal Street, being the property on that certain plan entitled, "Plan of Land and Library Building, Maria Mitchell Association, Nantucket, Massachusetts," dated October 1932, recorded with Nantucket Deeds in Plan Book 10, Page 19 (hereinafter "the Property"), a copy of which is attached hereto and incorporated herein by reference as Exhibit A-1, by virtue of deed dated July 30, 1919, recorded with Nantucket Deeds in Book 98, Page 75, a copy of which is attached hereto and incorporated herein by reference as Exhibit A-2. The Property is bounded and described as set forth in Exhibit A-3 attached hereto and incorporated herein by reference and includes the following structures:

The Nantucket Maria Mitchell Association Library (hereinafter "the Building") is a one-story structure composed of two sections, namely a wood-frame former school house constructed in 1830 that was moved to Vestal Street ca. 1836 and moved a second time to its present site in 1919 where it was remodeled as a library for the Grantor in 1920 (the "School House"), and a one-story clay-tile and concrete library addition constructed on the east side of the School House in 1933 from plans drawn by Alfred F. Shurrocks, architect (the Library Addition"). Constructed as a school house in 1830 for the father of Maria Mitchell, William Mitchell, the School House retains its original rectangular floor plan and hip roof that have been enlarged by a small addition (ca. 1920) at its west elevation. Exterior details of the School House are mostly Colonial Revival in style and reflect the architectural tastes of 1920. These elements include 9/9 sash set in surrounds with moulded caps and sills, corner boards, a wide entablature that encircles the structure, and shingled wall surfaces with latticework applied at the façade (north elevation). The Library Addition was designed as a fire-proof structure to match the design of the School House, but constructed of clay tiles covered with cementitious stucco.

Windows (9/9 at the ground floor and 3/3 at the basement) possess galvanized iron sash set in galvanized iron surrounds. Exterior wall surfaces are covered with stucco and trimmed with a galvanized iron or lead cornice with an integral gutter. Both sections of the Building are covered with asbestos-cement roof shingles. Access to the Building is through an entry porch added in the 1920's. The porch stands at the northeast angle between the two sections of the Building and is framed by wooden posts supporting an entablature. Lattice work fills the north wall of the porch and built-in benches exist on the north and south walls of the porch. The porch is approached by a stoop of concrete steps with terracotta edgings trimmed with a galvanized balustrade with ramped railings. All of these elements are characteristic of the Colonial Revival style prevalent on Nantucket during the Island's development as a season resort in the early twentieth century.

WHEREAS, the Property and the Building contribute to the historic setting of the surrounding historic district;

WHEREAS, the Community Preservation Committee of Nantucket (hereinafter the "CPC") has determined that it is important that the Property and the exterior of the Building be preserved and that they remain available for the benefit of the people of the Town and County of Nantucket, and in support of such interest recommended that Town Meeting appropriate from the Community Preservation Fund the sum of \$243,795.00 to be used for the preservation of the Property and the exterior of the Building (hereinafter the "Grant");

WHEREAS, the 2013 Annual Town Meeting, thereafter voted under Article 26 to appropriate the funds recommended by the CPC for the Grant and authorized the Grantor to accept an appropriate historic preservation restriction, a copy of said vote is attached hereto;

WHEREAS, Grantee is authorized to accept historic preservation restrictions to protect property significant in local, state, and national history and culture under the provisions of Massachusetts General Laws c. 184, §§31, 32, and 33 (hereinafter "the Act");

WHEREAS, Grantee is a publicly supported, tax-exempt, nonprofit organization whose primary purposes include the preservation and conservation of sites, buildings, and objects of local, state, and national significance and is a qualifying recipient of qualified conservation contributions under Section 170(h) of the Internal Revenue Code of 1986, as amended, and the regulations thereunder (hereinafter "the Code");

WHEREAS, the Building is significant for its historical associations with William and Maria Mitchell, as a rare surviving school house of the early nineteenth century, as a fire-proof library constructed in the early twentieth century, for its associations with the early establishment of the Grantor, and as a simple example of Colonial Revival style architecture that reflects the economic, aesthetic, and cultural history of Nantucket, Massachusetts, and that illustrates historic design, setting, materials, and workmanship;

WHEREAS, because of its architectural, historic, and cultural significance the Property is a contributing resource within the Nantucket Historic District, listed in the National Register of Historic Places and as a National Historic Landmark on November 13, 1966, as amended on October 16, 2013, is included in the Nantucket Historic District established by the Town of Nantucket on June 4, 1970, and is included in the Massachusetts State Register of Historic Places;

WHEREAS, Grantor and Grantee recognize the architectural, historic, and cultural values (hereinafter the "preservation values") and significance of the Building and Property, and have the common purpose of conserving and preserving the aforesaid preservation values and significance of the Building;

WHEREAS, the preservation values of the Building and the Property are documented in a set of reports, drawings, and photographs (hereinafter the "Baseline Documentation") attached hereto and incorporated herein by reference, which Baseline Documentation the parties agree provides an accurate representation of the Property as of the effective date of this grant;

WHEREAS, the Baseline Documentation shall consist of the following: (1) "As-Built Plot Plan in Nantucket, Massachusetts prepared for the Nantucket Maria Mitchell Association," drawn by Emack Surveying, LLC., dated March 20, 2012, a copy of which is attached hereto and incorporated herein by reference as Exhibit B; (2) a set of eight (8) exterior photographs produced by Brian Pfeiffer, architectural historian, dated March 16, 2014, copies of which are attached hereto and incorporated herein by reference as Exhibit C; and (3) historical documentation consisting of a Massachusetts Historical Commission Inventory Form B of the Property, prepared by Brian Pfeiffer dated October 3, 2014, a copy of which is attached hereto and incorporated herein by reference as Exhibit D, said documentation to be kept on file at the offices of the Grantee.

WHEREAS, the grant of a preservation restriction by the Grantor to Grantee on the Property and the exterior of the Building will assist in preserving and maintaining the Property and the exterior of the Building, and its architectural, historic, and cultural features for the benefit of the people of the Town and County of Nantucket, Commonwealth of Massachusetts, and the United States of America; and

WHEREAS, to that end, Grantor desires to grant to Grantee, and Grantee desires to accept, a preservation restriction in gross in perpetuity on the Property and the exterior of the Building pursuant to the Act;

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and pursuant to the Act, Grantor does hereby voluntarily grant and convey unto the Grantee this preservation restriction (hereinafter "the Restriction") in gross, in perpetuity, over the Property and the exterior of the Building, and expressly excluding any and all other property now or hereafter belonging to the Grantor.

1. **PURPOSE.** It is the Purpose of this Restriction to assure that the architectural, historic, and cultural features of the Property and the exterior of the Building as defined herein will be retained and maintained forever substantially in their current condition for conservation and preservation purposes. To these ends the Property and the exterior of the Building will be retained and maintained forever substantially unchanged so that they continue to contribute to the historical setting and significance of the Nantucket Historic District; and any change of the Property or the exterior of the Building that will significantly impair or interfere with the preservation values of the Property or the exterior of the Building will be prohibited.

2. **GRANTOR'S COVENANTS.**

2.1 **Grantor's Covenants: Covenant to Maintain.** Grantor agrees at all times to maintain the exterior of the Building in the same structural condition and state of repair as that existing on the effective date of this Restriction. Grantor's obligation to maintain shall require replacement, repair, and reconstruction by Grantor whenever necessary to preserve the exterior of the Building in substantially the same structural condition and state of repair as that existing on the date of this Restriction. Grantor's obligation to maintain shall also require that the Property's landscaping be maintained in good appearance. Existing paths at east and west entries of the Building will be maintained in their present configuration; existing lawn areas and planting beds shall be maintained as either lawns or planting beds. Existing capped picket fences will be maintained in their present locations and configurations. Vegetation and screening shall be maintained such that the Building remains visible from the public rights of way on Vestal Street. Subject to the casualty provisions of Paragraphs 7 and 8 of this Restriction, this obligation to maintain shall require replacement, rebuilding, repair, and reconstruction of the exterior of the Building whenever necessary in accordance with *The Secretary of the Interior's Standards for the Treatment of Historical Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (36 C.F.R. 67 and 68), as these may be amended from time to time (hereinafter "the Secretary's Standards"). For the purpose of identifying categories of Major Maintenance requiring review and approval by Grantee and Minor Maintenance that

does not require such review, copies of maintenance guidelines are attached hereto and incorporated herein by reference as Exhibit E and hereinafter referred to as the "Restriction Guidelines." Grantor's obligation to maintain shall be subject to the provisions of Paragraphs 3.1(f) and 6(b) hereof

**2.2 Grantor's Covenants: Prohibited Activities.** The following acts or uses are expressly forbidden on, over, or under the Property, except as otherwise conditioned in this Paragraph:

(a) the Building shall not be demolished, removed, or razed except as provided in Paragraphs 7 and 8 hereof;

(b) nothing shall be erected or allowed to grow on the Property that would impair the visibility of the Building from Vestal Street;

(c) the dumping of ashes, trash, rubbish, or any other unsightly or offensive materials is prohibited on the Property;

(d) the Property shall not be divided or subdivided in law or in fact, except for minor lot line adjustments that do not result in the creation of additional buildable lots; and

(e) no aboveground utility transmission lines, except those reasonably necessary for the existing Building or made pursuant to utility easements already recorded, may be created on the Property.

### **3. GRANTOR'S CONDITIONAL RIGHTS.**

**3.1 Conditional Rights Requiring Approval by Grantee.** Without the prior express written approval of Grantee, which approval may not be unreasonably withheld, but which may be subject to such reasonable conditions as Grantee in its discretion may determine, Grantor shall not undertake any of the following actions on the Building:

(a) remove, demolish or alter the following features of the Building, subject, however, to the maintenance covenants of Paragraph 2.1 hereof:

- (1) the exterior massing, supporting piers, foundation walls, wood-frame construction, terracotta block construction, concrete construction and roof profile; and
- (2) exterior architectural features of the façade (north elevation) and the east, south and west elevations; such protected architectural features shall include:

- a. all wooden shingle siding, corner boards, pilasters, entablatures, porch posts, railings, doors and hardware, door surrounds, window surrounds, and sash;
  - b. all cementitious stucco surfaces, galvanized window sash, galvanized window surrounds, galvanized cornices, gutters and downspouts;
  - c. the wooden entry porch at the east elevation of the School House portion of the Building including its concrete and terracotta stoop, galvanized iron handrail, porch posts, lattices, built-in seats, cornices, and entablatures;
  - d. the exterior brick chimney on the south elevation of the School House portion of the Building; and
  - e. all asbestos-concrete roof shingle surfaces, provided, however, that as required for maintenance such asbestos elements may be replaced with materials not containing asbestos or other hazardous materials.
- (b) erect any external signs or external advertisements except: (i) such plaque permitted under Paragraph 12.8 of this Restriction; (ii) a sign stating solely the address of the Property; and (iii) a sign identifying the property as part of the Grantor's properties;
- (c) make permanent substantial topographical changes;
- (d) construct additional service structures, or enlarge or re-configure existing paving;
- (e) change the use of the Building and the Property from its present institutional use to any use other than comparable institutional use, residential use, or such other use as is compatible with the Grantee's charitable purposes; subject, however to the Grantee's determination that the proposed use does not conflict with the Purpose of the Restriction, which determination shall not be unreasonably withheld; and
- (f) conduct activities identified as Major Maintenance and Minor Maintenance in the Restriction Guidelines that reasonably may be expected to make material changes in the exterior appearance, materials, or workmanship of the protected features of the Building, except as otherwise provided herein.

**3.2 Archaeological Activities.** The conduct of archaeological activities, including without limitation survey, excavation, and artifact retrieval, may occur only following the submission of an archaeological field investigation plan prepared by Grantor and approved in writing by Grantee and the State Archaeologist of the

Massachusetts Historical Commission (Massachusetts General Laws, c. 9, §27C, 950 C.M.R. 70.00).

**3.3 Review of Grantor's Requests for Approval.** In connection with Grantee's approval of the conditional rights set forth in Paragraphs 3.1 and 3.2 above, Grantor shall submit to Grantee two copies of information (including plans, specifications, and designs, and Nantucket Historic District Commission application and materials where appropriate) identifying the proposed activity with reasonable specificity. In connection therewith, Grantor shall also submit to Grantee a timetable for the proposed activity sufficient to permit Grantee to monitor such activity. Within sixty (60) days of Grantee's receipt of any plan or written request for approval hereunder, Grantee shall certify in writing that (a) it approves the plan or request, or (b) it disapproves the plan or request as submitted, in which case Grantee shall provide Grantor with written suggestions for modification or a written explanation for Grantee's disapproval. Any failure by Grantee to act within sixty (60) days of receipt of Grantor's submission or resubmission of plans or requests shall be deemed to constitute approval by Grantee of the plan or request as submitted and to permit Grantor to undertake the proposed activity in accordance with the plan or request submitted so long as the request sets forth the provisions of this Paragraph relating to deemed approval after the passage of time.

**4. STANDARDS FOR REVIEW.** In exercising any authority created by this Restriction to inspect the Property or the exterior of the Building or to the extent necessary to inspect the interior of the Building for the sole purpose of evaluating any construction to or alteration, repair, maintenance, or reconstruction of the exterior of the Building; to review any construction, alteration, repair, or maintenance; or to review casualty damage or to reconstruct or approve reconstruction of the Building following casualty damage, Grantee shall apply the Secretary's Standards.

**5. PUBLIC ACCESS.** Grantor shall not block views of the Building from the public right of way on Vestal Street either by intentional planting or failure to maintain existing plantings in such a manner that the Building remains visible to the public; Grantor further agrees to permit Grantee to make baseline documentation available to interested members of the public at Grantee's offices and by depositing copies of such baseline documentation in Grantee's library. Nothing herein, however, shall impair public rights, if any, now existing in any portion of the Building or the Property.

**6. GRANTOR'S RESERVED RIGHTS NOT REQUIRING FURTHER APPROVAL BY GRANTEE.** Subject to the provisions of Paragraphs 2.1, 2.2, 3.1 and 3.2 of this Restriction, the following rights, uses, and activities of or by Grantor on, over, or under the Property are permitted by this Restriction and by Grantee without further approval by Grantee:

- (a) the right to engage in all those activities and uses that: (i) are permitted by governmental statute or regulation; and (ii) are not inconsistent with the Purpose of this Restriction;
- (b) the right to conduct Minor Maintenance of the Building, as such maintenance is defined in the Restriction Guidelines, that is not reasonably expected to make material changes in the exterior or interior appearance, materials, or workmanship of the Building, provided such work is done strictly according to the Secretary's Standards, and provided that the Grantor uses in-kind materials, applied with workmanship comparable to that which was used in the construction or application of those materials being repaired or maintained, for the purpose of retaining in good condition the appearance and construction of the Building. Changes in appearance, materials, or workmanship from that existing prior to the maintenance and repair require the prior approval of the Grantee in accordance with the provisions of Paragraph 3 of this Restriction;
- (c) the right to continue all manner of existing institutional use and enjoyment of the Building and Property, including but not limited to the right to maintain, repair, and restore the existing fencing and gates; the right to maintain existing paths with the use of same or similar surface materials; the right to maintain existing utility lines and plantings; the right to cut, remove, and clear grass or other vegetation, and the right to perform routine maintenance, landscaping, horticultural activities, and upkeep, consistent with the Purpose of this Restriction and Paragraphs 2 and 3 of this Restriction;
- (d) the right to renovate, update, and otherwise alter or change the interior of the Building; and
- (e) the right to conduct in the Building or on the Property educational and non-profit activities that are not inconsistent with the protection of the preservation values of the Property and the exterior of the Building.

7. **CASUALTY DAMAGE OR DESTRUCTION; INSURANCE** In the event that the Building or any part thereof shall be damaged or destroyed by fire, flood, windstorm, hurricane, earth movement, or other casualty, Grantor shall notify Grantee in writing within fourteen (14) days of such damage or destruction, such notification to include what, if any, emergency work has already been completed. Grantor shall undertake no repairs or reconstruction of any type, other than temporary emergency work to prevent further damage to the Building and to protect public safety, without Grantee's prior written approval. Within thirty (30) days of the date of damage or destruction, if required by Grantee, Grantor at its expense shall submit to the Grantee a

written report prepared by a qualified restoration architect and an engineer who are acceptable to Grantor and Grantee, which report shall include the following:

- (a) an assessment of the nature and extent of the damage;
- (b) a determination of the feasibility of the restoration of the Building and/or reconstruction of damaged or destroyed portions of the Building; and
- (c) a report of such restoration/reconstruction work necessary to return the Building to the condition existing as of the date hereof.

8. **REVIEW AFTER CASUALTY DAMAGE OR DESTRUCTION.** If, after reviewing the report provided in Paragraph 7 above and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9 hereof, Grantor and Grantee agree that the Purpose of the Restriction will be served by such restoration/reconstruction, Grantor and Grantee shall establish a schedule under which Grantor shall complete the restoration/reconstruction of the Building in accordance with plans and specifications consented to by the parties up to at least the total of the casualty insurance proceeds available to Grantor.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9 hereof, Grantor and Grantee agree that restoration/reconstruction of the Property is impractical or impossible, or agree that the Purpose of the Restriction would not be served by such restoration/reconstruction, Grantor may, with the prior written consent of the Grantee, alter, demolish, remove, or raze the Building, and/or construct new improvements on the Property. Grantor and Grantee may then agree to extinguish this Restriction in whole or in part in accordance with the laws of the Commonwealth of Massachusetts and Paragraph 14 hereof.

If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims under Paragraph 9 of this Agreement, Grantor and Grantee are unable to agree that the Purpose of the Restriction will or will not be served by such restoration/reconstruction, the matter may be referred by either party to binding arbitration and settled in accordance with the Commonwealth of Massachusetts's arbitration statute then in effect.

9. **Insurance.** Grantor shall keep the Property insured by an insurance company rated "A1" or better by Best's as currently insured. Such insurance shall include Grantee's interest and name Grantee as an additional insured. Grantor shall deliver to Grantee, within ten (10) business days of Grantee's written request thereof, certificates of such insurance coverage; provided, however, that whenever the Property is encumbered with a mortgage or deed of trust, nothing contained in this Paragraph

shall jeopardize the prior claim, if any, of the mortgagee/lender to the insurance proceeds. If the Grantor conveys the Property to a person or entity, then the subsequent Property owner shall be obligated to keep the Property insured by an insurance company rated "A1" or better by Best's for the guaranteed building cost against loss from perils commonly insured under standard fire and extended coverage policies and comprehensive general liability insurance against claims for personal injury, death, and property damage, such property damage insurance to include change in condition and building ordinance coverage, in form and amount sufficient to replace fully the damaged Property and Building without cost or expense to Grantor or contribution or coinsurance from Grantor

10. **INDEMNIFICATION.** Grantor hereby agrees to pay, protect, indemnify, hold harmless and defend at its own cost and expense, Grantee, its agents, directors, officers, and employees, or independent contractors from and against any and all claims, liabilities, expense, costs, damages, losses, and expenditures (including reasonable attorney's fees and disbursements hereafter incurred) arising out of or in connection with injury to or death of any person as a result of the existence of this Restriction; physical damage to the Property; the presence or release in, on, or about the Property, at any time, of any substance now or hereafter defined, listed, or otherwise classified pursuant to any law, ordinance, or regulation as a hazardous, toxic, polluting, or contaminating substance; or other injury, death, or other damage occurring on or about the Property, unless such injury, death, or damage is caused by Grantee or any agent, director, officer, employee, or independent contractor of Grantee or is the result of providing access to the Property as provided in Paragraph 5 hereof and such access was at the request of Grantee and such injury, death or damage was not caused by Grantor. In the event that Grantor is required to indemnify Grantee pursuant to the terms of this Paragraph, the amount of such indemnity, until discharged, shall constitute a lien on the Property.

11. **TAXES.** Grantor shall pay immediately, when first due and owing, all general taxes, special taxes, special assessments, water charges, sewer service charges, and other charges which may become a lien on the Property unless Grantor timely objects to the amount or validity of the assessment or charge and diligently prosecutes an appeal thereof, in which case the obligation hereunder to pay such charges shall be suspended for the period permitted by law for prosecuting such appeal and any applicable grace period following completion of such action. In place of Grantor, Grantee is hereby authorized, but in no event required or expected, to make or advance upon three (3) days prior written notice to Grantor any payment relating to taxes, assessments, water rates, sewer rentals and other governmental or municipality charge, fine, imposition, or lien asserted against the Property. Grantee may make such payment according to any bill, statement, or estimate procured from the appropriate public office without inquiry into the accuracy of such bill, statement, or assessment or

into the validity of such tax, assessment, sale, or forfeiture. Such payment if made by Grantee shall constitute a lien on the Property.

## 12. ADMINISTRATION AND ENFORCEMENT

12.1. **Written Notice.** Any notice which either Grantor or Grantee may desire or be required to give to the other party shall be in writing and shall be delivered by one of the following methods - by overnight courier postage prepaid, facsimile transmission, registered or certified mail with return receipt requested, or hand delivery; if to Grantor, then to The Nantucket Maria Mitchell Association at Four Vestal Street, Nantucket, Nantucket, Massachusetts 02554, and if to Grantee, then to Nantucket Preservation Trust, Inc., at P.O. Box 158, Nantucket, Massachusetts 02554.

Each party may change its address set forth herein by a notice to such effect to the other party.

12.2. **Evidence of Compliance.** Upon request by Grantor, Grantee shall promptly furnish Grantor with certification that, to the best of Grantee's knowledge, Grantor is in compliance with the obligations of Grantor contained herein or that otherwise evidences the status of this Restriction to the extent of Grantee's knowledge thereof.

12.3. **Inspection.** Grantee shall be permitted to conduct an annual inspection of the Property, including the exterior of the Building, in order to confirm Grantor's compliance with this Preservation Restriction Agreement. Such inspection shall be conducted at reasonable times and following advance notice to the Grantor of no less than ten (10) days. Grantor covenants not to withhold unreasonably its consent in determining dates and times for such inspections.

12.4. **Grantee's Remedies.** Grantee may, following thirty (30) days written notice to Grantor, institute suit(s) to enjoin any violation of the terms of this Restriction by *ex parte*, temporary, preliminary, and/or permanent injunction, including prohibitory and/or mandatory injunctive relief, and to require the restoration of the Property and Building to the condition and appearance that existed prior to the violation complained of. Grantee shall also have available all legal and other equitable remedies to enforce Grantor's obligations hereunder.

In the event Grantor is found to have violated any of its obligations, which violation has continued more than thirty (30) days notice by the Grantee to the Grantor, Grantor shall reimburse Grantee for any reasonable costs or expenses incurred in connection with Grantee's enforcement of the terms of this Restriction, including court costs and attorney's, architectural, engineering, and expert witness fees.

In the event that Grantor is required to reimburse Grantee pursuant to the terms of this Paragraph, the amount of such reimbursement until discharged shall constitute a lien on the Property.

Exercise by Grantee of one remedy hereunder shall not have the effect of waiving or limiting any other remedy, and the failure to exercise any remedy shall not have the effect of waiving or limiting the use of any other remedy or the use of such remedy at any other time.

**12.5 Notice from Government Authorities.** Grantor shall deliver to Grantee copies of any notice of violation or lien relating to the Property received by Grantor from any government authority within ten (10) business days of receipt by Grantor. Upon request by Grantee, Grantor shall promptly furnish Grantee with evidence of Grantor's compliance with such notice or lien where compliance is required by law.

**12.6 Notice of Proposed Sale.** Grantor shall promptly notify Grantee in writing of any proposed sale of the Property prior to sale closing.

**12.7 Liens.** Any lien on the Property created pursuant to any Paragraph of this Restriction may be confirmed by judgment and foreclosed by Grantee in the same manner as a mechanic's lien provided in Mass. Gen. Laws c. 254, §5, except that no lien created pursuant to this Restriction shall jeopardize the priority of any recorded lien of mortgage or deed of trust given in connection with a promissory note secured by the Property.

**12.8 Plaque.** Grantor agrees that Grantee may provide and maintain a plaque on the Property, which plaque shall not exceed 6 inches by 24 inches in size, giving notice of the significance of the Building and the existence of this Restriction. The plaque shall be approved by Grantor prior to installation, such approval not to be unreasonably withheld.

#### **BINDING EFFECT; ASSIGNMENT**

**13. Runs with the Land.** Except as provided in Paragraphs 8 and 14, the obligations imposed by this Restriction shall be effective in perpetuity and shall be deemed to run as a binding servitude with the Building and Property. This Restriction shall extend to and be binding upon Grantor and Grantee, their respective successors in interest, and all persons hereafter claiming by, under, or through Grantor and Grantee, and the words "Grantor" and "Grantee" when used herein shall include all such persons. Any right, title, or interest herein granted to Grantee also shall be deemed granted to each successor and assign of Grantee and each such following successor and assign thereof, and the word "Grantee" shall include all such successors and assigns.

Anything contained herein to the contrary notwithstanding, an owner of the Building and the Property shall have no obligation pursuant to this instrument when such owner shall cease to have any ownership interest in the Building and the Property by reason of a *bona fide* transfer. The restrictions, stipulations, and covenants contained in this Restriction shall be included by Grantor, by express reference, in any subsequent deed or other legal instrument by which Grantor divests itself of the fee simple title to or any lesser estate in the Building and the Property or any part hereof, including by way of example and not limitation, a lease of all or a portion of the Property, but excluding any lease with a term of fewer than one hundred twenty (120) days.

13.2 **Assignment.** Subject to Grantor's consent, which consent shall not be unreasonably withheld, Grantee may convey, assign, or transfer this Restriction to a unit of federal, state, or local government or to a similar local, state, or national organization that qualifies under the Act as an eligible donee whose purposes, *inter alia*, are to promote preservation or conservation of historical, cultural, or architectural resources, provided that any such conveyance, assignment, or transfer requires that the Purpose for which the Restriction was granted will continue to be carried out as a condition of the transfer. Grantee shall give Grantor sixty (60) days written notice prior to making any such assignment.

13.3. **Recording and Effective Date.** Grantee shall do and perform at its own cost all acts necessary to the prompt recording of this instrument in the land records of the County of Nantucket. Grantor and Grantee intend that the restrictions arising under this Restriction take effect on the day and year this instrument is recorded in the land records of the County of Nantucket.

14. **EXTINGUISHMENT.** Grantor and Grantee hereby recognize that circumstances may arise that may make impossible the continued ownership or use of the Property and the Building in a manner consistent with the Purpose of this Restriction and necessitate extinguishment of the Restriction. Such circumstances may include, but shall not be limited to, partial or total destruction of the Building resulting from casualty. Extinguishment shall meet the requirements of the Act for extinguishment including public hearings by the Town of Nantucket and the Massachusetts Historical Commission as required by the Act to determine that such extinguishment is in the public interest. Unless otherwise required by applicable law at the time, in the event of any sale of all or a portion of the Property (or of any other property received in connection with an exchange or involuntary conversion of the Property) after such extinguishment, all expenses reasonably incurred by Grantor and Grantee in connection with such sale shall be paid out of the sale proceeds; and the net proceeds shall be paid to Grantor unless otherwise ordered by a court or other government authority of competent jurisdiction.

15. **CONDEMNATION.** If all or any part of the Property is taken under the power of eminent domain by public, corporate, or other authority, or otherwise acquired by such authority through a purchase in lieu of a taking, Grantor and Grantee shall join in appropriate proceedings at the time of such taking to recover the full value of those interests in the Property that are subject to the taking and all incidental and direct damages resulting from the taking. All expenses reasonably incurred by Grantor and Grantee in connection with such taking shall be paid out of the recovered proceeds; and the net proceeds shall be paid to Grantor unless otherwise ordered by a court or other government authority of competent jurisdiction.

16. **INTERPRETATION.** The following provisions shall govern the effectiveness, interpretation, and duration of the Restriction.

(a) Any rule of strict construction designed to limit the breadth of restrictions on alienation or use of the Building and the Property shall not apply in the construction or interpretation of this Restriction, and this instrument shall be interpreted broadly to effect its Purpose and the transfer of rights and the restrictions on use herein contained.

(b) This instrument may be executed in two counterparts, one of which may be retained by the Grantor, and the other, after recording, to be retained by the Grantee. In the event of any discrepancy between the counterparts produced, the recorded counterpart shall in all cases govern. In the event of any discrepancy between two copies of any documentation retained by the parties, the copy retained by Grantee shall control.

(c) This instrument is made pursuant to the provisions of the Act, but the invalidity of the Act or any part thereof shall not affect the validity and enforceability of this Restriction according to its terms, it being the intent of the parties to agree and to bind themselves, their successors, and their assigns in perpetuity to each term of this instrument whether this instrument be enforceable by reason of any statute, common law, or private agreement in existence either now or hereafter. The invalidity or unenforceability of any provision of this instrument shall not affect the validity or enforceability of any other provision of this instrument or any ancillary or supplementary agreement relating to the subject matter thereof.

(d) Nothing contained herein shall be interpreted to authorize or permit Grantor to violate any ordinance or regulation relating to building materials, construction methods, or use. In the event of any conflict between any such ordinance or regulation and the terms hereof, Grantor promptly shall notify Grantee of such conflict and shall cooperate with Grantee and the applicable governmental entity to accommodate the purposes of both this Restriction and such ordinance or regulation.

(e) To the extent that Grantor owns or is entitled to development rights which may exist now or at some time hereafter by reason of the fact that under any applicable zoning or similar ordinance the Property may be developed to use more intensive (in terms of height, bulk, or other objective criteria related by such ordinances) than the Property and Building are devoted as of the date hereof, such development rights shall not be exercisable on, above, or below the Property and the Building during the term of the Restriction, nor shall they be transferred to any adjacent parcel and exercised in a manner that would interfere with the Purpose of the Restriction.

17. **AMENDMENT.** If circumstances arise under which an amendment to or modification of this Restriction would be appropriate, Grantor and Grantee may by mutual written agreement jointly amend this Restriction, provided that no amendment shall be made that will adversely affect the qualification of the Restriction or the status of Grantee under any applicable laws, including Section 501(c) (3) of the Code and the laws of the Commonwealth of Massachusetts. Any such amendment shall be consistent with the protection of the preservation values of the Property and the Purpose of this Restriction; shall not affect its perpetual duration; shall not permit additional residential development on the Property other than the residential development permitted by this Restriction on its effective date; shall not permit any private inurement to any person or entity; and shall not adversely impact the overall architectural, historic, and open space values protected by this Restriction. Any such amendment shall be effective when the requirements of the Act with respect to amendments have been met and the amendment is recorded in the land records of the County of Nantucket. Nothing in this paragraph shall require Grantor or Grantee to agree to any amendment or to consult or negotiate regarding any amendment.

THIS RESTRICTION reflects the entire agreement of Grantor and Grantee. Any prior or simultaneous correspondence, understandings, agreements, and representations are null and void upon execution hereof, unless set out in this instrument.

TO HAVE AND TO HOLD, the said Historic Preservation Restriction, unto the said Grantee and its successors and permitted assigns forever. This HISTORIC PRESERVATION RESTRICTION may be executed in two counterparts and by each party on a separate counterpart, each of which when so executed and delivered shall be an original, but both of which together shall constitute one instrument.

EXECUTED and SEALED on \_\_\_\_\_, 2016.

GRANTOR  
Maria Mitchell Association

BY: \_\_\_\_\_  
John Daniels, President

BY: \_\_\_\_\_  
Joan Gulley, Treasurer

GRANTEE  
Nantucket Preservation Trust, Inc.

BY: \_\_\_\_\_  
David S. J. Brown, President

BY: \_\_\_\_\_  
Alan M. Forster, Treasurer

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned notary public, personally appeared John Daniels in his capacity as President of the Nantucket Maria Mitchell Association, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that he signed it voluntarily for its stated purpose in his capacity as President of the Nantucket Maria Mitchell Association, a nonprofit corporation.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned notary public, personally appeared Joan Gulley in her capacity as Treasurer of the Nantucket Maria Mitchell Association, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that she signed it voluntarily for its stated purpose in her capacity as Treasurer of the Nantucket Maria Mitchell Association, a nonprofit corporation.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned notary public, personally appeared the above-named David S. J. Brown, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that he signed it voluntarily for its stated purpose in his capacity as President of the Nantucket Preservation Trust, Inc., a nonprofit corporation.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned notary public, personally appeared the above-named Alan M. Forster, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and who acknowledged to me that he signed it voluntarily for its stated purpose in his capacity as Treasurer of the Nantucket Preservation Trust, Inc., a nonprofit corporation.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**APPROVAL BY BOARD OF SELECTMEN OF THE TOWN OF NANTUCKET**

We, the undersigned members of the Board of Selectmen of the Town of Nantucket, Massachusetts, hereby certify that at a meeting held on \_\_\_\_\_, 2016, the Board of Selectmen voted to approve the foregoing Grant of Preservation Restriction by the Nantucket Maria Mitchell Association to the Nantucket Preservation Trust, pursuant to Massachusetts General Laws, Chapter 184, Section 32, as being in the public interest.

Board of Selectmen of the  
Town of Nantucket

\_\_\_\_\_  
Robert DeCosta, Chairman

\_\_\_\_\_  
Matthew Fee, Vice Chairman

\_\_\_\_\_  
Tobias B. Glidden

\_\_\_\_\_  
Rick Atherton

\_\_\_\_\_  
Dawn E. Hill Holdgate

**COMMONWEALTH OF MASSACHUSETTS**

NANTUCKET, ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned notary public, personally appeared Robert DeCosta, Matthew Fee, Rick Atherton, Tobias B. Glidden and Dawn E. Hill Holdgate proved to me through satisfactory evidence of identification, which was personal knowledge to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose, as members of the Board of Selectmen for the Town of Nantucket.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**APPROVAL BY MASSACHUSETTS HISTORICAL COMMISSION  
COMMONWEALTH OF MASSACHUSETTS**

The undersigned Executive Director and Clerk of the Massachusetts Historical Commission hereby certifies that foregoing preservation restriction has been approved pursuant to Massachusetts General Laws c. 184, §32.

Date: \_\_\_\_\_

\_\_\_\_\_  
Brona Simon  
Executive Director and Clerk  
Massachusetts Historical Commission

COMMONWEALTH OF MASSACHUSETTS

\_\_\_\_\_, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2016, before me, the undersigned notary public, personally appeared Brona Simon, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it in her capacity as Executive Director and Clerk of the Massachusetts Historical Commission for its stated purposes.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_

## SCHEDULE OF EXHIBITS

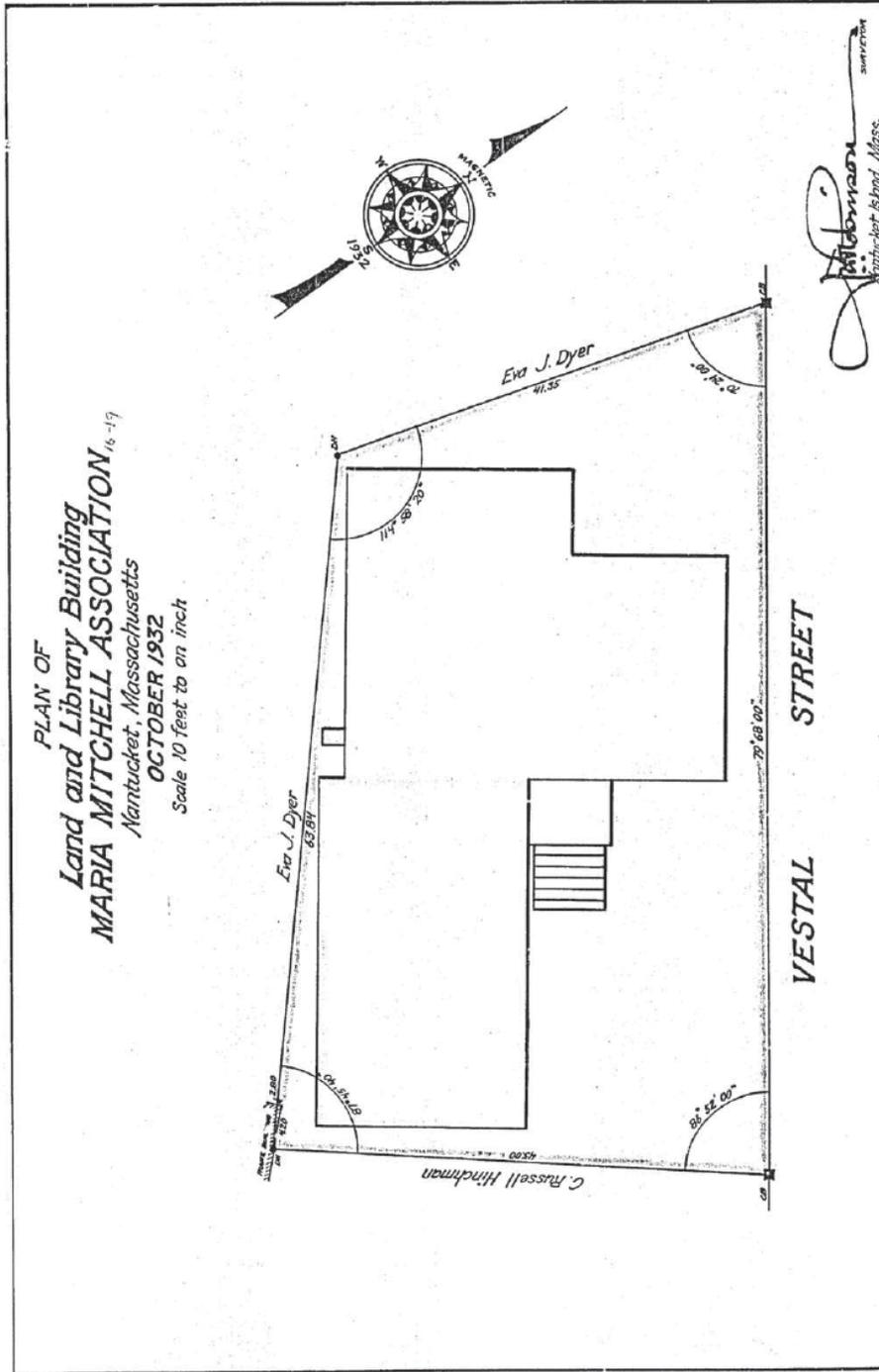
- A-1. Plan dated October 1932, recorded with Nantucket Deeds in Plan Book 10, Page 19.**
- A-2. Deed dated July 30, 1919, recorded with Nantucket Deeds in Book 98, Page 75.**
- A-3. Legal Description**
  
- B. "As-Built Plot Plan in Nantucket, Massachusetts prepared for the Nantucket Maria Mitchell Association" drawn by Emack Surveying, LLC., dated March 20, 2012.**
  
- C. Documentary Photographs of the Building**
  
- D. Massachusetts Historical Commission - Survey Form B**
  
- E. Restriction Guidelines**

549312/NANT/19713/0001

**EXHIBIT A-1**

Grant of Historic Preservation Restriction  
Nantucket Maria Mitchell Association to Nantucket Preservation Trust, Inc.

**Plan, Nantucket Deeds Plan Book 10, Page 19**



November 30, 1932, 10 a.m. Received and entered with Nantucket Deeds.  
Book of Plans No. 10 page 19. Attest: *Anniston Briggs*  
Register.

EXHIBIT A-2

Grant of Historic Preservation Restriction  
Nantucket Maria Mitchell Association to Nantucket Preservation Trust, Inc.

Deed, Nantucket Deeds Book 98, Page 75

95/75

I, Irene A. Woodbridge, widow of Charles d. Woodbridge, formerly of Brooklyn, New York, now of Washington, D.C. being unmarried, for consideration paid, grant to the Nantucket Maria Mitchell Association, a corporation established under the laws of the Commonwealth of Massachusetts, with Warranty Covenants the land in Nantucket, in the County of Nantucket and Commonwealth of Massachusetts bounded and described as follows: Northernly by Vestal Street, eighty feet (80'); Easterly by other land now or formerly of the grantor, forty-five feet (45') more or less; Southernly by land now or late of Eva G. Dyer but formerly of Charles B. Gardner, sixty-four feet (64'); Westerly by land now or late of Harry Brooke Smith but formerly of Hezekiah Paddock, forty-one feet six inches (41'6"), more or less. Being the westerly part of premises conveyed to the grantor by Alfred Macy, Administrator by deed dated October 6, 1870 recorded in book 61, page 94; and by Mary B. Macy, et al., by deed dated June 5, 1871, recorded in Book 61 page 291. With the restriction that no building or other structure shall hereafter be erected, maintained or permitted by the grantee, its successors and assigns, within twenty-four feet (24') of the easterly line of the premises hereby conveyed. Witness my hand and seal this 30<sup>th</sup> day of July 1919. U. S. Int. Rev. Stamps, Amount \$1.50. Canceled. Signed in presence of George W. Cottrell Irene A. Woodbridge. Seal. Commonwealth of Massachusetts. Hampshire ss, July 30<sup>th</sup> 1919. Then personally appeared the above named Irene A. Woodbridge and acknowledged the foregoing instrument to be her free act and deed, before me - George W. Cottrell, Justice of the Peace. August 8, 1919. 9 h. A.M. Received and entered Attest:

Woodbridge  
to  
Nantucket  
Maria Mitchell  
Association

**EXHIBIT A-3**

Grant of Historic Preservation Restriction  
Nantucket Maria Mitchell Association to Nantucket Preservation Trust, Inc.

**Legal Description**

That certain parcel of land, together with the building thereon, located in Nantucket, Nantucket County, Massachusetts, now known and numbered as Two Vestal Street, bounded and described as follows:

- NORTHEASTERLY      by Vestal Street, seventy-nine and 68/100 (79.68) feet;
- SOUTHEASTERLY      by land now or formerly of C. Russell Hinchman, forty-five (45.00) feet; and
- SOUTHWESTERLY      sixty-three and 84/100 (63.84) feet, and
- NORTHWESTERLY      forty-one and 35/100 (41.35) feet, by land now or formerly of Eva J. Dyer.

Said land is shown on a plan entitled, "Plan of Land and Library Building, Maria Mitchell Association, Nantucket, Massachusetts," dated October 1932, recorded with Nantucket Deeds in Plan Book 10, Page 19.

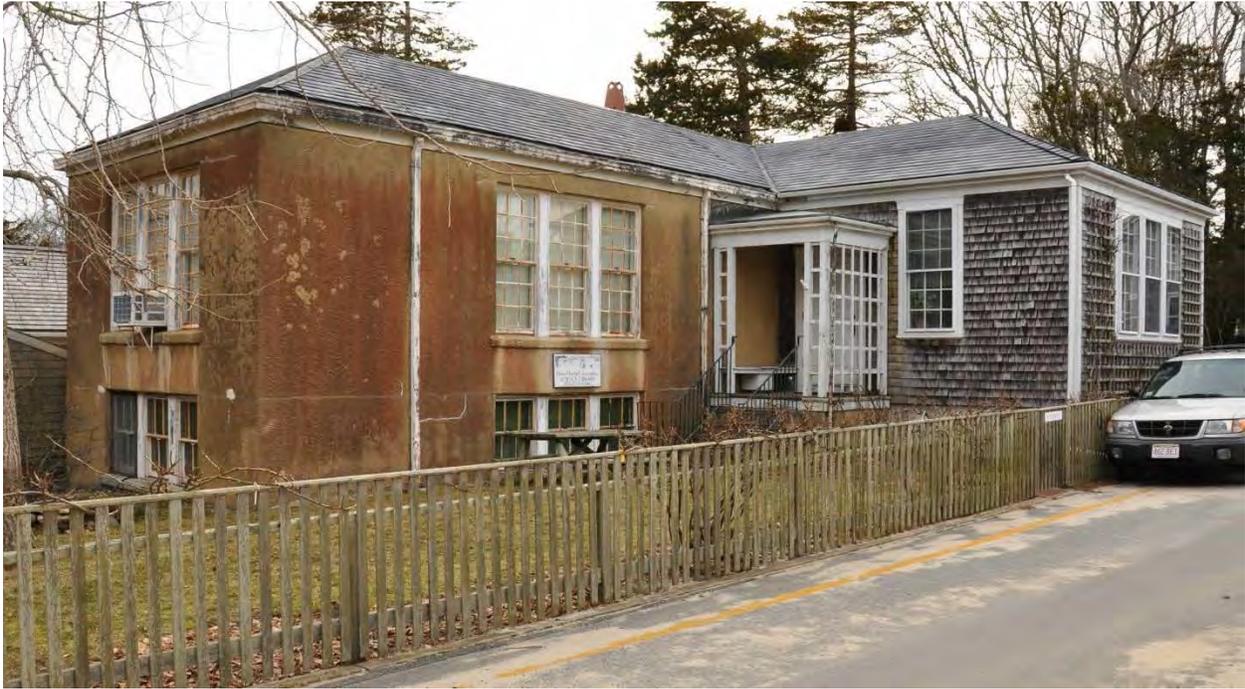
For title, see deed dated July 30, 1919, recorded with Nantucket Deeds in Book 98, Page 75.



**EXHIBIT C**

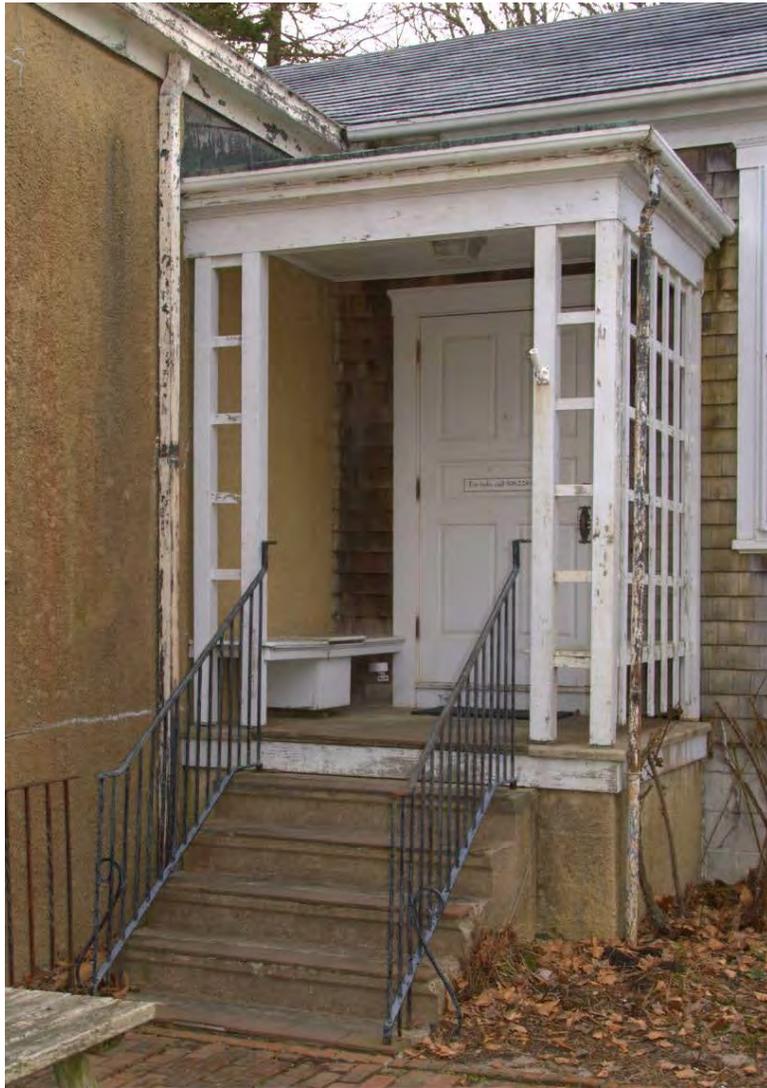
**Grant of Historic Preservation Restriction  
Nantucket Maria Mitchell Association to Nantucket Preservations Trust, Inc.**

**Documentary Photographs taken March 16, 2014**



**Photo #1 - east elevation & façade (north elevation)**

**EXHIBIT C**



**Photo #2 - façade - detail of entry porch at east elevation of School House**

EXHIBIT C



**Photo #3 - east elevation of Library Addition & School House**

EXHIBIT C



**Photo #4 - south elevation of School House & Library Addition**

EXHIBIT C



**Photo #5 - south elevation of School House**

**EXHIBIT C**



**Photo #6 - west elevation of School House**

EXHIBIT C



**Photo #7 - north & west elevations of School House**

EXHIBIT C



**Photo #8 - north elevation of Library Addition - detail of original integral cornice/gutter & downspout**

**EXHIBIT D**

**Grant of Historic Preservation Restriction  
Nantucket Maria Mitchell Association to Nantucket Preservations Trust, Inc.**

**Massachusetts Historical Commission – Survey Form B**

**FORM B – BUILDING**

MASSACHUSETTS HISTORICAL COMMISSION  
MASSACHUSETTS ARCHIVES BUILDING  
220 MORRISSEY BOULEVARD  
BOSTON, MASSACHUSETTS 02125

Assessor's Number    USGS Quad    Area(s)    Form Number

42.3.3 183           

**Town/City:** Nantucket

**Place:** (*neighborhood or village*): Old Town

**Photograph**



East elevation & façade (north elevation)

**Address:** 2 Vestal Street

**Historic Name:** William Mitchell School House (1830)  
Maria Mitchell Science Library

**Uses: Present:** science library (1920-present)

**Original:** schoolhouse (1830)

**Date of Construction:** 1830, 1920 & 1933

**Source:** Mitchell Assoc. Archives & architectural plans

**Style/Form:** Colonial Revival

**Architect/Builder:** Alfred Shurrocks, arch't (1933)

**Exterior Material:**

**Foundation:** concrete block & poured concrete

**Wall/Trim:** painted wood shingles & flat-stock  
(School House section); cementitious render &  
galvanized iron trim (1933)

**Roof:** asbestos cement tiles (1933)

**Outbuildings/Secondary Structures:** none

**Major Alterations** (*with dates*): School House moved to  
present site & renovated (1920); fireproof Library added  
(1933)

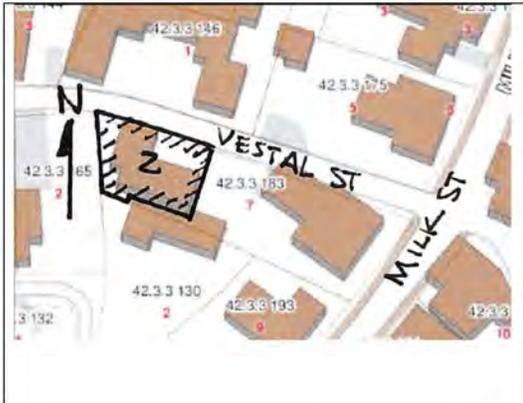
**Condition:** good

**Moved:** no     yes     **Date:** 1919-20

**Acreage:** 8,880 square feet

**Setting:** village surrounded by single-family  
residences of eighteenth and nineteenth centuries, some  
converted to institutional purposes by Maria Mitchell  
Association (MMA); observatory of MMA on opposite side of  
street

**Locus Map**



**Recorded by:** Brian Pfeiffer; excerpts from Kristen  
Stanley, Historic structures Report

**Organization:** Nantucket Preservation Trust; MMA

**Date** (*month / year*): 10/3/14; 2007

## EXHIBIT D

### INVENTORY FORM B CONTINUATION SHEET

TOWN

ADDRESS

MASSACHUSETTS HISTORICAL COMMISSION  
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

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Recommended for listing in the National Register of Historic Places.  
*If checked, you must attach a completed National Register Criteria Statement form.*

*Use as much space as necessary to complete the following entries, allowing text to flow onto additional continuation sheets.*

#### **ARCHITECTURAL DESCRIPTION:**

*Describe architectural features. Evaluate the characteristics of this building in terms of other buildings within the community.*

The Maria Mitchell Science Library is a one-storey structure composed of two sections, namely, the former William Mitchell School House (1830) and a Library wing (1933). The two structures share a common storey height at the cellar, first storey and roof ridge; however, they are built of entirely different materials, the former school house being wood-frame construction, and the library wing being fireproof concrete & terracotta tile construction.

The former School House (western portion of the structure) consists of a one-storey timber-frame structure with a rectangular floor plan that was extended westward one bay to contain plumbing and service areas on the southern half of the west elevation. The entire structure rests on a foundation of concrete block. All elevations are clad with weathered wooden shingles trimmed with flat-stock corner boards, fasciae and gutters; unless noted otherwise, all window and door openings are framed by flat-stock cases the heads of which are trimmed with a single band of moulding. The structure is enclosed by a hip roof covered with asbestos cement tiles. Windows are set in flat-stock cases with moulded caps set into the base of the fascia. Details of the former School House by elevation are:

1. The façade (east elevation) was originally a side wall of the former School House; it was converted to the entry façade in 1920. With the addition of the Library wing in 1933, the southern portion of the façade and its window were concealed. Exposed sections of the elevation contain the main entry to the Library (south) and a single window with 9/9 sash (north). The main entry was installed in 1920 and is composed of a wide five-panel door with raised panels and Colonial Revival style brass hardware set in a flat-stock case with a moulded cap. The door is sheltered from the weather by an entry porch set on a poured concrete stoop finished with textured stucco to match the Library wing. The low hipped roof of the porch is trimmed with a moulded cornice and undecorated frieze supported by two sets of paired posts at its east face and a single post at its northwest corner; elsewhere, the roof is bedded in the adjacent structures. Between the posts on the east and north faces is a wooden lattice with large rectangular openings. On the south side of the porch is a built-in bench, the central section of which lifts to provide access to a book-return box. The five steps that lead from grade to the porch are trimmed with ramped railings and plain, rectangular balusters, all made of galvanized iron. A substantial portion of the porch's design and materials appears to date from 1920, as may the entry.
2. The north elevation occurs in two planes, namely, the north elevation of the original School House and the north elevation of the one-bay extension on the west wall. The north elevation of the original School House rises from a concrete-block foundation with two three-light cellar windows. The first storey contains a single tripartite window with 9/9 wooden sash installed in 1920. The north elevation of the added bay rises from a painted concrete-block foundation; its first storey has a double window (9/9 wooden sash).
3. The west elevation occurs in two planes, namely, the west elevation of the original School House (north) and the elevation of the one-bay extension on the west wall. The west elevation of the original School House rises from a concrete-block foundation without windows; the first storey has a double window (9/9 wooden sash). The west elevation of the one-bay extension has a modern bulkhead made of vertical boards at its northern end. The elevation is blank with the exception of a single doorway composed of a door with two low raised panels surmounted by a panel with nine lights; the door is approached from a small, contemporary wooden bridge with unpainted fir decking that provides level access over a small gully to an adjacent property owned by the Maria Mitchell association.
4. The south elevation faces the lot line from which it is approximately 1-2' distant. The western half of the elevation is blank. The eastern half contains a three-light cellar window set in its concrete-block foundation; at the first storey, it

*Continuation sheet 1*

**EXHIBIT D**

**INVENTORY FORM B CONTINUATION SHEET**

TOWN

ADDRESS

MASSACHUSETTS HISTORICAL COMMISSION  
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

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contains a double window (9/9 wooden sash). At the east end of the south elevation, a one-flue brick chimney rises on the exterior of the building.

The Library wing (eastern portion of structure) is a one-storey structure set on a foundation that rises one-half storey above grade. All of its elevations, including exposed sections of foundation, are finished with stippled stucco/render applied to walls constructed of terracotta block with steel channels supporting window heads. Windows are set in frames that have flat stiles between sashes and moulded surrounds, all window elements included the sashes are made of galvanized iron or steel. The building's eaves are trimmed with an undecorated fascia surmounted by a crown moulding that conceals an integral gutter; all cornice elements are made of galvanized iron or steel. The roof is covered with concrete asbestos roof tiles with copper caps at the ridges. Details by elevation are:

1. The façade (north elevation) contains one tripartite window with 3/3 sash at its basement and a tripartite window with 9/9 sash at the first storey, set in alignment with the basement window. Two rectangular downspouts drain the gutter in locations flanking the tripartite windows.
2. The west elevation is concealed and fully attached to the original School House building.
3. The south elevation stands within two feet of the property line and is entirely blank for its length. This elevation rises from a rubble stone foundation. Two rectangular downspouts drain the original galvanized cornice/gutter.
4. The east elevation rises from a basement that is one-half storey above grade. Each of the elevation's two storeys contains a tripartite window. At the basement, sash consists of 3/3, while first-storey windows contain 9/9 sash.

**HISTORICAL NARRATIVE**

*Discuss the history of the building. Explain its associations with local (or state) history. Include uses of the building, and the role(s) the owners/occupants played within the community.*

The Maria Mitchell Science Library is one of several buildings including former residences and purpose-built science buildings that comprise the Maria Mitchell Association complex on Vestal Street in Nantucket, MA. It is surrounded by the Maria Mitchell House, the Maria Mitchell Observatory, and the Hinchman House. The Library began its history as a one-storey, wood frame schoolhouse built for William Mitchell (father of Maria Mitchell) in 1830 on a lot on Howard Street, northeast of its present site. Following its closure as a school in the mid-nineteenth century, the building was converted to use as a barn/storehouse which it remained until 1919-1920 when it was acquired by the Maria Mitchell Association and moved to its present site for conversion to a science library.

In 1933, a little over ten years after the opening of the Science Library, the collection of books had grown at such a large rate that the Maria Mitchell Association hired architect Alfred F. Shurrocks to design a fireproof wing addition to the eastern elevation. The reason for the addition to be fireproofed was to make sure to protect and make room for all of the organization's historical documents. The new construction methods and materials used in the addition represent important steps in fireproof construction that occurred in the mid-twentieth century. The addition to the eastern elevation represents the significant change from wood frame construction to steel framing and poured concrete. The building's exterior with its fireproof stucco, concrete asbestos roof tiles and galvanized iron window frames, cornices & integral gutters was designed to harmonize with the Colonial Revival style alterations made to the former School House to which it was attached.

The Maria Mitchell Association was formed to honor the discoveries and accomplishments of America's first female Astronomer. Maria Mitchell was born in 1818. As a child Maria attended classes in a schoolhouse owned by her father, William Mitchell, where he taught celestial navigation. The schoolhouse was built on a lot purchased by William Mitchell in 1830. As Maria became more involved in school, her interest for astronomy grew. In 1847, Maria discovered a telescopic comet marking her as the first female astronomer. Her discovery led to her becoming the first woman elected into the American Academy of Arts and Sciences, the American Association for the Advancement of Science, and the American Philosophical Society. In 1865, Maria Mitchell became the first woman professor of Astronomy in the United States at Vassar College.

*Continuation sheet 2*

## EXHIBIT D

### INVENTORY FORM B CONTINUATION SHEET

TOWN

ADDRESS

MASSACHUSETTS HISTORICAL COMMISSION  
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

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In 1889, Maria Mitchell died leaving her entire scientific library collection to her brother, Henry Mitchell. In 1902, a group of women from Nantucket and Vassar College formed the Maria Mitchell Association to honor Mitchell's accomplishments. Shortly after the Association's formation, Henry Mitchell donated his sister's collection of books to form the core of the organization's science library. In 1919, the Maria Mitchell Association acquired the schoolhouse. In 1920, the old schoolhouse of Maria Mitchell's childhood became the new home of her ever growing book collection, as well as documents of William Mitchell and other family members, and the Archives and Special Collections of the Maria Mitchell Association. With the expansion of the building in 1933 by the construction of a fireproof Library Wing, the structure achieved its present form.

#### **BIBLIOGRAPHY and/or REFERENCES**

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Nantucket: MA

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Trinkaus-Randall, Gregor. Environmental Monitoring Report Conducted by the Massachusetts Board of Library Commissioners. Aug. 2003-Jan. 2004.

2006 CAP Site Questionnaire

*Continuation sheet 3*

## EXHIBIT E

### **Grant of Historic Preservation Restriction Nantucket Maria Mitchell Association to Nantucket Preservations Trust, Inc.**

#### **Restriction Guidelines**

The purpose of these Preservation Guidelines is to clarify the terms of this Historic Preservation Restriction that deal with maintenance and alteration to the Building. Under Paragraph 3, prior permission from the Grantee is required for any Minor Maintenance that is reasonably expected to materially change the appearance, materials, colors or workmanship from that existing prior to the maintenance and for any Major Maintenance. Minor Maintenance that is part of ordinary maintenance and repair and does not materially change the appearance, materials, colors or workmanship from that existing prior to the maintenance does not require NPT review and approval.

In an effort to explain what constitutes Minor Maintenance and Major Maintenance, the following list is provided. The list is by no means comprehensive. It is a sampling of common structural alterations.

#### **PAINT**

Minor: Exterior or interior hand scraping and repainting of non-decorative and non-significant surfaces as part of periodic maintenance.

Major: Painting or fully stripping decorative surfaces or distinctive stylistic features, including murals, stenciling, wallpaper, ornamental woodwork, stone, and decorative or significant original plaster.

#### **WINDOWS AND DOORS**

Minor: Regular maintenance including caulking, painting, and necessary reglazing. Repair or in-kind replacement of existing individual decayed window parts.

Major: Wholesale replacement of units; change in fenestration or materials; alteration of profile or setback of windows. The addition of storm windows is also considered a major change; however, with notification it is commonly acceptable.

#### **EXTERIOR**

Minor: Spot repair of existing cladding and roofing including in-kind replacement of clapboard, shingles, slates, etc.

Major: Large scale repair or replacement of cladding or roofing. Change involving inappropriate removal or addition of materials or building elements (i.e., removal of chimney or cornice detailing; installation of architectural detail which does not have a historical basis); altering or demolishing building additions; spot repointing of masonry. Structural stabilization of the property is also considered a major alteration.

## **LANDSCAPING/OUTBUILDINGS**

Minor: Routine maintenance of outbuildings and landscape including lawn mowing, pruning, planting, painting, and repair.

Major: Moving or subdividing buildings or property; altering of property; altering or removing significant landscape features such as gardens, vistas, walks, plantings, walls, fences, and ground disturbances affecting archaeological resources.

## **WALLS/PARTITIONS**

Minor: Making fully reversible changes (i.e. sealing off doors in situ, leaving doors and door openings fully exposed) to the spatial arrangement of a non-significant portion of the building.

Major: Creating new openings in walls or permanently sealing off existing openings; adding permanent partitions which obscure significant original room arrangement; demolishing existing walls; removing or altering stylistic features; altering primary staircases.

## **HEATING/AIR CONDITIONING/ELECTRICAL/PLUMBING SYSTEMS**

Minor: Repair of existing systems.

Major: Installing or upgrading systems which will result in major appearance changes (i.e. dropped ceilings, disfigured walls or floors, exposed wiring, ducts and piping); the removal of substantial quantities of original plaster or other materials in the course of construction.

Changes classified as Major Maintenance are not necessarily unacceptable. Under the Historic Preservation Restriction, such changes must be reviewed by the NPT in order to assess their impact on the historic integrity of the Property, Building, and other structures.

It is the responsibility of the Grantor to notify NPT in writing when any Minor Maintenance that is reasonably expected to materially change the appearance, materials, colors or workmanship from that existing prior to the maintenance or any Major Maintenance is contemplated. Substantial alterations may necessitate review of plans and specifications.

The intent of this Historic Preservation Restriction is to enable the NPT to review proposed alterations and assess their impact on the integrity of the Property, the Building, and other structures, not to preclude future change. NPT staff will attempt to work with the Grantor to develop mutually satisfactory solutions which are in the best interests of the Property.



75 Old South Rd. • P.O. Box 3149 • Nantucket, MA 02584 • Tel: 508.228.4422 • Fax: 508.228.4915 • [www.housingnantucket.org](http://www.housingnantucket.org)

Board of Selectmen  
Town of Nantucket  
16 Broad Street  
Nantucket, MA 02554

February 24, 2016

RE: Request to Waive Sewer Connection Fees at 18 Ticcoma Way

Dear Chairman DeCosta and Members of Board of Selectmen:

Housing Nantucket is excited to bring five affordable rental housing units online in the next few months, and we plan to bring an additional two units online in the next 18 months. We respectfully request the Selectmen waive the sewer connection fees for two community housing units at 18 Ticcoma Way.

The structures will require two privilege and connection fees amounting to \$16,644. Will you please grant a waiver for these fees?

Our construction projects operate on lean budgets and are created primarily through Community Preservation Act funding. Because our non-profit is dedicated to creating affordable housing solely on Nantucket, we rely heavily on collaborative community effort. The Selectmen play an instrumental leadership role in our projects, and we ask for your continued support.

Housing Nantucket envisions a Nantucket community where all residents have access to safe, cost-appropriate housing that meets their needs. The rental housing at 18 Ticcoma Way brings us closer to this vision, and your help is greatly appreciated.

Thank you.

Sincerely,

Paul Wolf, President



Housing Nantucket Sewer Fee Waivers

18 Ticcoma Way

Sewer Connections

\$2,000 x 2 connections = \$4,000

Sewer Privilege Fee

\$6,322.15 x 2 connections = \$12,644.30

For a total of \$16,644.30

March 9, 2016

Dear Erika,

For a rental unit to be included on DHCD's Subsidized Housing Inventory (SHI), the unit must be advertised regionally, adhere to a DHCD-approved fair housing marketing plan, and awarded via lottery. This process is time intensive and takes 2-4 months to fill a vacancy.

To allow Housing Nantucket to fill our vacancies quicker, we follow a different policy. We collect applications on a rolling basis. We determine an applicant's income eligibility and appropriate bedroom size needed. We put their name on our Ready-to-Rent list. When we have a vacancy, we refer to the Ready-to-Rent list to find a potential tenant who meets the income bracket we need to serve as well as fits the bedroom size available. Our procedures enable us to quickly fill units with residents who need housing.

We are currently working with DHCD to see if we can blend the way Housing Nantucket fills vacancies with the requirements for SHI. We are willing to make improvements to make the process meet DHCD's guidelines.

Anne

~~~~~  
Anne Kuszpa, Executive Director  
Housing Nantucket  
75 Old South Road  
PO Box 3149  
Nantucket, MA 02554  
Direct Line: 774-333-3927  
Main Line: 508-228-4422

[www.HousingNantucket.org](http://www.HousingNantucket.org)

## Libby Gibson

---

**From:** William Hewig [WHewig@k-plaw.com]  
**Sent:** Tuesday, February 23, 2016 6:12 PM  
**To:** Libby Gibson  
**Cc:** John Giorgio  
**Subject:** Designation of CFNAN to receive Comcast Cable License Proceeds

Good Afternoon, Libby,

You asked me to examine a proposal from Nantucket Community Television ("NCTV"), the Town's cable access provider, that the selectmen re-designate Community Foundation for Nantucket ("CFNAN") as the recipient of Comcast's periodic "Franchise Fee" (or Public Educational and Governmental ["PEG"] access support) payments. NCTV is the current "designee", by decision of the selectmen. I have spoken with Lisa Frey, Executive Director of NCTV, and with Mary O'Keefe, Comcast's Manager of Government and Regulatory Affairs, and here is the background of this request as they have related it to me:

- (1) NCTV last year lost its IRS non-profit status as a result of several years of unfiled tax returns. Lisa advises that NCTV will soon be ready to re-apply to the IRS for re-institution of that status;
- (2) Until NCTV gets its non-profit status back from the IRS, it has engaged the services of CFNAN, a non-profit that acts as a fiscal agent for other non-profits;
- (3) CFNAN would, under the proposed arrangement, and if "designated" to do so by the selectmen, receive the periodic Comcast Franchise Fee payments due under the current license, pay all NCTV bills except payroll (for which NCTV holds a reserve account), and deposit the balance into a designated account ultimately to be returned to NCTV when its non-profit status is re-instituted by the IRS;
- (4) When (or, if) that occurs, NCTV would then ask that the selectmen "re-designate" NCTV as its access provider again;
- (5) The selectmen are empowered to "designate" a recipient of the Franchise Fee payments under the terms of the cable license, and under the usual custom of cable television practice as it is followed in Massachusetts; and accordingly the selectmen do, in my opinion, have it within their power to grant that status by "designating" CFNAN to receive periodic Comcast Franchise Fee payments; and
- (6) Comcast, which is always very careful to ensure that its periodic Franchise Fee payments are both properly directed and properly spent, is not objecting to the requested re-designation.

Accordingly, it is my opinion that the proposed re-designation by the selectmen of CFNAN as the recipient of Nantucket's Franchise Fee payments under the current Comcast license is consistent with Massachusetts cable laws and regulations, and with the current Comcast Cable Television Renewal License.

Should the selectmen elect to respond to the request, they could do so by the following simple vote: "Resolved that the Nantucket Board of Selectmen, pursuant to section 6.6 of the current Cable Television Renewal License granted to Comcast, vote to change the designation of Franchise Fee recipient from Nantucket Community Television to Community Foundation for Nantucket on behalf of Nantucket Community Television; and to authorize a letter to be sent to Comcast advising then of this action."

I have reviewed the draft letter proposed by Comcast for this notification, and I approve it as to legal form.

I trust that this is responsive to your request.

Best Regards,

Bill

Town and County of Nantucket  
Board of Selectmen • County Commissioners

Robert R. DeCosta, Chairman  
Rick Atherton  
Matt Fee  
Tobias Glidden  
Dawn E. Hill Holdgate



16 Broad Street  
Nantucket, Massachusetts 02554

Telephone (508) 228-7255  
Facsimile (508) 228-7272  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

C. Elizabeth Gibson  
Town & County Manager

March 16, 2016

Comcast  
Attn: Government Affairs  
181 Ballardvale Street, Suite 203  
Wilmington, MA 01887

RE: Nantucket Community Television Franchise Fee

Pursuant to **Section 6.6 PEG ACCESS SUPPORT** of the Renewal Cable Television License between the Town of Nantucket and Comcast of Massachusetts I, Inc. ("Comcast"), the Board of Selectmen, as Issuing Authority, approve the change in designation of the Franchise Fee payment from Nantucket Community Television to Community Foundation for Nantucket on behalf of Nantucket Community Television as of the above referenced date.

If you have any questions, please do not hesitate to contact the office of the Board of Selectmen.

Sincerely,

Robert DeCosta  
Chairman

# Memo

**To:** Board of Selectmen

**From:** Michael Toscano, Kingdom County Productions

**Date:** March 9, 2016

**Re:** Wetware Film Permit Proposal

---

Please find the attached Film Proposal from Kingdom County Productions. Filming for the movie 'Wetware' is scheduled to take place on Nantucket from April 11, - May 3. We are the same Vermont/ Marlboro College based production team that was granted a filming permit in the Spring of 2014 to shoot the film Peter and John on Nantucket. The full proposal has been reviewed by the Nantucket Police Department and Town Manager's office and Police Details have been arranged as needed. Kingdom County Productions requests the following consideration from the Board of Selectmen:

1. Filming on Town property, streets and sidewalks on multiple days between April 11, - May 3, 2016. Dates, locations and maps attached.
2. Limited Blocking of Downtown Streets/Sidewalks for April 12; 22. See attached.
3. Parking for production vehicles in Core District throughout filming. See attached.
4. Noise by-law waivers. Dates and Times attached.
5. Film Permit Approval.
6. Reduction of Fees in line with 2014 approved rate of \$25/day.

# WETWARE

Produced by Kingdom County Productions  
In association with Marlboro College

Directed by Jay Craven  
Produced by Jay Craven and Michael Toscano

## Application for filming in the Town of Nantucket

Days of production  
April 11 - May 3, 2016

# of Crew

50

# of cast:

10 (est.)

# of vehicles:

4 x 14' Trucks

2 x Cargo vans

2 x 15-passenger vans

1 x Tow Generator

Production Offices:  
12 Wherowhero Ln.

Produced by Kingdom County Productions and Marlboro College

| Date               | Hours             | INTERIOR/<br>EXTERIOR | Location                      | Address                            | Public/Private | Parking needs                                 | Porta-potty | Holding         |
|--------------------|-------------------|-----------------------|-------------------------------|------------------------------------|----------------|-----------------------------------------------|-------------|-----------------|
| Monday, April 11   | 10:00am - 10:00pm | INT                   | NCMNC                         | 56 Centre St                       | Private        | Parking on Academy Ln / Center St.            |             | NCC             |
| Tuesday, April 12  | 1:00pm - 6:00pm   | EXT                   | Old power station             | 5 Candle St                        | Public         | Parking in valet lot and Commercial St.       |             | American Legion |
|                    | 6:00pm - 9:00am   | EXT                   | Still Dock                    | Still Dock                         | Public         | Parking on Old North Warf                     |             | NCC             |
|                    | 9:00pm - 1:00am   | EXT                   | Coal Alley                    | Coal Alley                         | Public         | Parking on N. Union St btw Cambridge and Main |             | NCC             |
| Friday, April 15   | 6:00am - 6:00pm   | EXT                   | Miacomet Beach                | End of Miacomet Rd.<br>(Town land) | Public         | Parking in Land Bank parking lot              | Y           | Outside         |
| Saturday, April 16 | 7:00am - 1:00pm   | EXT                   | Miacomet Beach                | End of Miacomet Rd.<br>(Town land) | Public         | Parking in Land Bank parking lot              | Y           | Outside         |
|                    | 1:00pm - 7:00pm   | INT                   | Nantucket Ice                 | 10 Bakus Ln                        | Private        | Parking lot                                   |             | On Site         |
| Sunday, April 17   | 10:00am - 10:00pm | INT                   | NCMC                          | 56 Centre St                       | Private        | Parking on Academy Ln / Center St.            |             | NCC             |
| Monday, April 18   | 5:00pm - 5:00am   | INT                   | NCMC                          | 56 Centre St                       | Private        | Parking on Academy Ln / Center St.            |             | NCC             |
| Tuesday, April 19  | 5:00pm - 5:00am   | INT                   | 1 Gardner Perry Ln.           | 1 Gardner Perry Ln.                | Private        | Parking on Gardner Perry Ln.                  |             | NCC             |
| Friday, April 22   | 10:00am - 10:00pm | INT                   | St. Paul's Church             | 20 Fair St                         | Private        | Parking of Fair St. or Church Lot             |             | NCC             |
| Saturday, April 23 | 12:00pm - 2:00pm  | EXT                   | W Chester                     | 3 W Chester St                     | Private        | Parking on N Centre St.                       |             | NCC             |
|                    | 2:00pm - 3:00pm   | EXT                   | Behind Bank                   | 67 Main St                         | Public         | Parking on Federal and/or Centre              |             | NCC             |
|                    |                   | EXT                   | India St. in fron of Atheneum | 1 India St.                        | Public         | Parking on Federal and/or Centre              |             | NCC             |
|                    | 8:00pm - 12:00am  | EXT                   | India St.                     | 4 India St                         | Public         | Parking on Federal and/or Centre              |             | NCC             |
| Sunday, April 24   | 12:00pm - 12:00am | INT                   | Dreamland Theatre             | 17 S Water St                      | Private        | Parking on Oak St.                            |             | Harborview Room |
| Monday, April 25   | 12:00pm - 12:00am | INT                   | 73 Hulbert Ave.               | 25 Broad St                        | Private        | Hulbert Ave and driveway                      |             | NCC             |
| Tuesday, April 26  | 4:00pm - 4:00am   | INT                   | 73 Hulbert Ave.               | 25 Broad St                        | Private        | Hulbert Ave and driveway                      |             | NCC             |
| Friday, April 29   | 10:00am - 10:00pm | INT                   | 73 Hulbert Ave.               | 25 Broad St                        | Private        | Hulbert Ave and driveway                      |             | NCC             |
| Saturday, April 30 | 10:00am - 10:00pm | INT                   | American Legion               | 21 Washington St                   | Private        | Parking in valet lot                          |             | American Legion |
| Sunday, May 1      | 10:00am - 10:00pm | INT                   | American Legion               | 21 Washington St                   | Private        | Parking in valet lot                          |             | American Legion |
| Monday, May 2      | 10:00am - 4:00pm  | INT                   | Nantucket Community TV        | 15 N Beach St                      | Private        | Parking lot                                   |             | On site         |
|                    | 4:00pm - 10:00pm  | INT                   | Boarding House                | 12 Federal St                      | Private        | Parking on Federal and/or Centre              |             | NCC             |
| Tuesday, May 3     | 10:00am - 10:00pm | INT                   | American Legion               | 21 Washington St                   | Private        | Parking in valet lot                          |             | American Legion |

DATES REQUESTING NOISE ORDINANCE WAIVER

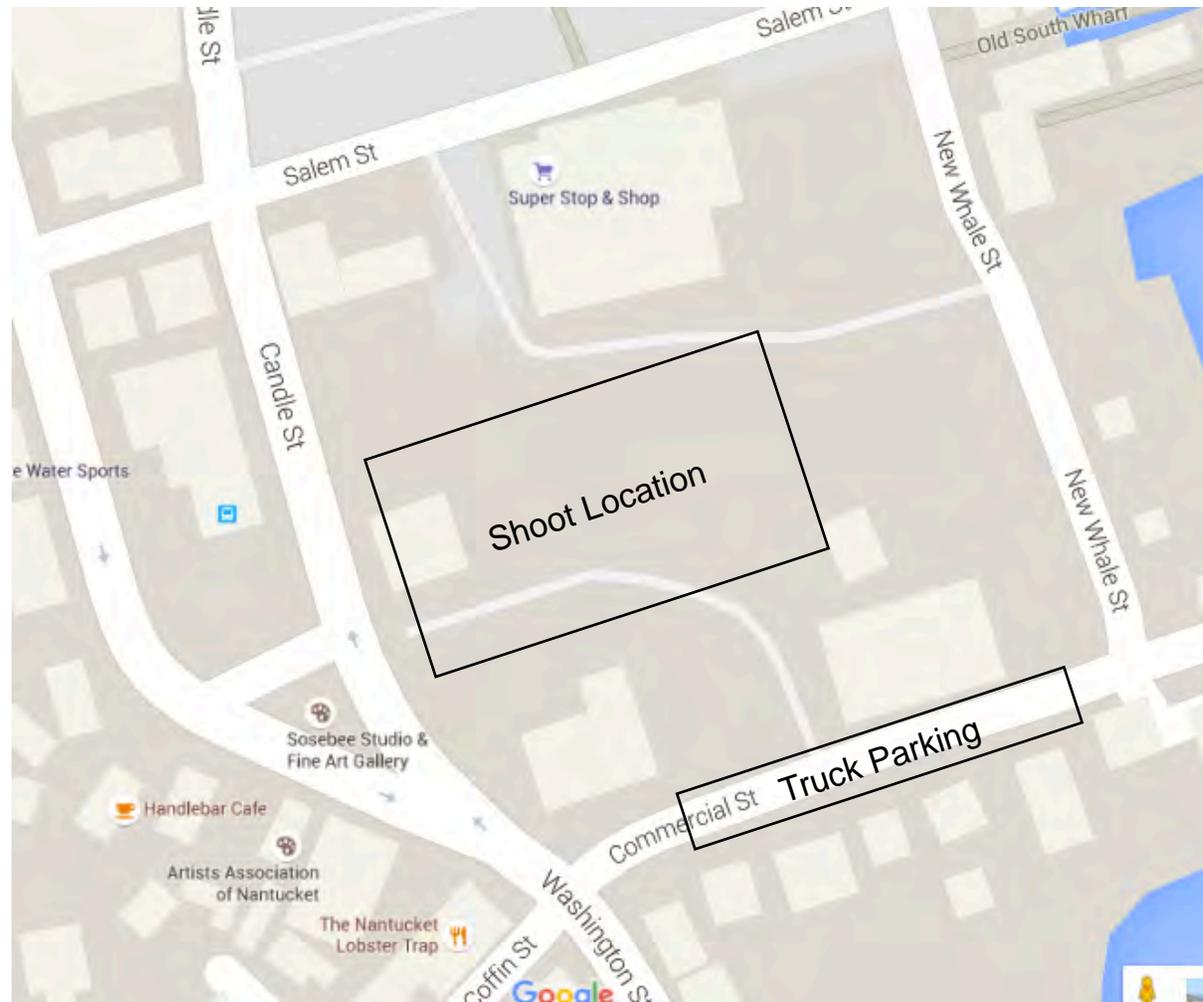
| DATE               | LOCATION                          | End Time |
|--------------------|-----------------------------------|----------|
| Tuesday, April 12  | Coal Alley and Still Dock         | 2:00am   |
| Monday, April 18   | Nanctucket Community Music School | 5:00am   |
| Tuesday, April 19  | 1 Gardner Perry Ln.               | 5:00am   |
| Saturday, April 23 | Street in front of 4 India St.    | 1:00am   |
| Sunday, April 24   | Dreamland Theatre                 | 1:00am   |
| Monday, April 25   | 73 Hulbert Ave.                   | 12:00am  |
| Tuesday, April 26  | 73 Hulbert Ave.                   | 4:00am   |

Location: NCMC  
INT/EXT: Interior only  
Dates: 4/11, 4/17, 4/18, 4/19



Location: Power Station  
INT/EXT: Exterior only  
Dates: 12-Apr

Notes:  
Prop Firearms  
Request Police detail



Location: Still Dock, Coal Alley  
INT/EXT: Exterior only  
Dates: 12-Apr

**Notes:**

Traffic Control requested  
(No parking and redirect traffic)

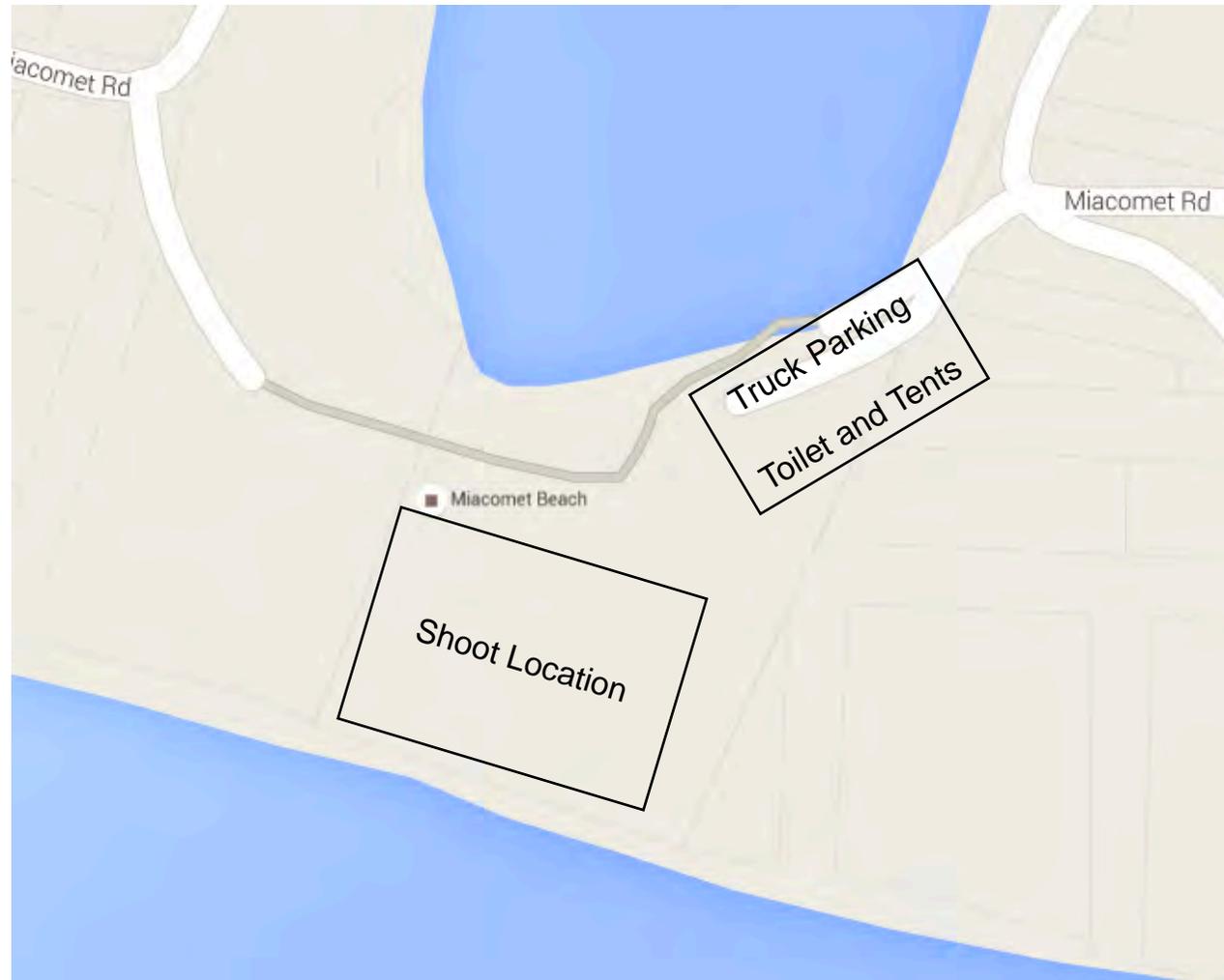
- Still Dock btw. Easy St. and Harbor Sq.
- Coal Alley btw Cambridge and Main
- Request waiver for generator after 10:00am



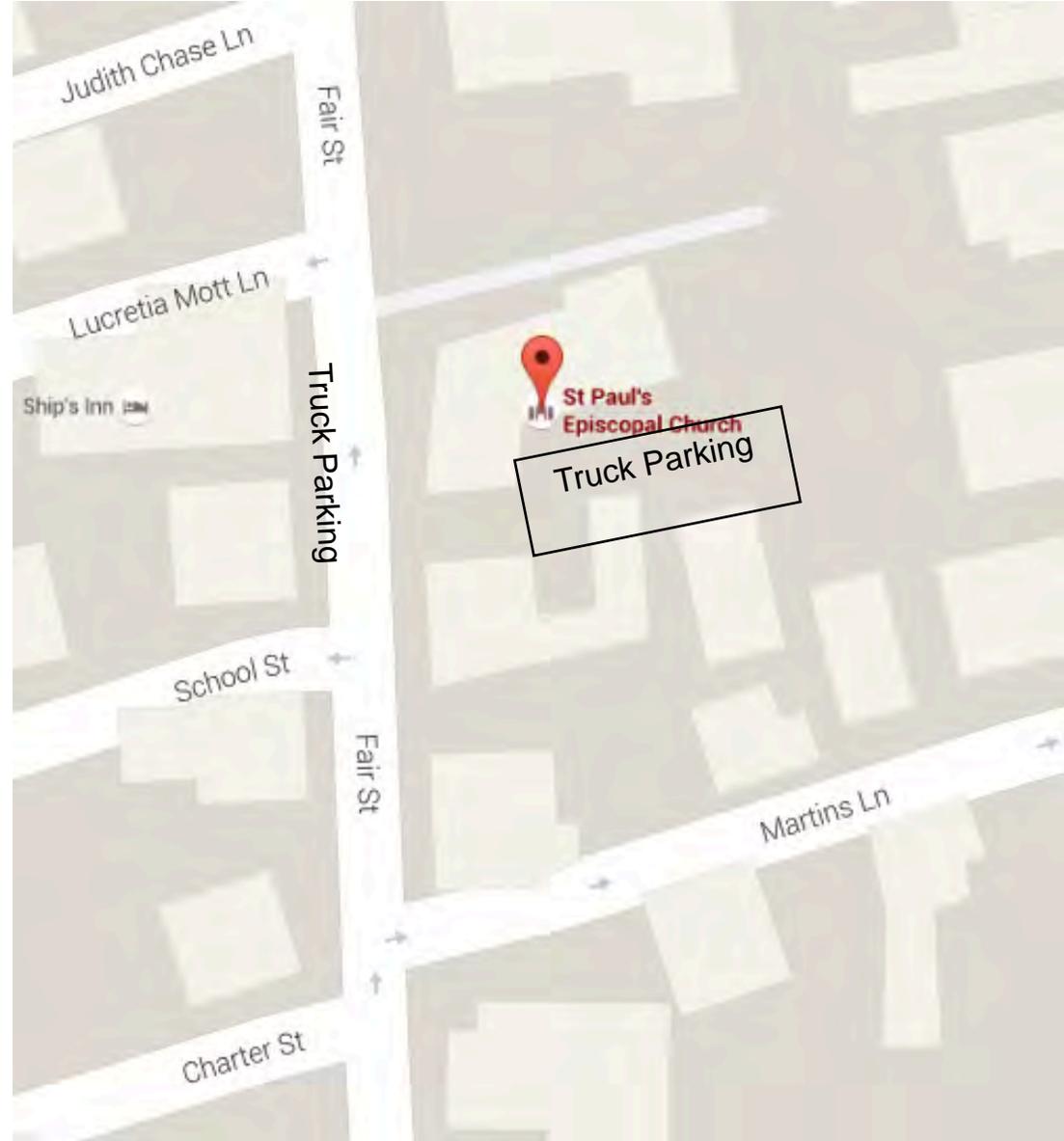
Location: Miacomet Beach  
INT/EXT: Exterior only  
Dates: 4/15, 4/16

Notes:

- Prop firearms in use
- request police detail
- Porta Potty and Pop tents
- will get permission for parking from Land Bank



Location: St. Paul's  
INT/EXT: Interior Only  
Dates: 4/23

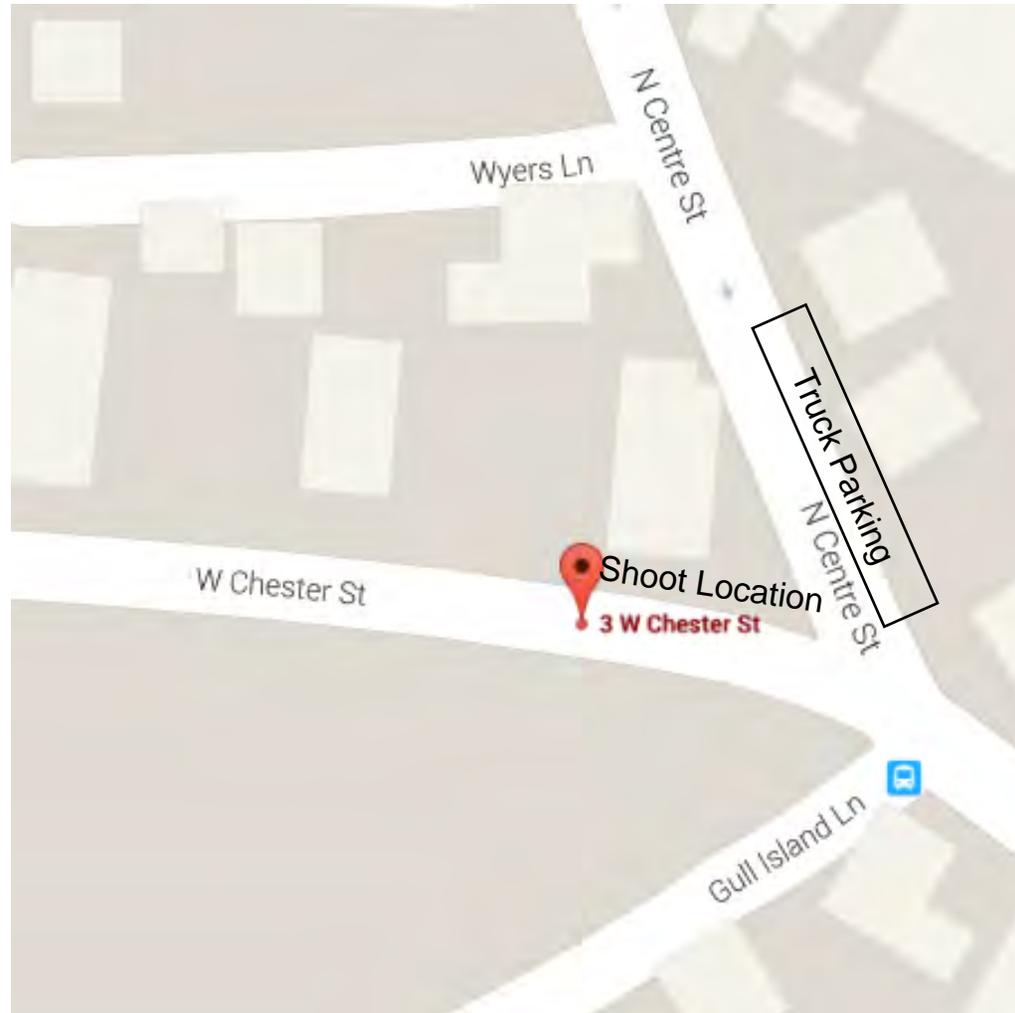


Location: Dreamland Theatre  
INT/EXT: Interior Only  
Dates: 4/24



Location: 3 W. Chester St.  
INT/EXT: Exterior only  
Dates: 4/22

Notes:  
Reduced Crew Size

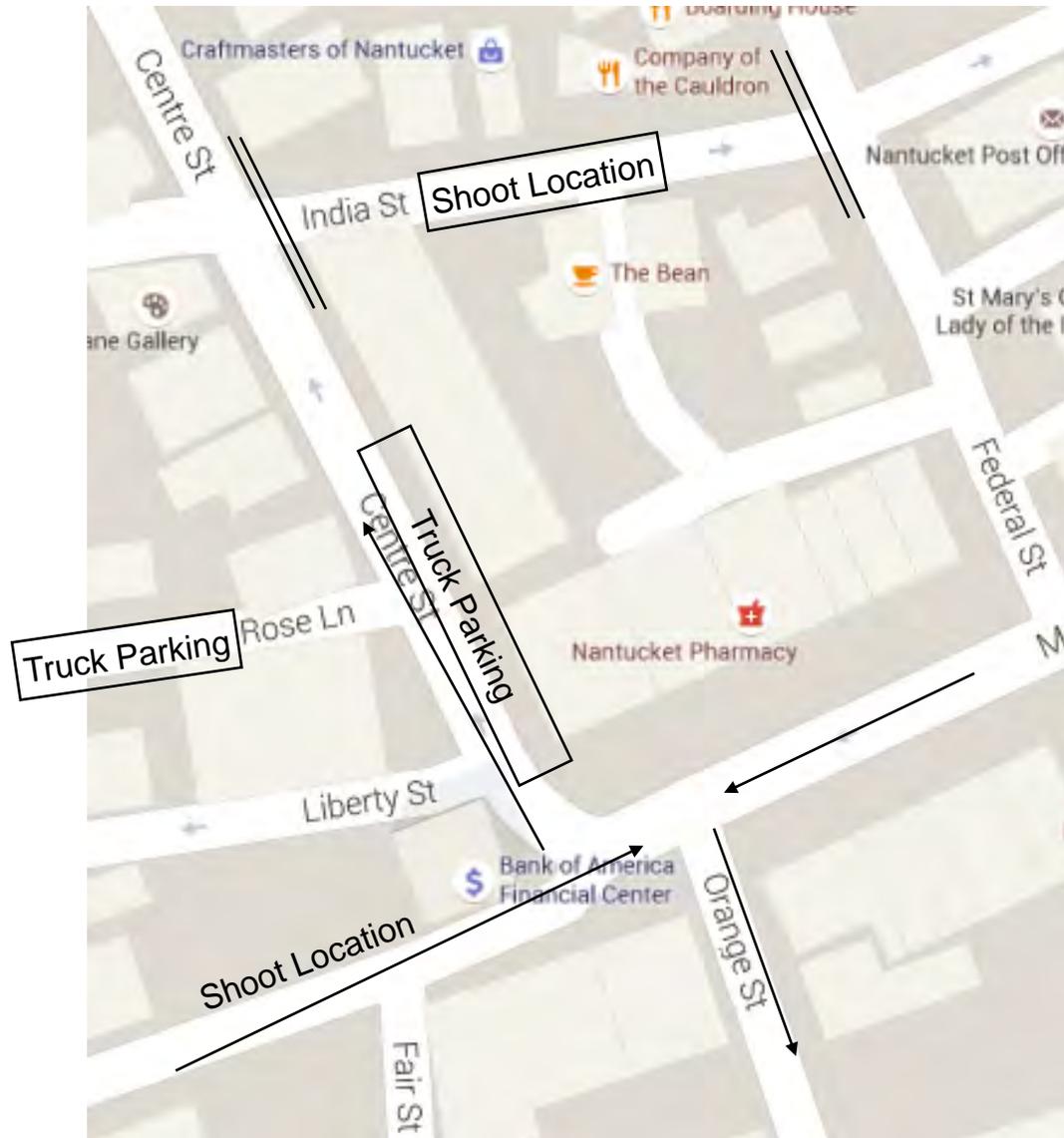


Location: India St. and Main St.

INT/EXT: Exterior only

Dates: 4/22

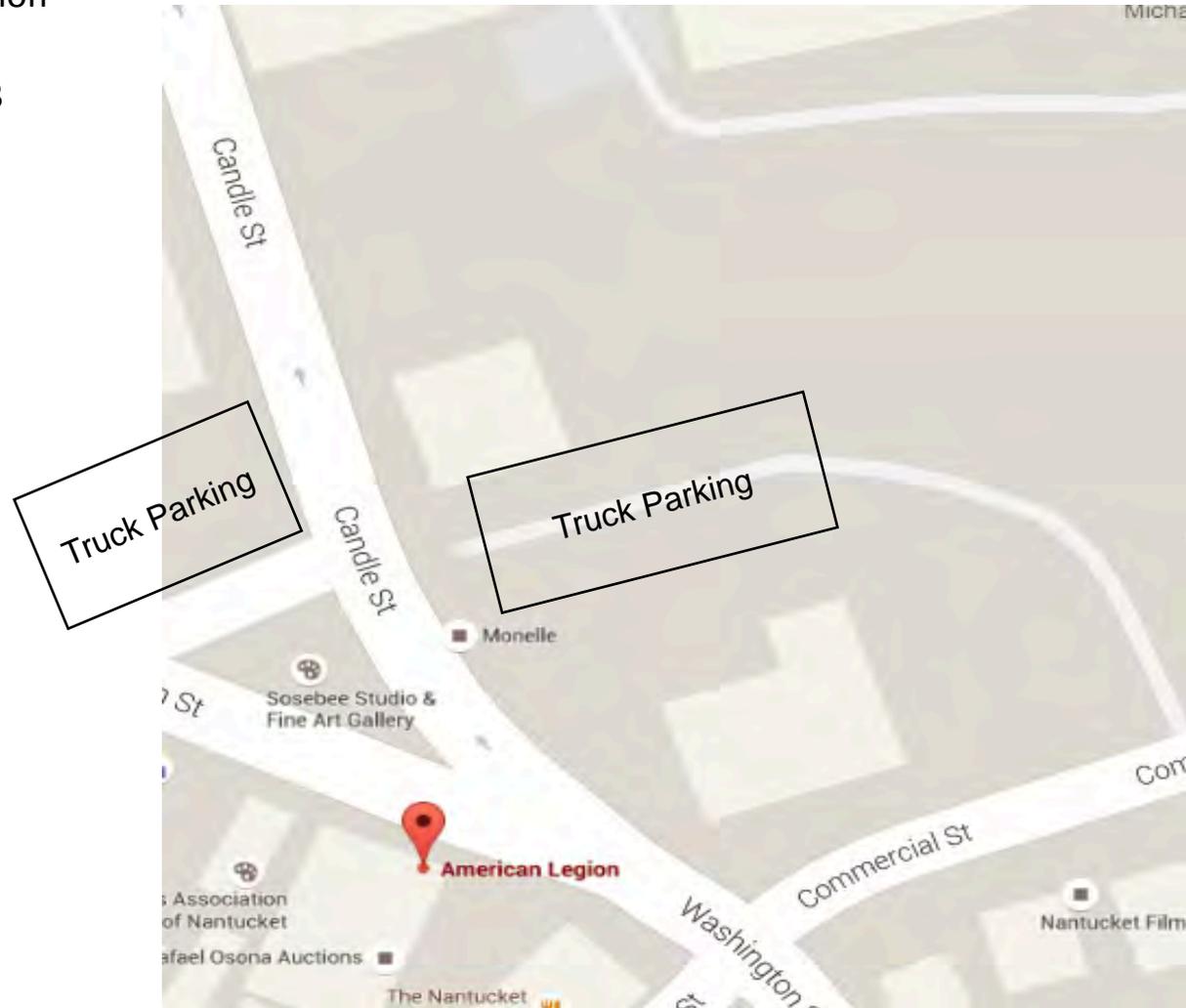
Notes:  
Traffic Control requested  
(No parking and redirect traffic)  
- India St. Btw. Centre and Federal  
- request police Detail



Location: Bookworks  
INT/EXT: Interior Only  
Dates: 4/25 - 4/29



Location: American Legion  
INT/EXT: Interior Only  
Dates: 4/30, 5/1, 5/3



Approved by  
BOS 2/24/16

## FILM POLICY FEE PROPOSAL

| FEE CATEGORY | CURRENT FEE | PROPOSED FEE |
|--------------|-------------|--------------|
|--------------|-------------|--------------|

### ADMINISTRATIVE FEES

|                                          |      |               |
|------------------------------------------|------|---------------|
| Application Fee                          | \$20 | \$25          |
| Filming Revisions to Original Permit     | N/A  | \$25/revision |
| Parking Fees for Core District/Overnight | N/A  | TBD           |

(Assessment of Parking Fees to be determined based on location; time of year; impact on businesses/neighborhood; size and number of vehicles.)

|                                   |     |           |
|-----------------------------------|-----|-----------|
| Commercial Film License Daily Fee | N/A | \$100/day |
|-----------------------------------|-----|-----------|

(When filming on Private Property. Assessment of Fee based on impact to public property; public safety; abutters; production vehicle parking; blocking of roads/parking from production vehicles/equipment.)

### COMMERCIAL FILMING ON PUBLIC PROPERTY FEES

|                                           |        |                                               |
|-------------------------------------------|--------|-----------------------------------------------|
| Video/B-Roll/Photography Daily Fee        | N/A    | \$100/day                                     |
| Small (Under 10) Production Daily Fee     | N/A    | \$500/day/April-Oct.<br>\$350/day/Nov.-March  |
| Large (Crew Over 10) Production Daily Fee | \$1000 | \$1000/day/April-Oct.<br>\$750/day/Nov.-March |

(Size category by determination of Events Committee/BOS. To include entire production team; equipment and total impact to the community.)

### NOT FOR PROFIT FILMING ON PUBLIC PROPERTY FEES:

|                                             |     |                                              |
|---------------------------------------------|-----|----------------------------------------------|
| Not for Profit Production (Off-Island Org.) | N/A | \$150/day/April-Oct.<br>\$100/day/Nov.-March |
| Not For Profit Production (Nantucket Org.)  | N/A | N/A                                          |
| Student Film                                | N/A | \$25 Application Fee                         |

The above fees are for film permits only and do not include other permits, fees, licenses, or location fees that may be required by other agencies.

2016 DEPARTMENTAL COMMENTS ON UTILITY PETITIONS  
FOR BOS PUBLIC HEARINGS

TYPE: Utility Petition for Conduit Locations

APPLICANT: VERIZON

SITE ADDRESS: MONOMOY ROAD

HEARING DATE: 3/16/2016

---

NPD: NPD has no concerns. Chief Pittman

FIRE: NFD has no objections to the petition. Chief Rhude

BUILDING: No comments. M. Burns

WW: Wannacomet Water has no objections or additional conditions to this petition.  
R. Gardner

D. FREDERICKS: The restoration should be done to the standard that exists prior to work.

PETITION FOR CONDUIT LOCATIONS

February 8, 2016

To the Board of Selectmen

in NANTUCKET, Massachusetts

VERIZON NEW ENGLAND INC. requests permission to place CONDUIT wires, cables, pedestals and fixtures including the necessary sustaining and protecting fixtures to be owned and used by your petitioners, along and across the following public way or ways:

**The petition proposes place approximately 650' of one (1) - 4" PVC conduit and associated serving pedestals from Boston Ave., easterly along the Northerly sideline of Monomoy Road. This work will allow for the removal of 5 existing poles.**

**This work is being requested by an abutting property owner.**

Wherefore they pray that after due notice and hearing as provided by law, they be granted joint or identical locations for and permission to erect and maintain poles, wires and cables, together with anchors, guys and other such sustaining and protecting fixtures as they may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked-VZ N.E. Inc. No. MA2016-02 Dated **January 28, 2016**

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 petitioners agree that space shall be reserved and maintained for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.

VERIZON NEW ENGLAND INC.

By David Crossman  
Rights of Way- Agent

Dated this 8 day of FEB, 2016.

PLEASE RETURN TO: Verizon New England Inc.,  
Attn: Daryl Crossman – ENG – ROW  
385 Myles Standish Blvd, Taunton, MA 02780

### ORDER FOR CONDUIT LOCATIONS

In Board of Selectmen of the Town of NANTUCKET, Massachusetts  
ORDERED:

That permission be and hereby is granted the **VERIZON NEW ENGLAND INC.** to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways as requested in petition of said Company dated the 5th day of **FEBRUARY 8, 2016.**

**The petition proposes place approximately 650' of one (1) - 4" PVC conduit and associated serving pedestals from Boston Ave., easterly along the Northerly sideline of Monomoy Road. This work will allow for the removal of 5 existing poles.**

**This work is being requested by an abutting property owner.**

Substantially as shown on plan marked-VZ N.E. Inc., No. **MA2016-02** dated **01/26/2016** filed with said petition.

Also that permission be and hereby is granted said **VERIZON NEW ENGLAND INC.** to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

The foregoing permission is subject to the following conditions:

1. The conduits and manholes shall be of such material and construction and all work done in such manner as to be satisfactory to the Board of Selectmen or to such officers as it may appoint to the supervision of the work, and a plan showing the location of conduits constructed shall be filed with the Town when the work is completed.
2. In every underground main line conduit constructed by said Company hereunder one duct not less than three inches in diameter shall be reserved and maintained for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.
3. Said Company shall indemnify and save the Town harmless against all damages, costs and expense whatsoever to which the Town may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the Town.
4. In addition said Company shall, before a public way is disturbed for the laying of its wire or conduits, execute its bond in a penal sum of Five Thousand Dollars (\$5,000) (reference being had to the bond already on file with said Town) conditioned for the faithful performance of its duties under this permit.
5. Said Company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and wires, so far as the same are not inconsistent with the laws of the Commonwealth.

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 16 day of MARCH 2016.

\_\_\_\_\_  
Clerk of Selectmen



**ORDER FOR CONDUIT LOCATION**

We hereby certify that on March 16 2016, at 6 o'clock P. M. at 4 FAIRGROUNDS ROAD a public hearing was held on the petition of the **VERIZON NEW ENGLAND INC.** for permission to lay and maintain underground conduits, manholes and connection, with the wires and cables to be placed therein, described in the order herewith recorded, and that we mail 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 construct the lines of said Company under said order. And that thereupon said order was duly adopted.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Selectmen of the Town of **NANTUCKET**, Massachusetts

**CERTIFICATE**

I hereby certify that the foregoing is a true copy of location order, and certificate of hearing with notice adopted by the Board of Selectmen of the Town of **NANTUCKET**, Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, and recorded with the records of location orders of said Town, Book \_\_\_\_\_ Page \_\_\_\_\_. This certified copy is made under the provisions of Chapter 166 General Laws and any additions thereto or amendments thereof.

Attest:

\_\_\_\_\_  
Town Clerk



# PETITION PLAN

NANTUCKET

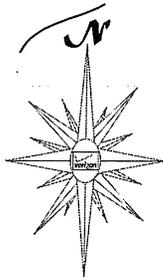
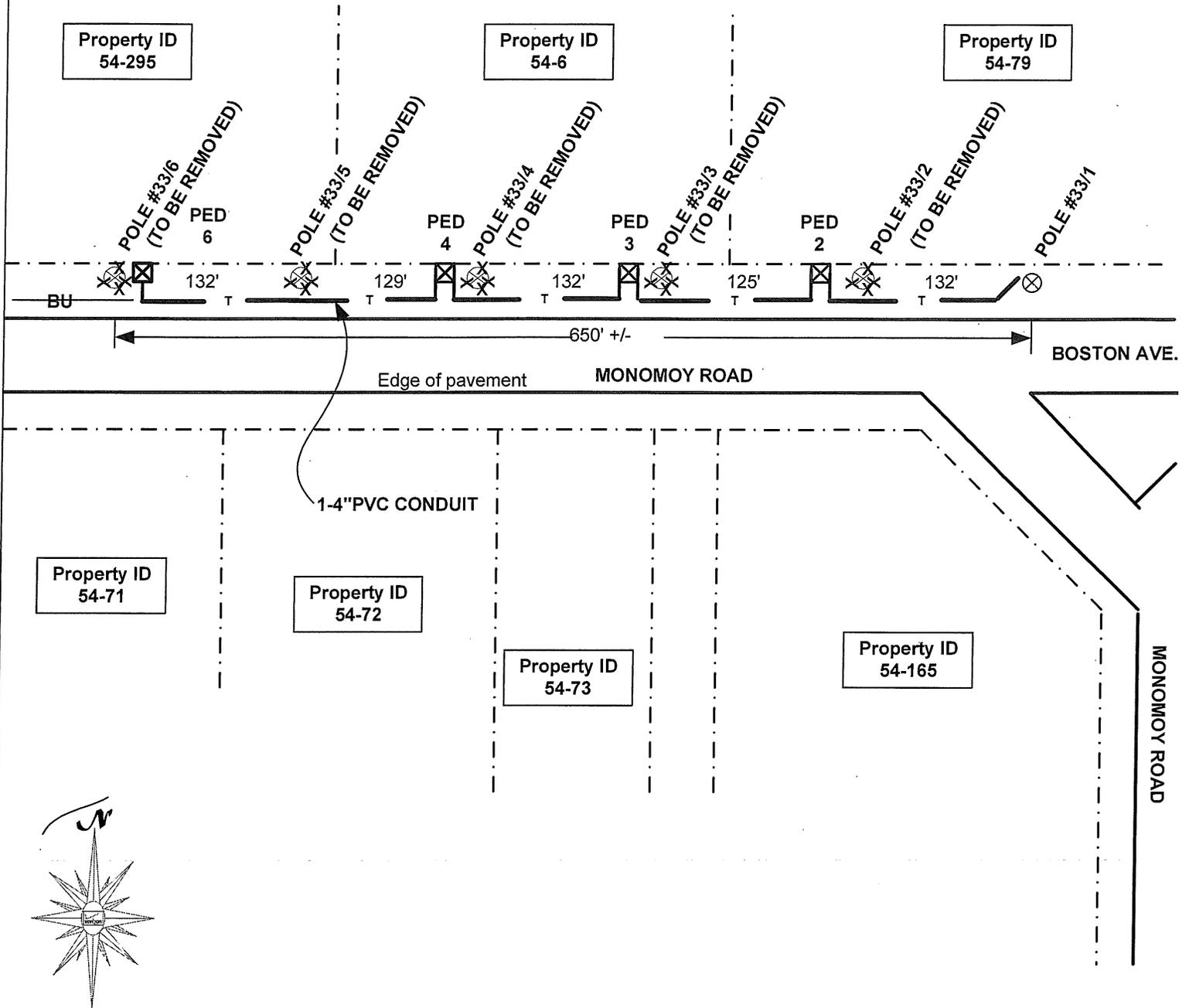
NO. MA2016-02

VERIZON NEW ENGLAND, INC.

DATE: 01/21/2016

SHOWING

PLACEMENT OF CONDUIT ON MONOMOY RD



- PROPOSED VERIZON POLE
- VERIZON POLE TO BE REMOVED
- VERIZON POLE TO REMAIN
- PROPOSED JOINTLY OWNED POLE
- EXISTING VERIZON MANHOLE
- EXISTING VERIZON CONDUIT

## LEGEND

- EXISTING JOINTLY OWNED POLE TO REMAIN
- POWER CO. POLE TO BE REMOVED
- EXISTING JOINTLY OWNED POLE TO BE REMOVED
- EXISTING POWER CO. POLE TO BE HELD JOINTLY
- PROPOSED VERIZON MANHOLE
- PROPOSED VERIZON CONDUIT
- PROPOSED VERIZON CABINET

TOWN OF NANTUCET  
2016 COMMON VICTUALLER (CV)

NEW OR TRANSFERRED LICENSE APPLICATION

Business Name of Applicant: R.J. Diamond INC

D/B/A: A.K. Diamonds

Business Owner's Name: Richard Diamond Cell: 508-367-2535

Business Manager's Name: Richard Diamond Cell: 508-367-2535

Business Street Address: 16 Macy Lane

Business Mailing Address: 16 Macy Lane

Business Telephone: 508-228-3154

Email Address: (Please use an email address that will be monitored year-round by Owner or Manager): akdr50@gmail.com

Federal Tax I.D. # of Business: 043 316 534

Opening Date: 5/15/16 Days/Hours of Operation: Every day 11:30 → 10:00 PM

Type of Business: Full Service Restaurant

Signature of Applicant: [Signature] Date: 3/19/16

Check Payable to Town of Nantucket: \$20.00 Application Fee: Ck #: ✓

Check Payable to Town of Nantucket: \$50.00 Yearly Licenses Fee: Ck #: ✓

Check Payable to Inquirer and Mirror: \$266.90 Legal Notice Fee: Ck #: \_\_\_\_\_

Note: Nantucket Town Bylaw requires holders of certain categories of licenses and permits to be current on payment of various municipal charges. If a license or permit applicant has neglected to pay any "local taxes, fees, assessments, betterments or other municipal charges", such licenses or permits are subject to non-renewal or revocation by the Board of Selectmen. Please contact the Tax Collector office (508-228-7200 x7047 or x7048) to determine your current payment status before picking up your new/transferred CV license.

Approved: \_\_\_\_\_ Date: \_\_\_\_\_



**CV LICENSE –SECTION II**

THIS DEPARTMENTAL PRE-APPROVAL FORM TO BE COMPLETED FOR NEW AND TRANSFERRING COMMON VICTUALLER LICENSES PRIOR TO THE BOARD OF SELECTMEN'S PUBLIC HEARING ON THE CV APPLICATION. IN ADDITION, A FINAL INSPECTION FROM MUST BE SIGNED BY BUILDING AND HEALTH DEPARTMENTS BEFORE THE NEW OR TRANSFERRED LICENSE CAN BE RELEASED BY THE LICENSING OFFICE AT NANTUCKET POLICE DEPARTMENT, 4 FAIRGROUNDS ROAD, NANTUCKET MA 02554.

BUSINESS NAME OF APPLICANT: RT Diamonds

d/b/a (Doing Business As): AK Diamonds

STREET ADDRESS OF BUSINESS: 16 Macy Lane.

EMAIL ADDRESS OF BUSINESS: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

BUSINESS MANAGER'S NAME: \_\_\_\_\_ CELL PHONE: \_\_\_\_\_

**HEALTH DEPARTMENT:** 3 Chestnut St. \_\_\_\_\_ Approved \_\_\_\_\_ Not Approved

COMMENTS: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**BUILDING DEPARTMENT:** 2 Fairgrounds Rd. \_\_\_\_\_ Approved \_\_\_\_\_ Not Approved

COMMENTS: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**ZONING ENFORCEMENT OFFICER:** 2 Fairgrounds Rd. \_\_\_\_\_ Approved \_\_\_\_\_ Not Approved

COMMENTS: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**FIRE DEPARTMENT:** 131 Pleasant St.  Approved \_\_\_\_\_ Not Approved

COMMENTS: \_\_\_\_\_

SIGNATURE: Paul [Signature] DATE: 3/10/2016

**CV LICENSE --SECTION II**

THIS DEPARTMENTAL PRE-APPROVAL FORM TO BE COMPLETED FOR NEW AND TRANSFERRING COMMON VICTUALLER LICENSES PRIOR TO THE BOARD OF SELECTMEN'S PUBLIC HEARING ON THE CV APPLICATION. IN ADDITION, A FINAL INSPECTION FROM MUST BE SIGNED BY BUILDING AND HEALTH DEPARTMENTS BEFORE THE NEW OR TRANSFERRED LICENSE CAN BE RELEASED BY THE LICENSING OFFICE AT NANTUCKET POLICE DEPARTMENT, 4 FAIRGROUNDS ROAD, NANTUCKET MA 02554.

BUSINESS NAME OF APPLICANT: A.K. Diamonds

d/b/a (Doing Business As): \_\_\_\_\_

STREET ADDRESS OF BUSINESS: 16 Macy Lane

EMAIL ADDRESS OF BUSINESS: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

BUSINESS MANAGER'S NAME: \_\_\_\_\_ CELL PHONE: \_\_\_\_\_

**HEALTH DEPARTMENT:** 3 Chestnut St.  Approved  Not Approved

COMMENTS: \_\_\_\_\_

SIGNATURE: [Signature] DATE: 3/10/16

**BUILDING DEPARTMENT:** 2 Fairgrounds Rd.  Approved  Not Approved

COMMENTS: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**ZONING ENFORCEMENT OFFICER:** 2 Fairgrounds Rd.  Approved  Not Approved

COMMENTS: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**FIRE DEPARTMENT:** 131 Pleasant St.  Approved  Not Approved

COMMENTS: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

2015 DEPARTMENTAL COMMENT ON LIQUOR LICENSE  
FOR BOS PUBLIC HEARINGS

TYPE: ALTERATION OF PREMISES -ANNUAL ALL ALCOHOL RESTAURANT  
LIQUOR LICENSE

APPLICANT: A.K. DIAMONDS

SITE ADDRESS: 16 MACY LANE

HEARING DATE: MARCH 16, 2016

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NPD: No concerns from the NPD. Chief Pittman

NFD: The Fire Department has no objections/concerns. Chief Rhude

HEALTH: Health Department has had conversations with this restaurant and is well aware of the issues but we have not received or approved a "Plan Review" for the remodel. I do not foresee any major issues.  
Art Crowley



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

For Reconsideration

**FORM 43**  
**MUST BE SIGNED BY LOCAL LICENSING AUTHORITY**

|                     |           |                     |
|---------------------|-----------|---------------------|
| 076200122           | Nantucket | March 16, 2016      |
| ABCC License Number | City/Town | Local Approval Date |

**TRANSACTION TYPE (Please check all relevant transactions):**

- |                                                   |                                                                     |                                                     |                                                                           |
|---------------------------------------------------|---------------------------------------------------------------------|-----------------------------------------------------|---------------------------------------------------------------------------|
| <input type="checkbox"/> New License              | <input type="checkbox"/> New Officer/Director                       | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change Corporate Name                            |
| <input type="checkbox"/> Transfer of License      | <input type="checkbox"/> Change of Location                         | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Seasonal to Annual                               |
| <input type="checkbox"/> Change of Manager        | <input checked="" type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock          | <input type="checkbox"/> Change of License Type                           |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> Issuance of Stock                          | <input type="checkbox"/> New Stockholder            | <input type="checkbox"/> Other <input style="width: 100px;" type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License   | <input type="checkbox"/> Management/Operating Agreement             | <input type="checkbox"/> Wine & Malt to All Alcohol |                                                                           |

|                  |                     |                 |                 |
|------------------|---------------------|-----------------|-----------------|
| Name of Licensee | R. J. Diamond, Inc. | EIN of Licensee | 04-3316534      |
| D/B/A            | A.K. Diamonds       | Manager         | Richard Diamond |

|          |              |            |           |        |    |           |       |
|----------|--------------|------------|-----------|--------|----|-----------|-------|
| ADDRESS: | 16 Macy Lane | CITY/TOWN: | Nantucket | STATE: | MA | ZIP CODE: | 02554 |
|----------|--------------|------------|-----------|--------|----|-----------|-------|

|                    |                                                                         |                                                                    |                                                                                                          |
|--------------------|-------------------------------------------------------------------------|--------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|
| Annual             | All Alcohol                                                             | Restaurant                                                         | Granted under Special Legislation? Yes <input type="checkbox"/> No <input type="checkbox"/>              |
| Annual or Seasonal | Category: (All Alcohol; Wine & Malt; Wine, Malt & Cordials; Wine; Malt) | Type: (Restaurant, Club, Package Store, General On Premises, Etc.) | If Yes, Chapter <input style="width: 50px;" type="text"/> Year <input style="width: 50px;" type="text"/> |

Complete Description of Licensed Premises:

Two (2) story wooden structure at 16 Macy Lane with cellar (storage and mechanical). First floor: 2 bathrooms, dining room, prep facility, two (2) means of egress. Second floor: Kitchen.

|                    |                   |             |                                   |                                                                                        |
|--------------------|-------------------|-------------|-----------------------------------|----------------------------------------------------------------------------------------|
| Application Filed: | 2/23/2316 10:00am | Advertised: | 3/3 and 3/10/16 Inquirer & Mirror | Abutters Notified: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
|                    | Date & Time       |             | Date & Attach Publication         |                                                                                        |

|                                         |                 |        |              |
|-----------------------------------------|-----------------|--------|--------------|
| Licensee Contact Person for Transaction | Richard Diamond | Phone: | 508-901-5987 |
|-----------------------------------------|-----------------|--------|--------------|

|          |              |            |           |        |    |           |       |
|----------|--------------|------------|-----------|--------|----|-----------|-------|
| ADDRESS: | 16 Macy Lane | CITY/TOWN: | Nantucket | STATE: | MA | ZIP CODE: | 02554 |
|----------|--------------|------------|-----------|--------|----|-----------|-------|

Remarks: Anne McAndrew, 4 Fairgrounds Road, Nantucket MA 02554, Licensing: 508-325-4137, amcandrew@police.nantucket.gov

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission  
 Ralph Sacramone  
 Executive Director

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BCC Remarks:

3/10/2016

R. J. Diamonds, Inc, DBA A. K. Diamond's

To The Board of Selectmen:

Description of Change of Premise:

The building owner, Gem Realty Trust, while reconstructing the restaurant after a burst sprinkler head caused extensive damage, is converting the second floor dining room into two 2-bedroom apartments, retaining the current two floor kitchen arrangement, and retaining the full basement storage area. The first floor bar / foyer / dining area has a new layout to accommodate more dining area.

The premises at 16 Macy Lane consist of a two story wooden structure with a full cellar. First floor: 2 bathrooms, dining room, prep facility, two means of egress. Second floor: kitchen, and two separate 2-bedroom apartments. Cellar: Storage and mechanical.

The restaurant, known as A. K. Diamond's, will remain a casual family style restaurant, serving lunch and dinner 7 days a week, year round. There is a full service bar, also utilized as a dining area, and an awning covered patio area in season.

Jeanne and Richard Diamond, Owners

The Commonwealth of Massachusetts  
Alcoholic Beverages Control Commission  
239 Causeway Street  
Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

PETITION FOR CHANGE OF LICENSE

076200122

ABCC License Number

Nantucket, MA

City/Town

The licensee R.J. Diamonds, Inc, DBA respectfully petitions the Licensing Authorities to approve the following transactions: A.K. Diamond's

- Change of Manager  
 Pledge of License/Stock  
 Change of Corporate Name/DBA  
 Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")
- Alteration of Premises  
 Cordial & Liqueurs  
 Change of Location

Change of Manager

Last-Approved Manager:

Requested New Manager:

Pledge of License /Stock

Loan Principal Amount: \$

Interest Rate:

Payment Term:

Lender:

Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

Change of License Type

Last-Approved License Type:

Requested New License Type:

Alteration of Premises: (must fill out financial information form)

Description of Alteration:

see attached.

Change of Location: (must fill out financial information form)

Last-Approved Location:

Requested New Location:

Signature of Licensee

(for Corporation/LLC, by its authorized representative)

Date Signed

7 / 20 / 2016

**Financial Information:**

**Costs Associated with License**

|                                |    |                                         |
|--------------------------------|----|-----------------------------------------|
| 1. Real Property:              | \$ | <input type="text" value="n/a"/>        |
| 2. Business Purchase:          | \$ | <input type="text" value="n/a"/>        |
| 3. Renovations/Construction:   | \$ | <input type="text" value="348,368.61"/> |
| 4. Start up/Operating Capital: | \$ | <input type="text" value="20,500.00"/>  |
| 5. Inventory:                  | \$ | <input type="text" value="18,250.00"/>  |
| 6. Goodwill:                   | \$ | <input type="text" value="5000.00"/>    |
| 7. Furniture:                  | \$ | <input type="text" value="100,530.57"/> |
| 8. TOTAL COST:                 | \$ | <input type="text" value="492,649.18"/> |
| 9. TOTAL CASH:                 | \$ | <input type="text"/>                    |
| 10. TOTAL FINANCED:            | \$ | <input type="text" value="492,649.18"/> |

The amounts in items 9 and 10 must total the amount reflected in item 8. **IMPORTANT:** Submit any and all records, documents and affidavits including loan agreements that explain the sources of money for this transaction.

AFFIDAVIT OF NOTICE OF MAILING TO ABUTTER AND OTHERS

To the Licensing Board

For the Town of Nantucket

Date 2/20/16

I, Richard Diamond hereby certify that the following is a true list of the persons shown upon the Assessor's most recent valuation list as the owners of the property abutting the proposed location for an alcoholic beverages license at: R.J. Diamond, Inc, DBA A.K. Diamond's

And that the following schools, churches or hospitals are located within the radius of five hundred (500) feet from said proposed location:

[Empty boxes for listing schools, churches, or hospitals]

[Empty boxes for listing schools, churches, or hospitals]

If there are none, please so state: NONE

I also certify that the notice of this application/petition concerning an alcoholic beverages license was given to the above by mailing to each of them within three (3) days after publication of same, a copy of the advertisement is attached below. Also attached are the registered receipts./return registered receipts bearing signatures of persons receiving said notice.

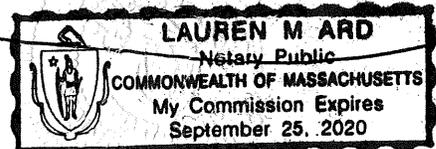
Signed and subscribed to under the penalties of perjuries:

Printed: Richard Diamond

Written: [Signature]

Date: 2/18/16

Notary Public: [Signature]  
My Commission Expires: 09/25/2020



Please Attach Advertisement and Receipts

R. J. Diamonds, Inc, DBA A. K. Diamond's

Description of Change of Premise:

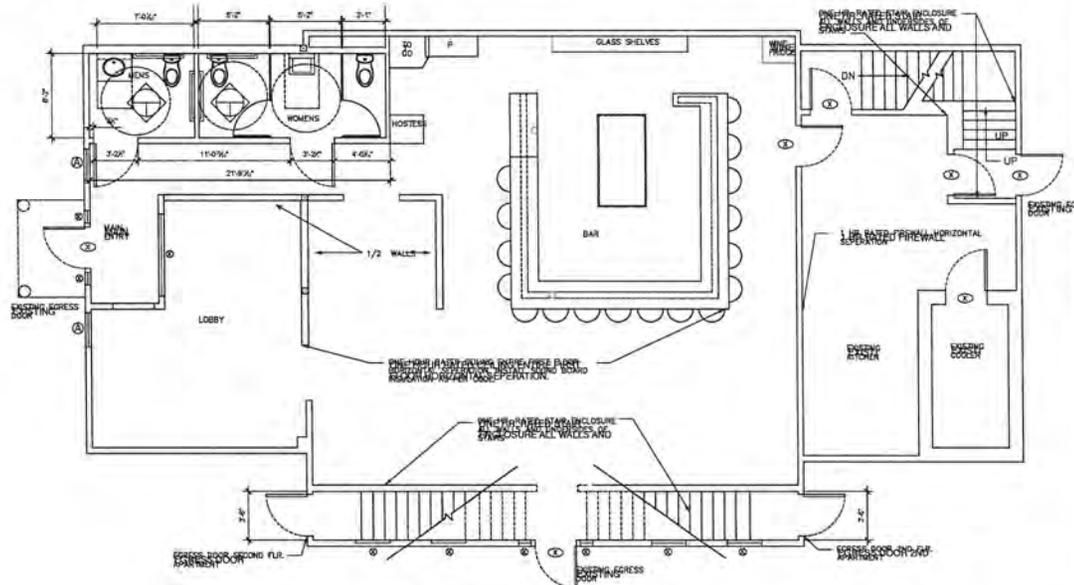
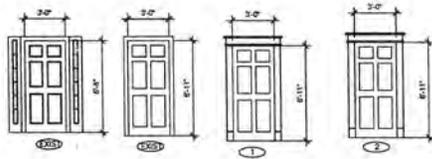
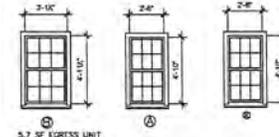
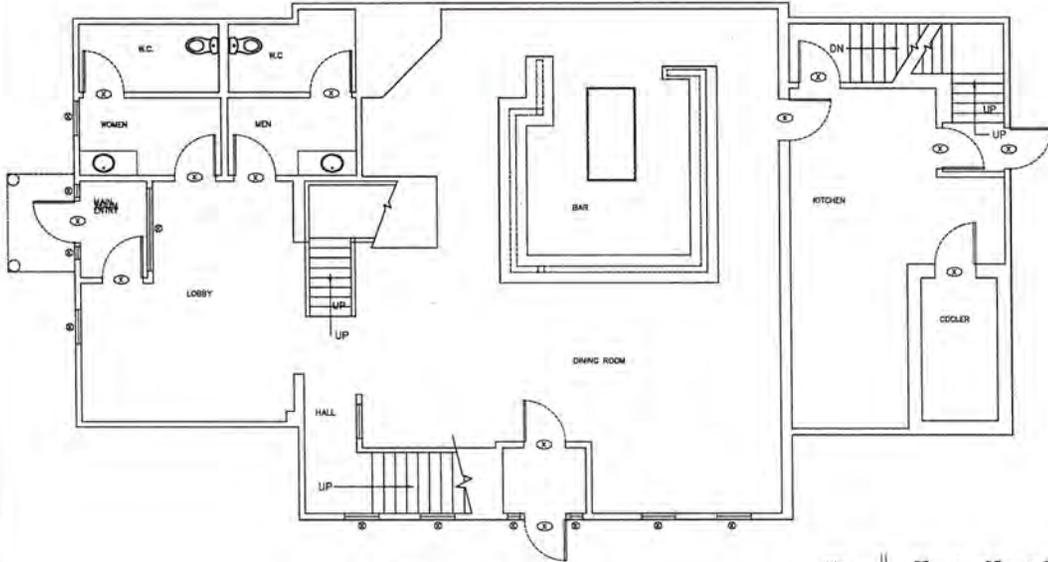
The building owner, Gem Realty Trust, while reconstructing the restaurant after a burst sprinkler head caused extensive damage, is converting the second floor dining room into two 2-bedroom apartments, retaining the current two floor kitchen arrangement, and retaining the full basement storage area. The first floor bar / foyer / dining area has a new layout to accommodate more dining area.

The premises at 16 Macy Lane consists of a two story wooden structure with a full cellar. First floor: 2 bathrooms, dining room, prep facility, two means of egress. Second floor: kitchen, and two separate 2-bedroom apartments. Cellar: Storage and mechanical.

2/20/2016

*patio*

# FIRST FLOOR



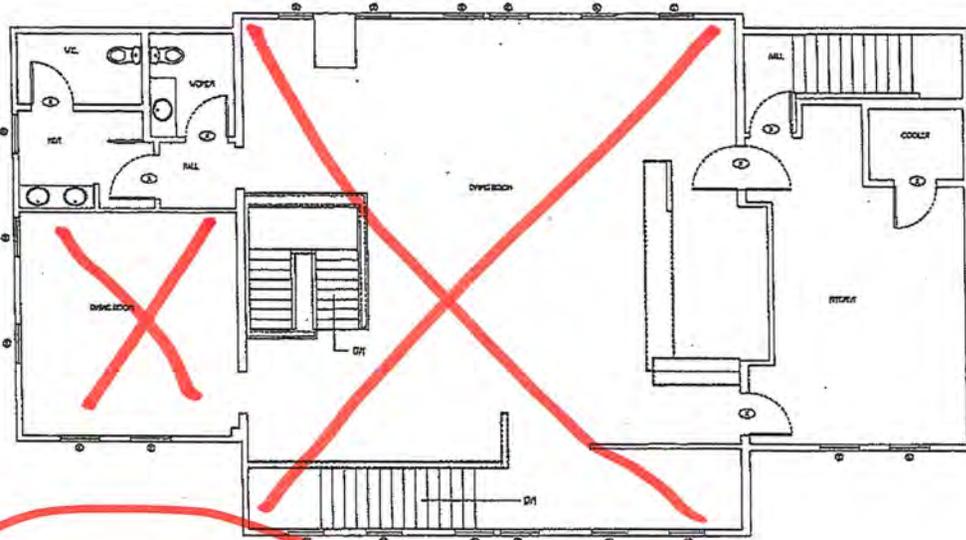
NANTUCKET ARCHITECTURE GROUP LTD.  
POST OFFICE BOX 1814  
NANTUCKET, MASSACHUSETTS, 02554  
TELEPHONE 508.228.5831  
WWW.NANTUCKETARCHITECTURE.COM

RENOVATION FOR:  
AK DIAMONDS RESTAURANT  
16 MACY'S LANE

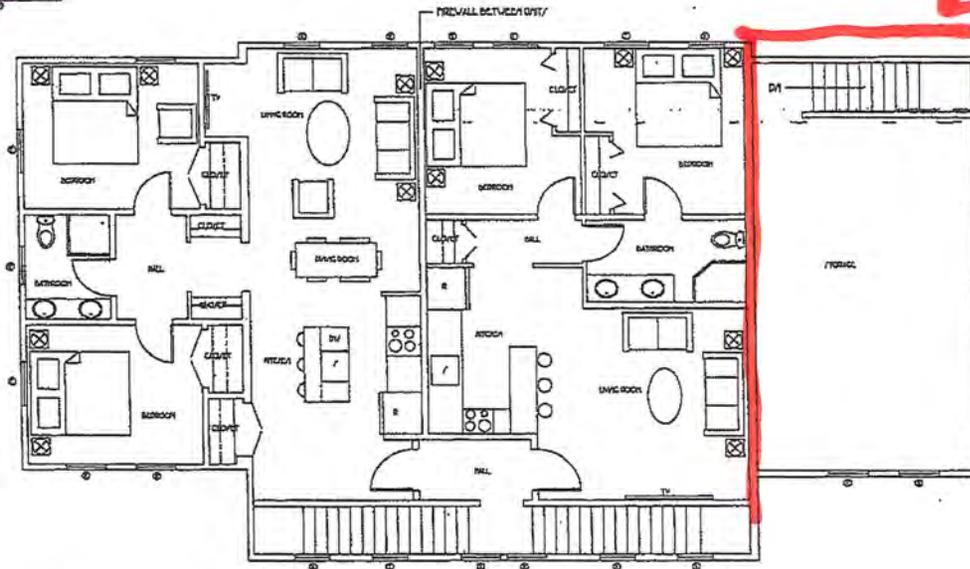
EXIST AND PROPOSED FLOOR PLANS, WINDOW AND DOOR SCHEDULE  
HDC: XX/XX/XX  
BIDDING: \_\_\_\_\_  
BLDG. DEPT: \_\_\_\_\_  
REVISIONS: \_\_\_\_\_  
REVISIONS: \_\_\_\_\_  
REVISIONS: \_\_\_\_\_  
DIB: copyright mgg 2015



# SECOND FLOOR



5 EXISTING SECOND FLOOR PLAN  
Scale: 1/4" = 1'-0"



6 PROPOSED SECOND FLOOR PLAN  
Scale: 1/4" = 1'-0"

NEW

Kitchen  
↓

NANTUCKET ARCHITECTURE GROUP LTD.  
POST OFFICE BOX 1814  
NANTUCKET, MASSACHUSETTS, 02564  
TELEPHONE 608.228.5631  
WWW.NANTUCKETARCHITECTURE.COM

RENOVATION FOR:  
AK DIAMONDS RESTAURANT  
16 MACY'S LANE

FLOOR  
LAYOUT AND  
PROPOSED  
FLOOR PLAN  
HDC: 2002000X  
BIDDING:  
BLOC. DEPT:  
REVISIONS:  
REVISIONS:  
REVISIONS:  
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REVISIONS:  
Orig: copyright page

HDC



LICENSE  
ALCOHOLIC BEVERAGES

**076200122**

THE LICENSING BOARD OF THE  
TOWN OF NANTUCKET, MASSACHUSETTS  
HEREBY GRANTS AN ANNUAL 2015

RESTAURANT

LICENSE TO EXPOSE, KEEP FOR SALE, AND TO SELL

***All Alcoholic Beverages  
To Be Consumed On the Premises***

**RJ Diamond Inc d/b/a  
AK Diamond's**

Manager: Richard Diamond

Described Premises: 16 Macy Lane  
Two story wooden structure with full cellar.  
First floor: 2 bathrooms, dining room, prep facility,  
2 means of egress. Cellar: storage and mechanical.  
2nd floor: dining room, 2 bathrooms.

This license is granted and accepted upon the express condition that the license shall, in all respects, conform to all the provisions of the liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. This license expires December 31, 2015 unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned has hereunto affixed his official signature this 17th day of December 2014.

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 1:00 AM 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 Shall Be  
Displayed on the Premises  
in a Conspicuous Position  
Where it can be Easily Read.**

**License Fee: \$2,750.00**

Board of Selectmen

*Richard C. Hodson*  
Richard C. Hodson, Chairman

2016 DEPARTMENTAL COMMENT ON NEW LIQUOR LICENSE  
FOR BOS PUBLIC HEARINGS

TYPE: ANNUAL WINE/MALT RESTAURANT LIQUOR LICENSE

APPLICANT: SUSHI BY YOSHI

SITE ADDRESS: 2 EAST CHESTNUT STREET

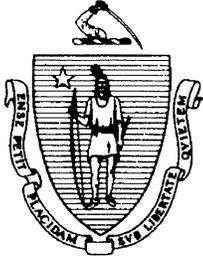
HEARING DATE: MARCH 16, 2016

---

NPD: NPD has no problems with this application as long as there is no outside seating. The property is not big enough and is too close to the street for them to have outside service. Chief Pittman

NFD: The Fire Department has no objections/concerns. Chief Rhude

HEALTH: Health Department is all set with this license application. Art Crowley



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
 www.mass.gov/abcc

For Reconsideration

**FORM 43**  
**MUST BE SIGNED BY LOCAL LICENSING AUTHORITY**

ABCC License Number

City/Town

Local Approval Date

**TRANSACTION TYPE (Please check all relevant transactions):**

- |                                                   |                                                          |                                                     |                                                     |
|---------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------|
| <input checked="" type="checkbox"/> New License   | <input type="checkbox"/> New Officer/Director            | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change Corporate Name      |
| <input type="checkbox"/> Transfer of License      | <input type="checkbox"/> Change of Location              | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Seasonal to Annual         |
| <input type="checkbox"/> Change of Manager        | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock          | <input type="checkbox"/> Change of License Type     |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> Issuance of Stock               | <input type="checkbox"/> New Stockholder            | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License   | <input type="checkbox"/> Management/Operating Agreement  | <input type="checkbox"/> Wine & Malt to All Alcohol |                                                     |

Name of Licensee  EIN of Licensee

D/B/A  Manager

ADDRESS:  CITY/TOWN:  STATE  ZIP CODE

Granted under Special Legislation? Yes  No

Annual or Seasonal      Category: (All Alcohol; Wine & Malt; Wine, Malt & Cordials; Wine; Malt)      Type: (Restaurant, Club, Package Store, General On Premises, Etc.)

If Yes, Chapter  Year

Complete Description of Licensed Premises:

700 sq. ft. one story building with a 44 square foot back room, 70 square foot bathroom, a 208 square foot dining room and 378 square feet for the take-out area and kitchen.

Application Filed:  Advertiser:  Abutters Notified: Yes  No

Date & Time      Date & Attach Publication

Licensee Contact Person for Transaction  Phone:

ADDRESS:  CITY/TOWN:  STATE  ZIP CODE

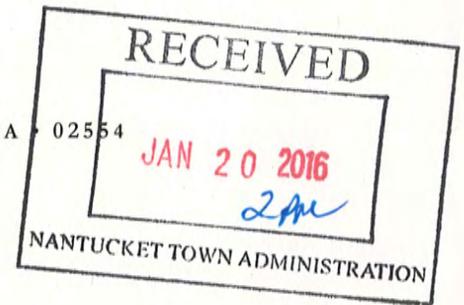
Remarks:

The Local Licensing Authorities By: \_\_\_\_\_

Alcoholic Beverages Control Commission  
 Ralph Sacramone  
 Executive Director

ABCC Remarks: \_\_\_\_\_

LAW OFFICES OF  
**KEITH M. YANKOW**  
3 SPARKS AVENUE- P.O. BOX 675 • NANTUCKET, MA 02554  
www.nantucketislandlaw.com  
yankow@nantucketislandlaw.com  
Phone: 508-228-6688 • Fax: 508-228-6698



Hand Delivered to Anne

January 19, 2016

Town of Nantucket

Board of Selectmen

RE: Wine and Malt license for Sushi by Yoshi, 2 East Chestnut Street.

Dear Members of the Board of Selectmen:

Enclosed please find filing fees and Application as referenced above.

Terry Noyes, the person applying as Manager under the license will be present at the Public Hearing.

Sincerely,

A handwritten signature in blue ink, which appears to be "Keith M. Yankow". The signature is written in a cursive, flowing style.

Keith M. Yankow

**APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE**

City/Town

Nantucket

**1. LICENSEE INFORMATION:**

A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual) Nobuchi, Inc.

B. Business Name (if different) : Sushi by Yoshi

C. Manager of Record: Terrance J. Noyes

D. ABCC License Number (for existing licenses only) :

E. Address of Licensed Premises: 2 East Chestnut Street

City/Town: Nantucket

State: MA

Zip: 02554

F. Business Phone: (508) 228-1801

G. Cell Phone: (203) 988-7875

H. Email: restaurantbocca@live.com

I. Website: sushibyyoshi.com

J. Mailing address (If different from E.):

City/Town:

State:

Zip:

**2. TRANSACTION:**

- New License     New Officer/Director     Transfer of Stock     Issuance of Stock     Pledge of Stock  
 Transfer of License     New Stockholder     Management/Operating Agreement     Pledge of License

**The following transactions must be processed as new licenses:**

- Seasonal to Annual     (6) Day to (7)-Day License     Wine & Malt to All Alcohol

**IMPORTANT ATTACHMENTS (1): The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.**

**3. TYPE OF LICENSE:**

- §12 Restaurant     §12 Hotel     §12 Club     §12 Veterans Club     §12 Continuing Care Retirement Community  
 §12 General On-Premises     §12 Tavern (No Sundays)     §15 Package Store

**4. LICENSE CATEGORY:**

- All Alcoholic Beverages     Wines & Malt Beverages     Wines     Malt  
 Wine & Malt Beverages with Cordials/Liqueurs Permit

**5. LICENSE CLASS:**

- Annual     Seasonal

**6. CONTACT PERSON CONCERNING THIS APPLICATION (ATTORNEY IF APPLICABLE)**

NAME:

Terrance J. Noyes

ADDRESS:

19 Hooper Farm Road

CITY/TOWN:

Nantucket

STATE: MA

ZIP CODE:

02554

CONTACT PHONE NUMBER:

(508) 228-1801

FAX NUMBER:

EMAIL: restaurantbocca@live.com

**7. DESCRIPTION OF PREMISES:**

Please provide a complete description of the premises. Please note that this must be identical to the description on the Form 43. **Your description MUST include: number of floors, number of rooms on each floor, any outdoor areas to be included in licensed area, and total square footage.** i.e.: "Three story building, first floor to be licensed, 3 rooms, 1 entrance 2 exits (3200 sq ft); outdoor patio (1200 sq ft); Basement for storage (1200 sq ft). Total sq ft = 5600."

700 square foot one story building with a 44 square foot back room, 70 square foot bathroom, a 208 square foot dining room and 378 square feet for the take out area and kitchen.

Total Square Footage:

700

Number of Entrances:

2

Number of Exits:

2

Occupancy Number:

20

Seating Capacity:

20

IMPORTANT ATTACHMENTS (2): The applicant must attach a floor plan with dimensions and square footage for each floor & room.

**8. OCCUPANCY OF PREMISES:**

By what right does the applicant have possession and/or legal occupancy of the premises?

Final Lease

IMPORTANT ATTACHMENTS (3): The applicant must submit a copy of the final lease or documents evidencing a legal right to occupy the premises.

Other:

Landlord is a(n):

LLC

Other:

Name:

NIR Retail, LLC

Phone:

(508) 325-1200

Address:

One Wells Avenue

City/Town:

Newton

State:

MA

Zip:

02459

Initial Lease Term: Beginning Date

January 1, 2013

Ending Date

December 31, 2017

Renewal Term:

none

Options/Extensions at:

Years Each

Rent:

\$60,000.00

Per Year

Rent:

\$5,000.00

Per Month

Do the terms of the lease or other arrangement require payments to the Landlord based on a percentage of the alcohol sales?

Yes  No

If Yes, Landlord Entity must be listed in Question # 10 of this application.

If the principals of the applicant corporation or LLC have created a separate corporation or LLC to hold the real estate, the applicant must still provide a lease between the two entities.

**9. LICENSE STRUCTURE:**

The Applicant is a(n):

Corporation

Other :

If the applicant is a Corporation or LLC, complete the following:

Date of Incorporation/Organization:

July 07, 1998

State of Incorporation/Organization: Massachusetts

Is the Corporation publicly traded? Yes  No

**10. INTERESTS IN THIS LICENSE:**

List all individuals involved in the entity (e.g. corporate stockholders, directors, officers and LLC members and managers) and any person or entity with a direct or indirect, beneficial or financial interest in this license.

**IMPORTANT ATTACHMENTS (4):**

A. All individuals or entities listed below are required to complete a Personal Information Form.

B. All shareholders, LLC members or other individuals with any ownership in this license must complete a CORI Release Form (unless they are a landlord entity)

| Name              | All Titles and Positions         | Specific % Owned | Other Beneficial Interest |
|-------------------|----------------------------------|------------------|---------------------------|
| Yoshi Mabuchi     | President, Director, Stockholder | 51%              |                           |
| Terrance J. Noyes | Secretary, Director, Stockholder | 49%              |                           |
| NIR Retail, LLC   | Landlord                         | 0%               |                           |

\*If additional space is needed, please use last page.

**11. EXISTING INTEREST IN OTHER LICENSES:**

Does any individual listed in §10 have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  **If yes, list said interest below:**

| Name | License Type  | Licensee Name & Address |
|------|---------------|-------------------------|
|      | Please Select |                         |

\*If additional space is needed, please use last page.

**12. PREVIOUSLY HELD INTERESTS IN OTHER LICENSES:**

Has any individual listed in §10 who has a direct or indirect beneficial interest in this license ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No  If yes, list said interest below:

| Name              | Licensee Name & Address                               | Date      | Reason Terminated |
|-------------------|-------------------------------------------------------|-----------|-------------------|
| Terrance J. Noyes | Nantucket Tapas, 15 South Beach Street, Nantucket, MA | 1998-2000 | Not Renewed       |
| Terrance J. Noyes | Bocca Restaurant, 190 Main Street, East Haven, CT     | 2007-2012 | Not Renewed       |
|                   |                                                       |           | Please Select     |

**13. DISCLOSURE OF LICENSE DISCIPLINARY ACTION:**

Have any of the disclosed licenses to sell alcoholic beverages listed in §11 and/or §12 ever been suspended, revoked or cancelled? Yes  No  If yes, list said interest below:

| Date | License | Reason of Suspension, Revocation or Cancellation |
|------|---------|--------------------------------------------------|
|      |         |                                                  |
|      |         |                                                  |
|      |         |                                                  |

**14. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR A (§15) PACKAGE STORE LICENSE ONLY :**

**A.) For Individual(s):**

1. Are you a U.S. Citizen? Yes  No
2. Are you a Massachusetts Residents? Yes  No

**B.) For Corporation(s) and LLC(s) :**

1. Are all Directors/LLC Managers U.S. Citizens? Yes  No
2. Are a majority of Directors/LLC Managers Massachusetts Residents? Yes  No
3. Is the License Manager a U.S. Citizen? Yes  No

**C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):**

- 1.. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No

**15. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR (§12) RESTAURANT, HOTEL, CLUB, GENERAL ON PREMISE, TAVERN, VETERANS CLUB LICENSE ONLY:**

**A.) For Individual(s):**

1. Are you a U.S. Citizen? Yes  No

**B.) For Corporation(s) and LLC(s) :**

1. Are a majority of Directors/LLC Managers **NOT** U.S. Citizen(s)? Yes  No
2. Is the License Manager or Principal Representative a U.S. Citizen? Yes  No

**C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):**

- 1.. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No

**16. COSTS ASSOCIATED WITH LICENSE TRANSACTION:**

A. Purchase Price for Real Property:

B. Purchase Price for Business Assets:

C. Costs of Renovations/Construction:

D. Initial Start-Up Costs:

E. Purchase Price for Inventory:

F. Other: (Specify)

**G: TOTAL COST**

**H. TOTAL CASH**

**I. TOTAL AMOUNT FINANCED**

**IMPORTANT ATTACHMENTS (5):** Any individual, LLC, corporate entity, etc. providing funds of \$50,000 or greater towards this transaction, must provide proof of the source of said funds. Proof may consist of three consecutive months of bank statements with a minimum balance of the amount described, a letter from your financial institution stating there are sufficient funds to cover the amount described, loan documentation, or other documentation.

The amounts listed in subsections (H) and (I) must total the amount reflected in (G).

**17. PROVIDE A DETAILED EXPLANATION OF THE FORM(S) AND SOURCE(S) OF FUNDING FOR THE COSTS IDENTIFIED ABOVE (INCLUDE LOANS, MORTGAGES, LINES OF CREDIT, NOTES, PERSONAL FUNDS, GIFTS):**

No funds will be needed from outside sources. Initial costs are only the wine and malt inventory.

\*If additional space is needed, please use last page.

**18. LIST EACH LENDER AND LOAN AMOUNT(S) FROM WHICH "TOTAL AMOUNT FINANCED" NOTED IN SUB-SECTIONS 16(I) WILL DERIVE:**

A.

| Name | Dollar Amount | Type of Financing |
|------|---------------|-------------------|
|      |               |                   |
|      |               |                   |
|      |               |                   |

\*If additional space is needed, please use last page.

B. Does any individual or entity listed in §17 or §18 as a source of financing have a direct or indirect, beneficial or financial interest in this license or any other license(s) granted under Chapter 138? Yes  No

If yes, please describe:

**19. PLEDGE: (i.e. COLLATERAL FOR A LOAN)**

A.) Is the applicant seeking approval to pledge the license?  Yes  No

1. If yes, to whom:

2. Amount of Loan:

3. Interest Rate:

4. Length of Note:

5. Terms of Loan :

B.) If a corporation, is the applicant seeking approval to pledge any of the corporate stock?  Yes  No

1. If yes, to whom:

2. Number of Shares:

C.) Is the applicant pledging the inventory?  Yes  No

If yes, to whom:

**IMPORTANT ATTACHMENTS (6):** If you are applying for a pledge, submit the pledge agreement, the promissory note and a vote of the Corporation/LLC approving the pledge.

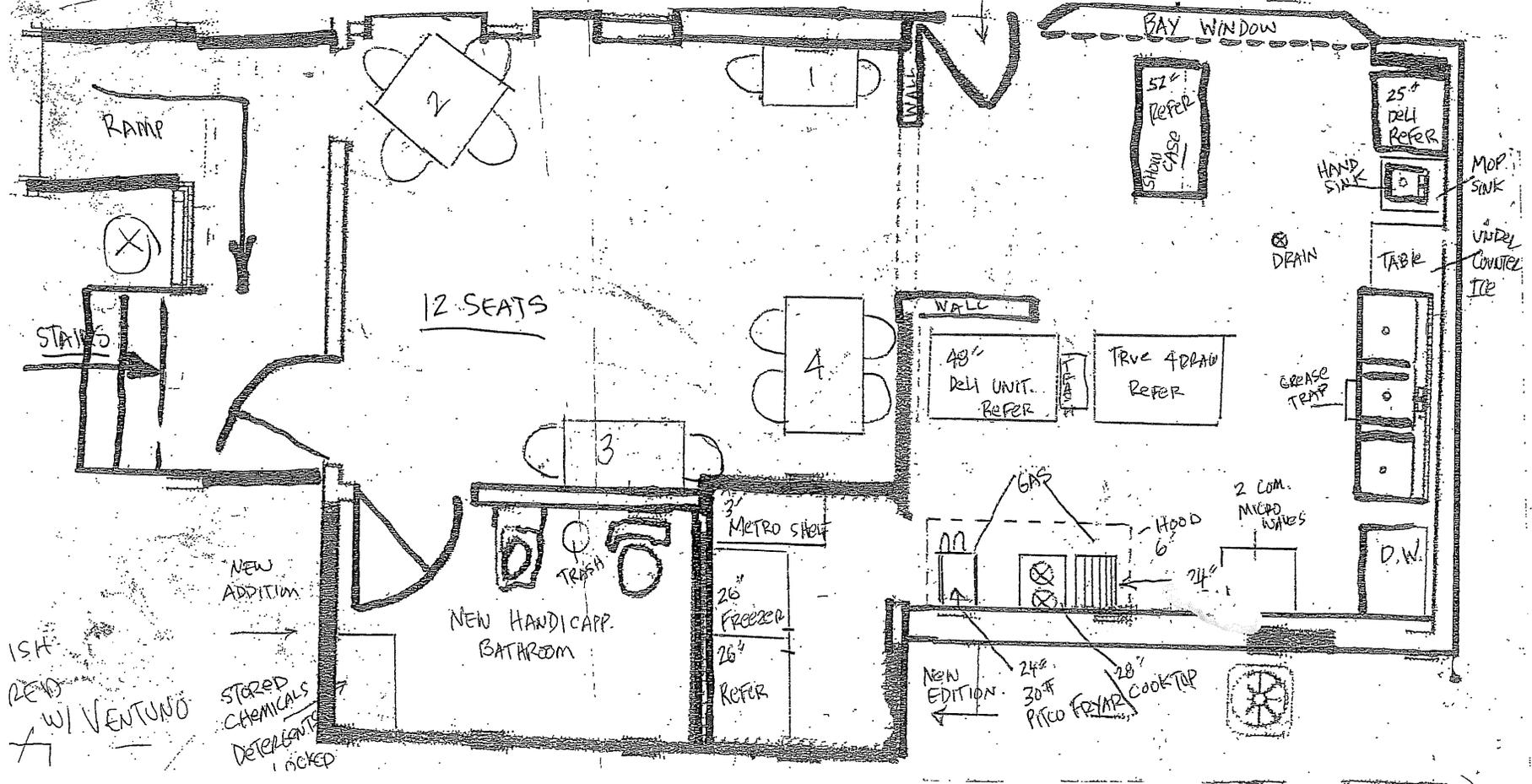
**20. CONSTRUCTION OF PREMISES:**

Are the premises being remodeled, redecorated or constructed in any way? If YES, please provide a description of the work being performed on the premises:  Yes  No

21. ANTICIPATED OPENING DATE:

IF ALL OF THE INFORMATION AND  
ATTACHMENTS ARE NOT COMPLETE  
THE APPLICATION WILL BE  
**RETURNED**

EAST CHESTNUT STREET





The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

**MANAGER APPLICATION**

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

**1. LICENSEE INFORMATION:**

Legal Name of Licensee:  Business Name (dba):

Address:

City/Town:  State:  Zip Code:

ABCC License Number:  (If existing licensee) Phone Number of Premise:

**2. MANAGER INFORMATION:**

A. Name:  B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises:

**3. CITIZENSHIP INFORMATION:**

A. Are you a U.S. Citizen: Yes  No  B. Date of Naturalization:  C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

**4. BACKGROUND INFORMATION:**

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes  No

If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes  No

If yes, please describe:

C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes  No

If yes, please describe:

D. List your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature  Date

RESOLUTIONS  
OF  
STOCKHOLDERS AND DIRECTORS  
OF  
NOBUCHI, INC.

The Special Meeting of the Stockholders and Directors of the Corporation was held at the office of the Corporation in Nantucket, Massachusetts in succession on January 14, 2016 at 10:00 A.M.

The meeting was called to order by Yoshihisa Mabuchi, the President of the Corporation as shown by the Commonwealth of Massachusetts.

The Clerk then reported that the meeting had been called pursuant to the waiver of notice thereof in accordance with the By-Laws.

The Clerk then read the roll of stockholders from the stock transfer ledger. The following stockholders were present in person or by proxy:

| <u>Stockholders</u> | <u>Shares</u> | <u>In Person</u> | <u>By Proxy</u> |
|---------------------|---------------|------------------|-----------------|
| Yoshihisa Mabuchi   | 102           | 102              |                 |
| Terrance B. Noyes   | 98            | 98               |                 |

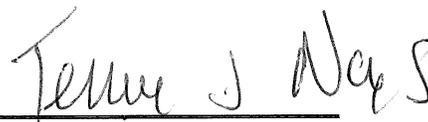
The President stated that a majority of the total number of shares issued and outstanding was represented and that the meeting was complete and ready to transact any business before it.

Upon motion duly made and seconded it was unanimously decided that the Corporation is to make application for a wine and malt license and that Terrance J. Noyes be the authorized agent and be named the Manager under the applied for liquor license.

The foregoing is a true vote of the Nabuchi, Inc.'s Stockholders and Board of Directors; and that nothing in the by-laws in any way limits the authority to perform the acts specified in the above Vote.

There being no further business, the meeting was, on motion, adjourned.

DATED: January 14, 2016

  
\_\_\_\_\_  
Terrance J. Noyes, Secretary/Clerk

2016 DEPARTMENTAL COMMENT ON LIQUOR LICENSE APPLICATION  
FOR BOS PUBLIC HEARINGS

TYPE: NEW ALL ALCOHOL ANNUAL RESTAURANT LIQUOR LICENSE

APPLICANT: ORAN MOR BISTRO (New Owners)

SITE ADDRESS: 2 SOUTH BEACH STREET

HEARING DATE: MARCH 16, 2016

---

NPD: NPD has no concerns on this application. Chief Pittman

NFD: The Fire Department has no objections/concerns. Chief Rhude

HEALTH: At a minimum the new owners will have to make some changes at the bar. There is no running water at the bar and they need to install a dump/hand sink prior to Health Department licensing. If they have plans to change anything they will have to provide Health with a plan review (document) so that we can evaluate the facility for code compliance.  
Art Crowley



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
 www.mass.gov/abcc

For Reconsideration

**FORM 43**  
**MUST BE SIGNED BY LOCAL LICENSING AUTHORITY**

ABCC License Number

City/Town

Local Approval Date

**TRANSACTION TYPE (Please check all relevant transactions):**

- |                                                   |                                                          |                                                     |                                                     |
|---------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------|
| <input checked="" type="checkbox"/> New License   | <input type="checkbox"/> New Officer/Director            | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change Corporate Name      |
| <input type="checkbox"/> Transfer of License      | <input type="checkbox"/> Change of Location              | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Seasonal to Annual         |
| <input type="checkbox"/> Change of Manager        | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock          | <input type="checkbox"/> Change of License Type     |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> Issuance of Stock               | <input type="checkbox"/> New Stockholder            | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License   | <input type="checkbox"/> Management/Operating Agreement  | <input type="checkbox"/> Wine & Malt to All Alcohol |                                                     |

Name of Licensee  EIN of Licensee

D/B/A  Manager

ADDRESS:  CITY/TOWN:  STATE  ZIP CODE

Annual  All Alcohol  Restaurant  Granted under Special Legislation? Yes  No

Annual or Seasonal Category: (All Alcohol; Wine & Malt; Wine, Malt & Cordials; Wine; Malt) Type: (Restaurant, Club, Package Store, General On Premises, Etc.) If Yes, Chapter  Year

Complete Description of Licensed Premises:

Restaurant located in second story of premises. Accessed via stairways from front and rear dining rooms. Three dining rooms, bar, kitchen, office, wine storage, two bathrooms. Three dining rooms (1445 s.f.); Kitchen (438 s.f.); Office-storage (221 s.f.); bathrooms (90 s.f.); and patio table (54 s.f.)

Application Filed:  Advertiser:  Abutters Notified: Yes  No

Date & Time Date & Attach Publication

Licensee Contact Person for Transaction  Phone:

ADDRESS:  CITY/TOWN:  STATE  ZIP CODE

Remarks:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission  
 Ralph Sacramone  
 Executive Director

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



ABCC Remarks:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

City/Town

Nantucket, Massachusetts

1. LICENSEE INFORMATION:

A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual) J. ETC. LLC

B. Business Name (if different): Oran Mor Bistro

C. Manager of Record: Jon M. Tancinco

D. ABCC License Number (for existing licenses only):

E. Address of Licensed Premises: 2 South Beach Street

City/Town: Nantucket

State: MA

Zip: 02554

F. Business Phone: 508-228-8655

G. Cell Phone:

H. Email: jmt722@gmail.com

I. Website: oranmorbistro.com

J. Mailing address (If different from E.): Post Office Box 1420

City/Town: Nantucket

State: MA

Zip: 02554

2. TRANSACTION:

- Checkboxes for New License, New Officer/Director, Transfer of Stock, Issuance of Stock, Pledge of Stock, Transfer of License, New Stockholder, Management/Operating Agreement, Pledge of License.

The following transactions must be processed as new licenses:

- Checkboxes for Seasonal to Annual, (6) Day to (7)-Day License, Wine & Malt to All Alcohol.

IMPORTANT ATTACHMENTS (1): The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.

3. TYPE OF LICENSE:

- Checkboxes for \$12 Restaurant, \$12 Hotel, \$12 Club, \$12 Veterans Club, \$12 Continuing Care Retirement Community, \$12 General On-Premises, \$12 Tavern (No Sundays), \$15 Package Store.

4. LICENSE CATEGORY:

- Checkboxes for All Alcoholic Beverages, Wines & Malt Beverages, Wines, Malt, Wine & Malt Beverages with Cordials/Liqueurs Permit.

5. LICENSE CLASS:

- Checkboxes for Annual, Seasonal.

**6. CONTACT PERSON CONCERNING THIS APPLICATION (ATTORNEY IF APPLICABLE)**

NAME: Sarah F. Alger, Attorney  
ADDRESS: Two South Water Street  
CITY/TOWN: Nantucket STATE: MA ZIP CODE: 02554  
CONTACT PHONE NUMBER: 508-228-1118 FAX NUMBER: 508-228-8004  
EMAIL: sfa@sfapc.com

**7. DESCRIPTION OF PREMISES:**

Please provide a complete description of the premises. Please note that this must be identical to the description on the Form 43. **Your description MUST include: number of floors, number of rooms on each floor, any outdoor areas to be included in licensed area, and total square footage.** i.e.: "Three story building, first floor to be licensed, 3 rooms, 1 entrance 2 exits (3200 sq ft); outdoor patio (1200 sq ft); Basement for storage (1200 sq ft). Total sq ft = 5600."

Restaurant located on second story of premises. Accessed via stairways from front and rear dining rooms. Three dining rooms, bar, kitchen, office, wine storage, two bathrooms.  
Three dining rooms (1,445 s.f.); Kitchen (438 s.f.); Office-storage (221 s.f.); bathrooms (90 s.f.); and patio table (54 s.f.)

Total Square Footage: 2248 Number of Entrances: 2 Number of Exits: 2  
Occupancy Number: 55 Seating Capacity: 55 plus 8 bar stools

IMPORTANT ATTACHMENTS (2): The applicant must attach a floor plan with dimensions and square footage for each floor & room.

**8. OCCUPANCY OF PREMISES:**

By what right does the applicant have possession and/or legal occupancy of the premises? Final Assignment of Lease

IMPORTANT ATTACHMENTS (3): The applicant must submit a copy of the final lease or documents evidencing a legal right to occupy the premises. Other:

Landlord is a(n): LLC Other:

Name: Tambourine Properties LLC Phone:

Address: 54 W. 21st Street, #310 City/Town: New York State: NY Zip: 10010

Initial Lease Term: Beginning Date 1/1/2016 Ending Date 12/31/2020

Renewal Term: 1/1/21-12/31/22 Options/Extensions at: 2 and 5 Years Each

Rent: \$90,000.00 Per Year Rent: Per Month

Do the terms of the lease or other arrangement require payments to the Landlord based on a percentage of the alcohol sales? Yes  No

If Yes, Landlord Entity must be listed in Question # 10 of this application.

If the principals of the applicant corporation or LLC have created a separate corporation or LLC to hold the real estate, the applicant must still provide a lease between the two entities.

**9. LICENSE STRUCTURE:**

The Applicant is a(n):

LLC

Other :

If the applicant is a Corporation or LLC, complete the following:

Date of Incorporation/Organization:

12/15/2015

State of Incorporation/Organization:

MA

Is the Corporation publicly traded?

Yes  No

**10. INTERESTS IN THIS LICENSE:**

List all individuals involved in the entity (e.g. corporate stockholders, directors, officers and LLC members and managers) and any person or entity with a direct or indirect, beneficial or financial interest in this license.

**IMPORTANT ATTACHMENTS (4):**

A. All individuals or entities listed below are required to complete a Personal Information Form.

B. All shareholders, LLC members or other individuals with any ownership in this license must complete a CORI Release Form (unless they are a landlord entity)

| Name            | All Titles and Positions | Specific % Owned | Other Beneficial Interest |
|-----------------|--------------------------|------------------|---------------------------|
| Jon M. Tancinco | Manager and Member       | 50%              |                           |
| Edwin M. Clafin | Manager and Member       | 50%              |                           |

\*If additional space is needed, please use last page.

**11. EXISTING INTEREST IN OTHER LICENSES:**

Does any individual listed in §10 have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  If yes, list said interest below:

| Name | License Type  | Licensee Name & Address |
|------|---------------|-------------------------|
|      | Please Select |                         |

\*If additional space is needed, please use last page.

**12. PREVIOUSLY HELD INTERESTS IN OTHER LICENSES:**

Has any individual listed in §10 who has a direct or indirect beneficial interest in this license ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No  If yes, list said interest below:

| Name | Licensee Name & Address | Date | Reason Terminated |
|------|-------------------------|------|-------------------|
|      |                         |      | Please Select     |
|      |                         |      | Please Select     |
|      |                         |      | Please Select     |

**13. DISCLOSURE OF LICENSE DISCIPLINARY ACTION:**

Have any of the disclosed licenses to sell alcoholic beverages listed in §11 and/or §12 ever been suspended, revoked or cancelled? Yes  No  If yes, list said interest below:

| Date | License | Reason of Suspension, Revocation or Cancellation |
|------|---------|--------------------------------------------------|
|      |         |                                                  |
|      |         |                                                  |
|      |         |                                                  |

**14. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR A (§15) PACKAGE STORE LICENSE ONLY :**

**A.) For Individual(s):**

1. Are you a U.S. Citizen? Yes  No
2. Are you a Massachusetts Residents? Yes  No

**B.) For Corporation(s) and LLC(s) :**

1. Are all Directors/LLC Managers U.S. Citizens? Yes  No
2. Are a majority of Directors/LLC Managers Massachusetts Residents? Yes  No
3. Is the License Manager a U.S. Citizen? Yes  No

**C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):**

- 1.. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No

**15. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR (§12) RESTAURANT, HOTEL, CLUB, GENERAL ON PREMISE, TAVERN, VETERANS CLUB LICENSE ONLY:**

**A.) For Individual(s):**

1. Are you a U.S. Citizen? Yes  No

**B.) For Corporation(s) and LLC(s) :**

1. Are a majority of Directors/LLC Managers **NOT** U.S. Citizen(s)? Yes  No
2. Is the License Manager or Principal Representative a U.S. Citizen? Yes  No

**C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):**

- 1.. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No

**16. COSTS ASSOCIATED WITH LICENSE TRANSACTION:**

A. Purchase Price for Real Property:

B. Purchase Price for Business Assets:

C. Costs of Renovations/Construction:

D. Initial Start-Up Costs:

E. Purchase Price for Inventory:

F. Other: (Specify)

**G: TOTAL COST**

**H. TOTAL CASH**

**I. TOTAL AMOUNT FINANCED**

**IMPORTANT ATTACHMENTS (5):** Any individual, LLC, corporate entity, etc. providing funds of \$50,000 or greater towards this transaction, must provide proof of the source of said funds. Proof may consist of three consecutive months of bank statements with a minimum balance of the amount described, a letter from your financial institution stating there are sufficient funds to cover the amount described, loan documentation, or other documentation.

The amounts listed in subsections (H) and (I) must total the amount reflected in (G).

**17. PROVIDE A DETAILED EXPLANATION OF THE FORM(S) AND SOURCE(S) OF FUNDING FOR THE COSTS IDENTIFIED ABOVE (INCLUDE LOANS, MORTGAGES, LINES OF CREDIT, NOTES, PERSONAL FUNDS, GIFTS):**

\$150,000.00 purchase note.

\*If additional space is needed, please use last page.

**18. LIST EACH LENDER AND LOAN AMOUNT(S) FROM WHICH "TOTAL AMOUNT FINANCED" NOTED IN SUB-SECTIONS 16(I) WILL DERIVE:**

A.

| Name   | Dollar Amount | Type of Financing |
|--------|---------------|-------------------|
| Seller | \$150,000.00  | Note              |
|        |               |                   |
|        |               |                   |

\*If additional space is needed, please use last page.

B. Does any individual or entity listed in §17 or §18 as a source of financing have a direct or indirect, beneficial or financial interest in this license or any other license(s) granted under Chapter 138? Yes  No

If yes, please describe:

**19. PLEDGE: (i.e. COLLATERAL FOR A LOAN)**

A.) Is the applicant seeking approval to pledge the license?  Yes  No

1. If yes, to whom:

2. Amount of Loan:  3. Interest Rate:  4. Length of Note:

5. Terms of Loan :

B.) If a corporation, is the applicant seeking approval to pledge any of the corporate stock?  Yes  No

1. If yes, to whom:

2. Number of Shares:

C.) Is the applicant pledging the inventory?  Yes  No

If yes, to whom:

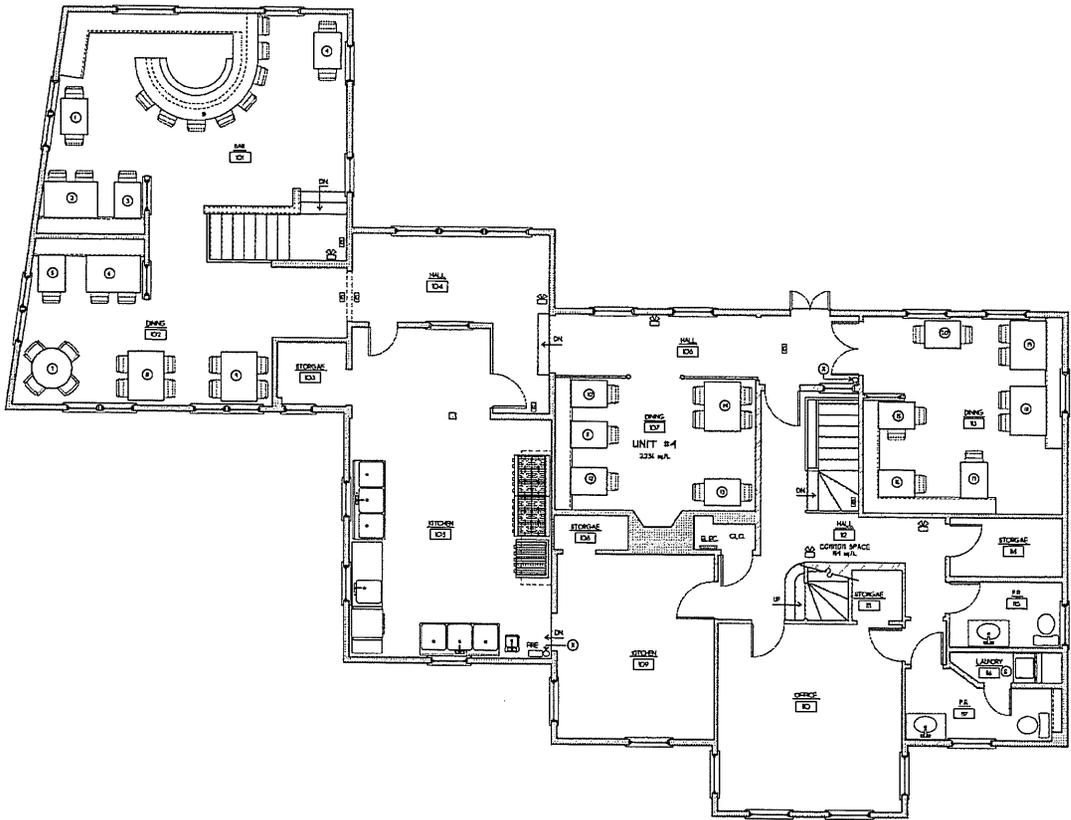
**IMPORTANT ATTACHMENTS (6):** If you are applying for a pledge, submit the pledge agreement, the promissory note and a vote of the Corporation/LLC approving the pledge.

**20. CONSTRUCTION OF PREMISES:**

Are the premises being remodeled, redecorated or constructed in any way? If YES, please provide a description of the work being performed on the premises:  Yes  No

21. ANTICIPATED OPENING DATE:

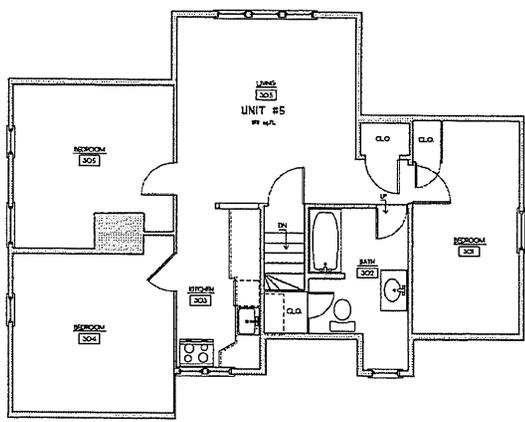
**IF ALL OF THE INFORMATION AND  
ATTACHMENTS ARE NOT COMPLETE  
THE APPLICATION WILL BE  
RETURNED**



EXISTING SECOND FLOOR PLAN  
SCALE 1/4" = 1'-0"

BOUNDARY WALL  
BETWEEN UNITS &  
COMMON SPACE

NOTE:  
ALL MEASUREMENTS WERE TAKEN  
BY CIVIL ARCHITECTURE  
FROM THE EXISTING INTERIOR  
HIGH CONDITIONS DATED 05/25/2014

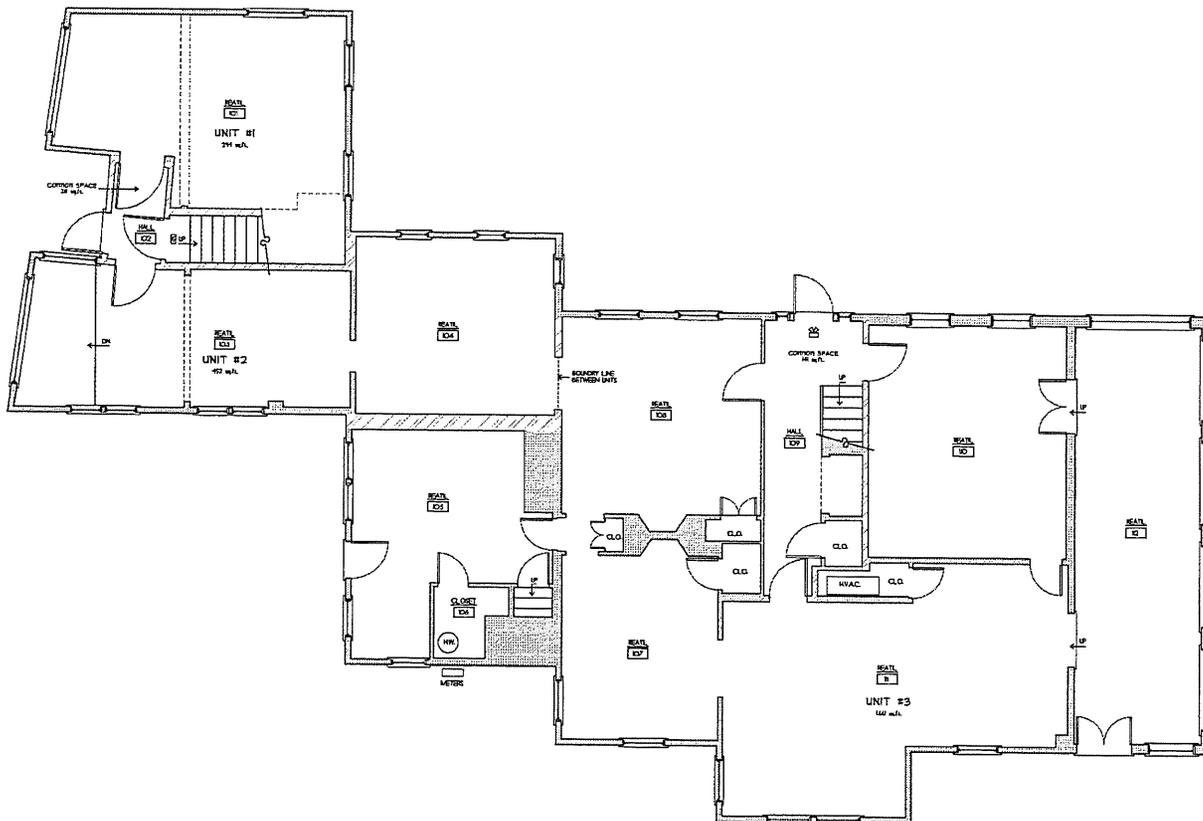


EXISTING THIRD FLOOR PLAN  
SCALE 1/4" = 1'-0"

- LEGEND:
- ⊗ EMERGENCY LIGHT
  - ⊙ SMOKE DETECTORS PER CODE
  - ⊙ HEAT DETECTORS PER CODE
  - ⊙ CARBON MONOXIDE DETECTORS PER CODE
  - ⊙ LIGHTED EXIT SIGN
  - ⊙ HANDHELD FIRE EXTINGUISHER

REVISIONS:  
4/03/2014: AS-BUILT MEASURING  
1/28/2016: SEATING AS-BUILT

|                                                                                                                                                                                                                                                                                                                                                                                                                       |                      |                 |                     |                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------|---------------------|-------------------------|
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|                                                                                                                                                                                                                                                                                                                                                                                                                       | EXISTING FLOOR PLANS | DATE: 1/29/2016 | SCALE: 1/4" = 1'-0" |                         |



EXISTING FIRST FLOOR PLAN  
SCALE 1/4"=1'-0"



BOUNDARY WALL  
BETWEEN UNITS 1  
COMMON SPACE

NOTE  
ALL MEASUREMENTS WERE TAKEN  
BY OTHER MEASUREMENT  
FROM THE EXISTING INTERIOR  
FROM CONCRETE DATED 03/25/2014

REVISIONS:  
4/03/2014: AS-BUILT MEASURING  
1/28/2016: SEATING AS-BUILT

|                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                               |                                                                               |                                                |                   |                                 |                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|------------------------------------------------|-------------------|---------------------------------|-----------------|
| <b>COPYRIGHT NOTICE</b><br><small>This drawing is the property of<br/>         the undersigned and is to be used only<br/>         for the project and site for which it<br/>         was prepared. Any other use without<br/>         the written consent of the undersigned<br/>         is strictly prohibited. Copyright © 2016, J. Meyer &amp; Associates, Inc.</small> | 2 SOUTH BEACH STREET<br><small>PROJECT BY: J. MEYER &amp; ASSOCIATES, INC.<br/>         400 BOYD BLVD.<br/>         MIAMI, FL 33133<br/>         PHONE: 305-358-0113 and 305-358-0114</small> | 2 SOUTH BEACH STREET<br><b>EXISTING FLOOR PLANS</b><br><small>ADDRESS</small> | 2 SOUTH BEACH STREET<br><small>ADDRESS</small> | DATE<br>1/28/2016 | SCALE<br>1/4" = 1'-0"           | SHEET NO.<br>a1 |
|                                                                                                                                                                                                                                                                                                                                                                              | <small>DATE: 03/25/2014</small>                                                                                                                                                               |                                                                               | <small>DATE: 03/25/2014</small>                |                   | <small>DATE: 03/25/2014</small> |                 |



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
 www.mass.gov/abcc

**MANAGER APPLICATION**

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

**1. LICENSEE INFORMATION:**

Legal Name of Licensee:  Business Name (dba):

Address:

City/Town:  State:  Zip Code:

ABCC License Number:  Phone Number of Premise:   
 (If existing licensee)

**2. MANAGER INFORMATION:**

A. Name:  B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises:

**3. CITIZENSHIP INFORMATION:**

A. Are you a U.S. Citizen: Yes  No  B. Date of Naturalization:  C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as U.S. Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

**4. BACKGROUND INFORMATION:**

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes  No

If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes  No

If yes, please describe:

C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes  No

If yes, please describe:

D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature  Date

Additional Space

Please note which question you are using this space for.

Manager Application, Box 4, Part D. Past Employment for Manager Jon Tancinco  
August 2013-January 2016: Server at Ataula Restaurant. 1818 NW 23rd Place, Portland,  
OR 97210. (503) 894-8904  
January 2013-May 2013: Kiosk Representative at Fleetwoods on Front St. 744 Front St,  
Lahaina, HI 96761. (808) 669-6425  
March 2010 - March 2011: Sommelier At Benny's Chophouse. 444 N Wabash Ave, Chicago, IL  
60611 (312) 626-2444  
August 2009 - March 2010: Server at Table Fifty-Two. 52 W Elm St, Chicago, IL 60610.  
(312) 573-4000  
August 2009 - January 2010: Server at TRU Restaurant. 676 N St Clair St, Chicago, IL 60611.  
(312) 202-0001  
January 2009 - June 2009: Server at Restaurant Cuvee. 322 Magazine St, New Orleans,  
LA 70130. Now Closed (no phone number)  
July 2008 - December 2008: Independent Consultant at Core Wine Company. 105 W Clark Ave,  
Orcutt, CA 93455. (805) 937-1600  
January 2008 - June 2008: Server at Gigi Trattoria. 6422 Montgomery St, Rhinebeck,  
NY 12572. (845) 876-1007  
January 2008 - June 2008: Server at Twist Restaurant. 4290 Albany Post Rd # 7,  
Hyde Park, NY 12538. (845) 229-7049  
December 2006 - December 2007: Teaching Assistant at The Culinary Institute of America.  
1946 Campus Dr, Hyde Park, NY 12538 (845) 452-9600  
October 2005 - March 2006: Garde Manger Cook at John's Island Club. 3 Johns Island Dr,  
Vero Beach, FL 32963. (772) 231-1700

CONSENT OF MANAGERS AND MEMBERS

OF

J ETC. LLC

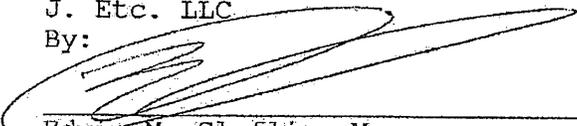
The undersigned, Jon M. Tancinco and Edwin M. Claflin, the Managers of J. ETC. LLC, a Massachusetts limited liability company (the "LLC") with a business mailing address of Post Office Box 1420, Nantucket, Massachusetts 02554, hereby certify, as of the date hereof, to the following:

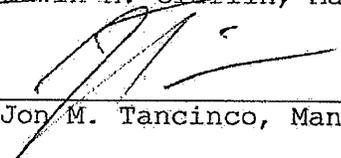
1. That the LLC is hereby authorized to file a Retail Alcoholic Beverages License Application with the Alcohol Beverages Control Commission of the Commonwealth of Massachusetts; and
2. That Jon M. Tancinco, as Manager of the LLC, is authorized to execute, acknowledge, and deliver any and all documents deemed necessary by him in his sole and absolute discretion in connection with said application.

Dated as of this 12<sup>th</sup> day of February, 2016.

J. Etc. LLC

By:

  
Edwin M. Claflin, Manager

  
Jon M. Tancinco, Manager

2016 DEPARTMENTAL COMMENT ON NEW LIQUOR LICENSE  
FOR BOS PUBLIC HEARINGS

TYPE: ANNUAL ALL ALCOHOL RESTAURANT/HOTEL LIQUOR LICENSE

APPLICANT: FAROS 17 BROAD LLC

SITE ADDRESS: 17 BROAD STREET

HEARING DATE: MARCH 16, 2016

---

NPD: The NPD has no concerns with this application. Chief Pittman

NFD: The Fire Department has no objections/concerns. Chief Rhude

HEALTH: Health Department has received a plan review application and done a preliminary review of this facility. We need a few items noted on their floor plan (staff kitchen location, employee bathroom location, and mop sink location on plan. As long as there is no outside bar, we are on track with this plan review (a work in progress) and have no negative concerns.  
K. LaFavre  
A. Crowley

ZBA: There are no matters of zoning concern with this application.  
E. Antonietti



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
[www.mass.gov/abcc](http://www.mass.gov/abcc)

For Reconsideration

**FORM 43**  
**MUST BE SIGNED BY LOCAL LICENSING AUTHORITY**

ABCC License Number

City/Town

Local Approval Date

**TRANSACTION TYPE (Please check all relevant transactions):**

- |                                                   |                                                          |                                                     |                                                     |
|---------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------|
| <input checked="" type="checkbox"/> New License   | <input type="checkbox"/> New Officer/Director            | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change Corporate Name      |
| <input type="checkbox"/> Transfer of License      | <input type="checkbox"/> Change of Location              | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Seasonal to Annual         |
| <input type="checkbox"/> Change of Manager        | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock          | <input type="checkbox"/> Change of License Type     |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> Issuance of Stock               | <input type="checkbox"/> New Stockholder            | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License   | <input type="checkbox"/> Management/Operating Agreement  | <input type="checkbox"/> Wine & Malt to All Alcohol |                                                     |

Name of Licensee  EIN of Licensee   
 D/B/A  Manager

ADDRESS:  CITY/TOWN:  STATE:  ZIP CODE:

Granted under Special Legislation? Yes  No   
 Annual or Seasonal Category: (All Alcohol; Wine & Malt; Wine, Malt & Cordials; Wine; Malt) Type: (Restaurant, Club, Package Store, General On Premises, Etc.) If Yes, Chapter  Year

**Complete Description of Licensed Premises:**

17 Broad Street in Nantucket is a four story (including basement), wood frame hotel, with a 60 seat restaurant and bar, located on the first floor. Twenty hotel guest rooms are located throughout four stories: garden, first, second and third. The licensed area will include the bar and restaurant, as well as the hotel rooms, for the purpose of room service. The gross square footages of each story are as follows: Garden 3446 SF, 1st Floor: 3105 SF, 2nd Floor: 3074 SF, Third Floor: 1371 SF, Building Total: 10,996 SF. The hotel has four guest entrances, one staff entrance, one additional guest egress door and a restaurant entrance door.

Application Filed:  Advertised:  Abutters Notified: Yes  No   
 Date & Time Date & Attach Publication

Licensee Contact Person for Transaction  Phone:

ADDRESS:  CITY/TOWN:  STATE:  ZIP CODE:

Remarks:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission  
 Ralph Sacramone  
 Executive Director

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



ABCC Remarks:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

City/Town

Nantucket, MA

## 1. LICENSEE INFORMATION:

A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual)

Faros 17 Broad LLC

B. Business Name (if different) :

C. Manager of Record:

Alexander Leventhal

D. ABCC License Number (for existing licenses only) :

E. Address of Licensed Premises:

17 Broad Street

City/Town:

Nantucket

State:

MA

Zip:

02554

F. Business Phone:

212-299-8700

G. Cell Phone:

617-593-8353

H. Email:

aleventhal@farosproperties.com

I. Website:

J. Mailing address (if different from E.):

551 Fifth Avenue, Suite 413

City/Town:

New York

State:

NY

Zip:

10176

## 2. TRANSACTION:

- New License     New Officer/Director     Transfer of Stock     Issuance of Stock     Pledge of Stock  
 Transfer of License     New Stockholder     Management/Operating Agreement     Pledge of License

The following transactions must be processed as new licenses:

- Seasonal to Annual     (6) Day to (7)-Day License     Wine & Malt to All Alcohol

**IMPORTANT ATTACHMENTS (1):** The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.

## 3. TYPE OF LICENSE:

- §12 Restaurant     §12 Hotel     §12 Club     §12 Veterans Club     §12 Continuing Care Retirement Community  
 §12 General On-Premises     §12 Tavern (No Sundays)     §15 Package Store

## 4. LICENSE CATEGORY:

- All Alcoholic Beverages     Wines & Malt Beverages     Wines     Malt  
 Wine & Malt Beverages with Cordials/Liqueurs Permit

## 5. LICENSE CLASS:

- Annual     Seasonal

**6. CONTACT PERSON CONCERNING THIS APPLICATION (ATTORNEY IF APPLICABLE)**

NAME:

Sarah F. Alger, PC

ADDRESS:

Two South Water Street

CITY/TOWN:

Nantucket

STATE: MA

ZIP CODE:

02554

CONTACT PHONE NUMBER:

508-228-1118

FAX NUMBER:

508-228-8004

EMAIL:

sfa@sfapc.com

**7. DESCRIPTION OF PREMISES:**

Please provide a complete description of the premises. Please note that this must be identical to the description on the Form 43. **Your description MUST include: number of floors, number of rooms on each floor, any outdoor areas to be included in licensed area, and total square footage.** i.e.: "Three story building, first floor to be licensed, 3 rooms, 1 entrance 2 exits (3200 sq ft); outdoor patio (1200 sq ft); Basement for storage (1200 sq ft). Total sq ft = 5600."

17 Broad Street in Nantucket, is a four story (including basement), wood frame hotel, with a 60 seat restaurant and bar, located on the first floor. Twenty hotel guest rooms are located throughout four stories: garden, first, second and third. The licensed area will include the bar and restaurant, as well as the hotel rooms, for the purpose of room service. The gross square footages of each story are as follows: Garden: 3,446 SF, 1st Floor: 3,105 SF, 2nd Floor: 3,074 SF, 3rd Floor: 1,371 SF, Building Total: 10,996 SF. The hotel has four guest entrances, one staff entrance, one additional guest egress door and a restaurant entrance door.

Total Square Footage:

10,996 SF

Number of Entrances:

5

Number of Exits:

7

Occupancy Number:

Restaurant Occupancy: 88

Seating Capacity:

59

**IMPORTANT ATTACHMENTS (2):** The applicant must attach a floor plan with dimensions and square footage for each floor & room.

**8. OCCUPANCY OF PREMISES:**

By what right does the applicant have possession and/or legal occupancy of the premises?

Please select

Owner

**IMPORTANT ATTACHMENTS (3):** The applicant must submit a copy of the final lease or documents evidencing a legal right to occupy the premises.

Other:

Deed.

Landlord is a(n):

Please Select

The same as applicant.

Other:

Name:

Faros 17 Broad LLC

Phone:

212-299-8700

Address:

551 Fifth Avenue, Suite 413

City/Town:

New York

State:

NY

Zip:

10176

Initial Lease Term:

Beginning Date

N/A

Ending Date

N/A

Renewal Term:

N/A

Options/Extensions at:

N/A

Years Each

Rent:

N/A

Per Year

Rent:

N/A

Per Month

Do the terms of the lease or other arrangement require payments to the Landlord based on a percentage of the alcohol sales?

Yes  No 

If Yes, Landlord Entity must be listed in Question # 10 of this application.

If the principals of the applicant corporation or LLC have created a separate corporation or LLC to hold the real estate, the applicant must still provide a lease between the two entities.

**9. LICENSE STRUCTURE:**

The Applicant is a(n):

Please select

Other :

If the applicant is a Corporation or LLC, complete the following:

Date of Incorporation/Organization:

State of Incorporation/Organization:

Is the Corporation publicly traded?

Yes  No

**10. INTERESTS IN THIS LICENSE:**

List all individuals involved in the entity (e.g. corporate stockholders, directors, officers and LLC members and managers) and any person or entity with a direct or indirect, beneficial or financial interest in this license.

**IMPORTANT ATTACHMENTS (4):**

A. All individuals or entities listed below are required to complete a Personal Information Form.

B. All shareholders, LLC members or other individuals with any ownership in this license must complete a CORI Release Form (unless they are a landlord entity)

| Name               | All Titles and Positions                    | Specific % Owned | Other Beneficial Interest                                                |
|--------------------|---------------------------------------------|------------------|--------------------------------------------------------------------------|
| Faros Capital LLC  | - Alexander Leventhal<br>- Jeremy Leventhal | (66.66%)         | (50% member of Faros Capital LLC)<br>(50% member of Faros Capital LLC)   |
| Gould 17 Broad LLC | - Elliot Gould<br>- James Gould             | (33.33%)         | (50% member of Gould 17 Broad LLC)<br>(50% member of Gould 17 Broad LLC) |

\*If additional space is needed, please use last page.

**11. EXISTING INTEREST IN OTHER LICENSES:**

Does any individual listed in §10 have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  **If yes, list said interest below:**

| Name                | License Type                               | Licensee Name & Address                                                           |
|---------------------|--------------------------------------------|-----------------------------------------------------------------------------------|
| Alexander Leventhal | <input type="text" value="Please Select"/> | Cru Oyster Bar (Cru ACK LLC) One Striaght Wharf, Nantucket MA 02554               |
| Jeremy Leventhal    | <input type="text" value="Please Select"/> | Cru Oyster Bar (Cru ACK LLC) One Striaght Wharf, Nantucket MA 02554               |
| Elliot Gould        | <input type="text" value="Please Select"/> | Cru Oyster Bar (Cru ACK LLC) One Striaght Wharf, Nantucket MA 02554               |
| Alexander Leventhal | <input type="text" value="Please Select"/> | SMG Newbury Restaurant, LLC d/b/a Serafina, 235A Newbury Street, Boston MA, 02116 |
| Jeremy Leventhal    | <input type="text" value="Please Select"/> | SMG Newbury Restaurant, LLC d/b/a Serafina, 235A Newbury Street, Boston MA, 02116 |
| Elliot Gould        | <input type="text" value="Please Select"/> | SMG Newbury Restaurant, LLC d/b/a Serafina, 235A Newbury Street, Boston MA, 02116 |

\*If additional space is needed, please use last page.

**12. PREVIOUSLY HELD INTERESTS IN OTHER LICENSES:**

Has any individual listed in §10 who has a direct or indirect beneficial interest in this license ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No  If yes, list said interest below:

| Name | Licensee Name & Address | Date | Reason Terminated |
|------|-------------------------|------|-------------------|
|      |                         |      | Please Select     |
|      |                         |      | Please Select     |
|      |                         |      | Please Select     |

**13. DISCLOSURE OF LICENSE DISCIPLINARY ACTION:**

Have any of the disclosed licenses to sell alcoholic beverages listed in §11 and/or §12 ever been suspended, revoked or cancelled? Yes  No  If yes, list said interest below:

| Date | License | Reason of Suspension, Revocation or Cancellation |
|------|---------|--------------------------------------------------|
|      |         |                                                  |
|      |         |                                                  |
|      |         |                                                  |

**14. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR A (§15) PACKAGE STORE LICENSE ONLY :**

**A.) For Individual(s):**

1. Are you a U.S. Citizen? Yes  No
2. Are you a Massachusetts Residents? Yes  No

**B.) For Corporation(s) and LLC(s) :**

1. Are all Directors/LLC Managers U.S. Citizens? Yes  No
2. Are a majority of Directors/LLC Managers Massachusetts Residents? Yes  No
3. Is the License Manager a U.S. Citizen? Yes  No

**C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):**

- 1.. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No

**15. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR (§12) RESTAURANT, HOTEL, CLUB, GENERAL ON PREMISE, TAVERN, VETERANS CLUB LICENSE ONLY:**

**A.) For Individual(s):**

1. Are you a U.S. Citizen? Yes  No

**B.) For Corporation(s) and LLC(s) :**

1. Are a majority of Directors/LLC Managers **NOT** U.S. Citizen(s)? Yes  No
2. Is the License Manager or Principal Representative a U.S. Citizen? Yes  No

**C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):**

- 1.. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No

**16. COSTS ASSOCIATED WITH LICENSE TRANSACTION:**

|                                        |                     |
|----------------------------------------|---------------------|
| A. Purchase Price for Real Property:   | \$2,925,000         |
| B. Purchase Price for Business Assets: | \$1,300,000         |
| C. Costs of Renovations/Construction:  | \$8,400,000         |
| D. Initial Start-Up Costs:             | \$1,160,000         |
| E. Purchase Price for Inventory:       | N/A                 |
| F. Other: (Specify)                    |                     |
| <b>G: TOTAL COST</b>                   | <b>\$13,785,000</b> |
| <b>H. TOTAL CASH</b>                   | <b>\$6,785,000</b>  |
| <b>I. TOTAL AMOUNT FINANCED</b>        | <b>\$8,000,000</b>  |

**IMPORTANT ATTACHMENTS (5):** Any individual, LLC, corporate entity, etc. providing funds of \$50,000 or greater towards this transaction, must provide proof of the source of said funds. Proof may consist of three consecutive months of bank statements with a minimum balance of the amount described, a letter from your financial institution stating there are sufficient funds to cover the amount described, loan documentation, or other documentation.

The amounts listed in subsections (H) and (I) must total the amount reflected in (G).

**17. PROVIDE A DETAILED EXPLANATION OF THE FORM(S) AND SOURCE(S) OF FUNDING FOR THE COSTS IDENTIFIED ABOVE (INCLUDE LOANS, MORTGAGES, LINES OF CREDIT, NOTES, PERSONAL FUNDS, GIFTS):**

Funding comes from an \$8,000,000 construction loan plus contributed capital from partners.

\*If additional space is needed, please use last page.

**18. LIST EACH LENDER AND LOAN AMOUNT(S) FROM WHICH "TOTAL AMOUNT FINANCED" NOTED IN SUB-SECTIONS 16(I) WILL DERIVE:**

A.

| Name           | Dollar Amount | Type of Financing |
|----------------|---------------|-------------------|
| Brookline Bank | \$8,000,000   | Construction Loan |
|                |               |                   |
|                |               |                   |

\*If additional space is needed, please use last page.

B. Does any individual or entity listed in §17 or §18 as a source of financing have a direct or indirect, beneficial or financial interest in this license or any other license(s) granted under Chapter 138? Yes  No

If yes, please describe:

**19. PLEDGE: (i.e. COLLATERAL FOR A LOAN)**

A.) Is the applicant seeking approval to pledge the license?  Yes  No

1. If yes, to whom:

2. Amount of Loan:  3. Interest Rate:  4. Length of Note:

5. Terms of Loan :

B.) If a corporation, is the applicant seeking approval to pledge any of the corporate stock?  Yes  No

1. If yes, to whom:

2. Number of Shares:

C.) Is the applicant pledging the inventory?  Yes  No

If yes, to whom:

**IMPORTANT ATTACHMENTS (6):** If you are applying for a pledge, submit the pledge agreement, the promissory note and a vote of the Corporation/LLC approving the pledge.

**20. CONSTRUCTION OF PREMISES:**

Are the premises being remodeled, redecorated or constructed in any way? If YES, please provide a description of the work being performed on the premises:  Yes  No

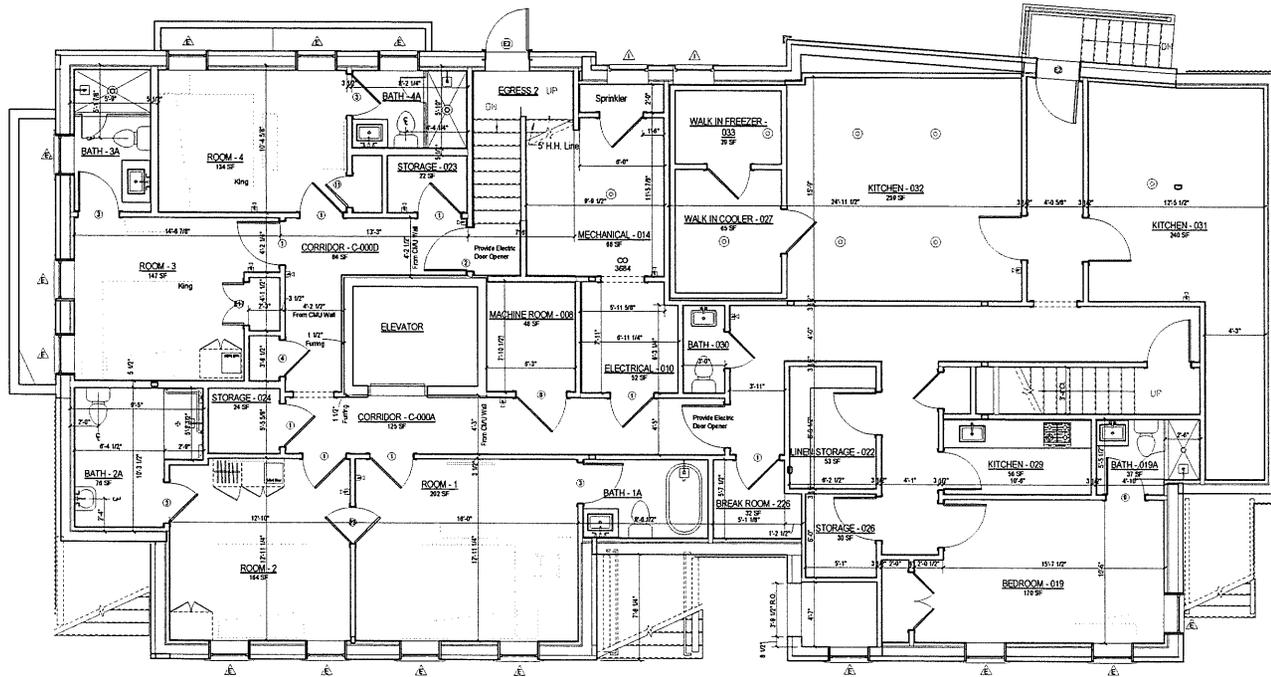
The property is undergoing a wholesale renovation and expansion. Very little of the original structure remains and the renovation could very nearly be considered a new construction. Please refer to the attached plans.

21. ANTICIPATED OPENING DATE:

IF ALL OF THE INFORMATION AND  
ATTACHMENTS ARE NOT COMPLETE  
THE APPLICATION WILL BE  
**RETURNED**

09.17.15

For Construction



1 Garden Level Plan  
1/8" = 1'-0"

| TABLE OF SHEAR WALLS |                 |                   |                                           | End Shear Required (Each End)                     |                             |
|----------------------|-----------------|-------------------|-------------------------------------------|---------------------------------------------------|-----------------------------|
| Shear Wall #         | Total Shear (k) | Shear(s) Required | Number of Shear(s) Required (Column Note) | Feathering of Top and Bottom Plates (Column Note) | Minimum Required (Each End) |
|                      |                 |                   |                                           |                                                   |                             |

| DESIGN LOADS                  |                      |
|-------------------------------|----------------------|
| <b>FLOOR LOADS</b>            |                      |
| Live Load                     | 40 psf               |
| Dead Load                     | 20 psf               |
| <b>ROOF LOADS</b>             |                      |
| Live Load                     | 20 psf               |
| Dead Load                     | 15 psf               |
| <b>ROOF SNOW LOADS</b>        |                      |
| S <sub>g</sub>                | 20 psf               |
| S <sub>f</sub>                | 25 psf               |
| S <sub>e</sub>                | 1                    |
| S <sub>i</sub>                | 1                    |
| Snow Drift & Unbalanced Snow  | As Applicable        |
| <b>WIND LOADS</b>             |                      |
| Basic Wind Speed              | 110 mph (3 sec gust) |
| Risk Category                 | I.5                  |
| Building Classification       | Enclosed             |
| Exposure                      | C                    |
| Internal Pressure Coefficient | +/- 0.18             |

**1317**  
Faros Properties, LLC  
17 Broad Street  
Nantucket, MA 02554



**Proposed Garden Level Floor Plan**

**Site Information**

|                      |                            |
|----------------------|----------------------------|
| Map & Parcel:        | 424274                     |
| Current Zoning:      | R207                       |
| Minimum Footing:     | 35 ft                      |
| Front Setback:       | None                       |
| Side/Rear Setback:   | None/5 ft                  |
| Lot Size:            | 14,892 sq. ft. +/-         |
| Max. Lot Size:       | 5,260 sq. ft.              |
| Allowable G.C.:      | 775 sq. ft. of 4th sq. ft. |
| Existing G.C.:       | 2,481 sq. ft.              |
| Proposed G.C.:       | 3,140 sq. ft.              |
| Total Proposed G.C.: |                            |

Information for this site plan was taken from the Nantucket GIS. The drawing user will consult a registered surveyor. All site work should be verified by a Registered Land Surveyor prior to and during construction.

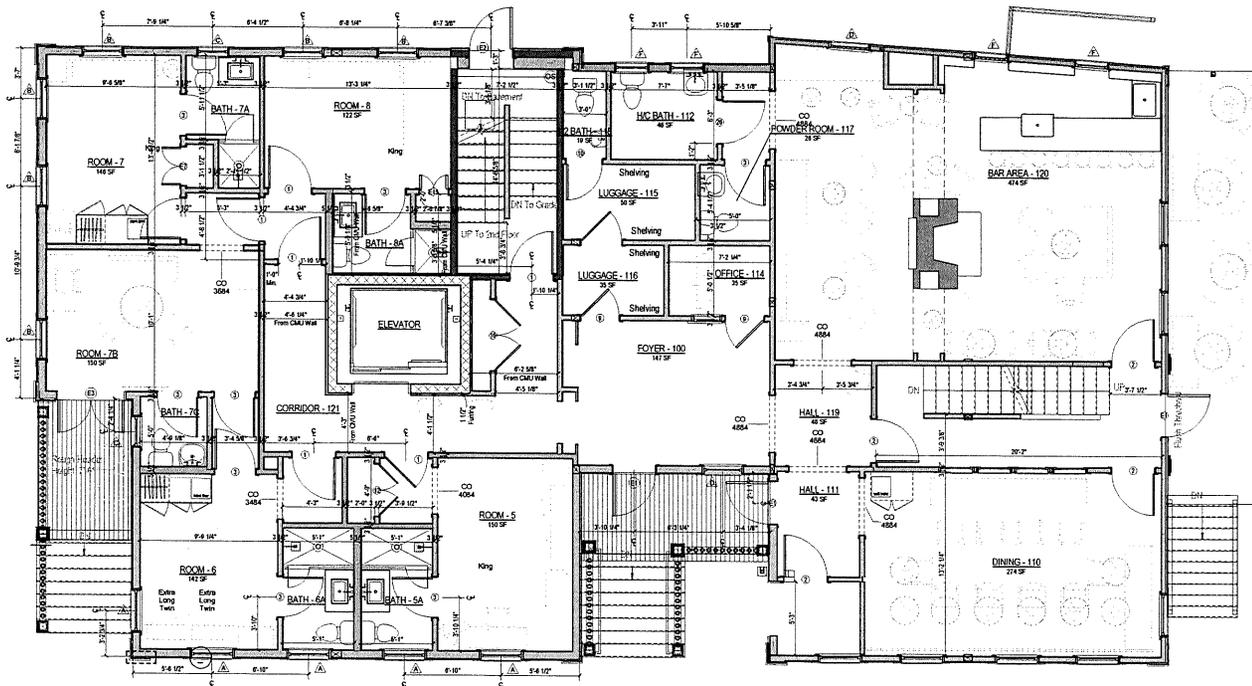
**SHEET INDEX**

- E1.0 Garden Level Electrical Plan
- E.1.1 First Floor Electrical Plan
- E.1.2 Second Floor Electrical Plan
- E.1.3 Third Floor Electrical Plan
- H.1.0 Garden Level HVAC
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- A.1.2 Proposed First Floor Plan
- A.1.3 Proposed Second Floor Plan
- A.1.4 Proposed Third Floor Plan
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- D.0.1 INTERIOR DETAILS
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- D.0.99 INTERIOR ELEVATIONS
- D.0.100 INTERIOR ELEVATIONS

**A1.1**  
**1317**

09.17.15

For Construction



1 Proposed First Floor Plan

**1317**  
 Faros Properties, LLC  
 17 Broad Street  
 Nantucket, MA 02554



Proposed First Floor Plan

Site Information

|                      |                      |
|----------------------|----------------------|
| Map & Parcel:        | 426274               |
| Current Zoning:      | R2C2                 |
| Minimum Footage:     | 35 F.                |
| Frost Setback:       | None                 |
| Side/Floor Setback:  | None/5 F.            |
| Lot Size:            | 14,983 sq. ft. ±     |
| Min. Lot Size:       | 5,990 sq. ft.        |
| Adjacent G.C.:       | 27 West 4-5th St. R. |
| Existing G.C.:       | 2,481 sq. ft.        |
| Proposed G.C.:       | 3,148 sq. ft.        |
| Total Proposed G.C.: |                      |

Information for this site plan was taken from the historical G.C. The owner does not constitute a registered surveyor. All site work should be verified by a Registered Land Surveyor prior to and during construction.

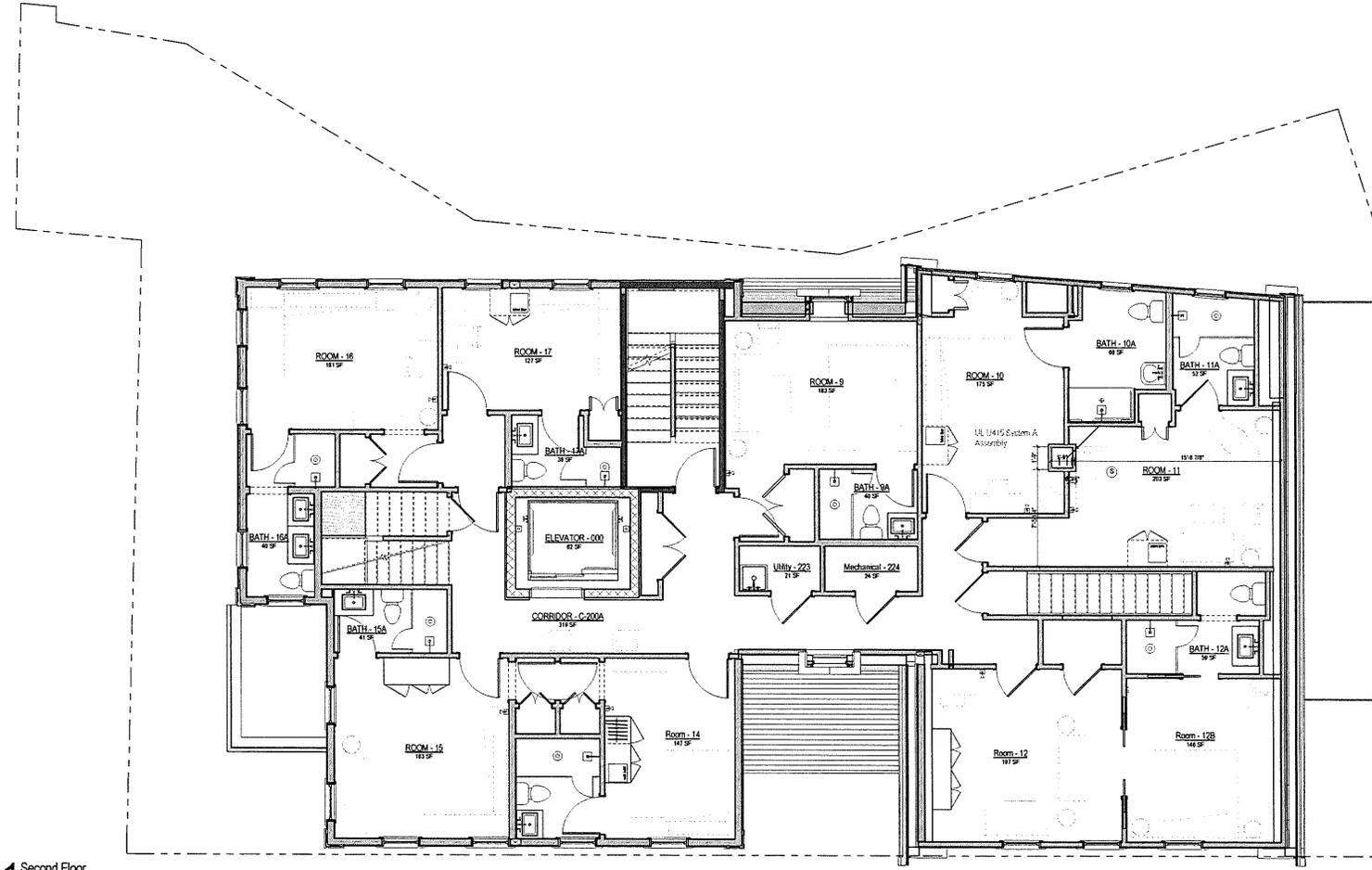
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- E-12 Second Floor Electrical Plan
- E-13 Third Floor Electrical Plan
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- SK-12 Wood Panel Details
- SK-14 Finished Ceiling Heights
- SK-15 Garden Level SK
- SK-16 First Floor SK
- SK-17 Second Floor SK
- SK-18 Third Floor SK

**A1.2**  
**1317**

09.17.15

For Construction



Second Floor  
1/4" = 1'-0"

**1317**  
 Faros Properties, LLC  
 17 Broad Street  
 Nantucket, MA 02554



**Proposed Second Floor Plan**

**Site Information**

|                      |                    |
|----------------------|--------------------|
| Map & Parcel:        | 424274             |
| Current Zoning:      | R2C2T              |
| Maximum Frontage:    | 35 ft              |
| Front Setback:       | None               |
| Side/Rear Setback:   | None/5 ft          |
| Lot Size:            | 14,932 sq. ft. +/- |
| Max. Lot Size:       | 5,398 sq. ft.      |
| Approved C.C.:       | 27,500 +/- sq. ft. |
| Existing C.C.:       | 2,481 sq. ft.      |
| Proposed C.C.:       | 3,148 sq. ft.      |
| Total Proposed C.C.: |                    |

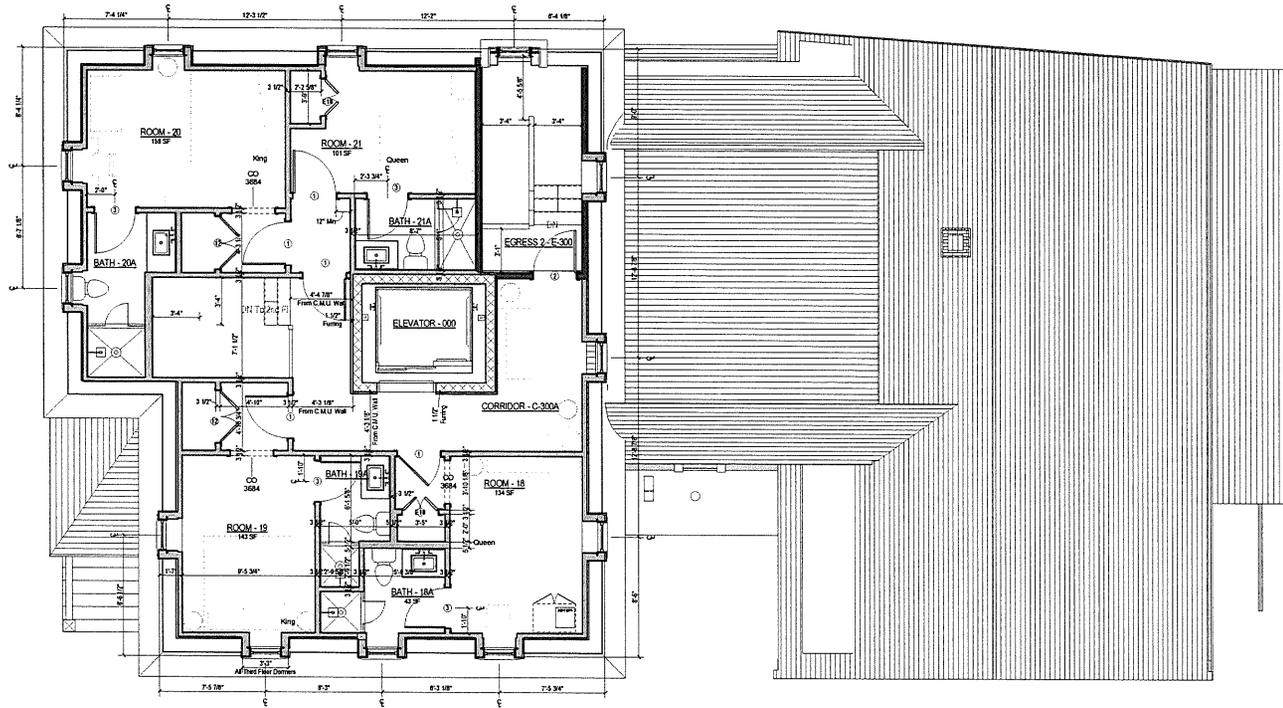
Information for this site plan was taken from the historical C.C. The drawing does not constitute a registered survey. All site work should be verified by a Registered Land Surveyor prior to and during construction.

Revisions

**A1.3**  
**1317**

09.17.15

For Construction



Proposed Third Floor Plan  
1/8" = 1'-0"

1317

Faros Properties, LLC  
17 Broad Street  
Nantucket, MA 02554



Proposed Third Floor Plan

Site Information

|                      |                    |
|----------------------|--------------------|
| Map & Parcel:        | 424274             |
| Current Zoning:      | R2D1               |
| Maximum Frontage:    | 35 ft              |
| Front Setback:       | None               |
| Side/Rear Setback:   | None/0 ft          |
| Lot Size:            | 14,803 sq. ft. +/- |
| Min. Lot Size:       | 5,369 sq. ft.      |
| Allowable G.C.:      | 7,984 sq. ft. G.C. |
| Existing G.C.:       | 2,481 sq. ft.      |
| Proposed G.C.:       | 3,187 sq. ft.      |
| Total Proposed G.C.: |                    |

Information for this site plan was taken from the  
Institute C.I.S. This drawing does not  
constitute a registered survey. All site work  
should be verified by a Registered Land  
Surveyor prior to and during construction.

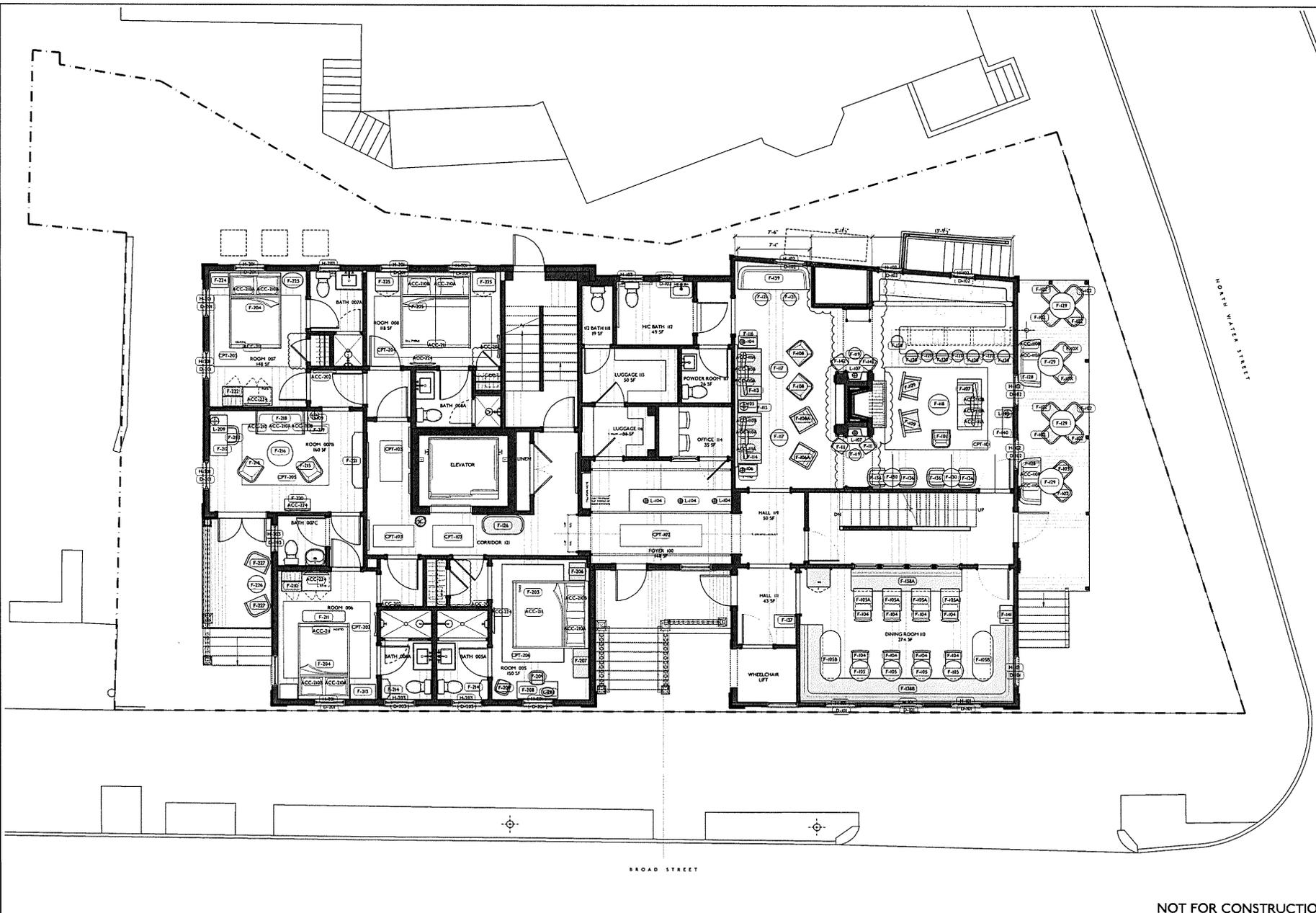
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- E-11 First Floor Electrical Plan
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- E-13 Third Floor Electrical Plan
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- SK-11 Dining Room North El
- SK-12 West Porch Details
- SK-14 Finished Ceiling Heights
- SK-15 Corridor Level SK
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- D-21 INTERIOR ELEVATIONS
- D-22 INTERIOR ELEVATIONS
- D-23 INTERIOR ELEVATIONS
- D-24 INTERIOR ELEVATIONS
- D-31 INTERIOR ELEVATIONS
- D-32 INTERIOR ELEVATIONS
- D-33 INTERIOR ELEVATIONS
- SK-1 EXTERIOR ELEVATIONS

Scale: 1/8" = 1'-0"  
 SK-1 Elevations  
 SK-2 Details  
 SK-3 Elevations

A1.4  
1317





BROAD STREET

PROPOSED FURNITURE PLAN - FIRST FLOOR

NOT FOR CONSTRUCTION

SCALE: 1/4" = 1'-0"





2016 DEPARTMENTAL COMMENT ON NEW LIQUOR LICENSE  
FOR BOS PUBLIC HEARING

TYPE: ANNUAL ALL ALCOHOL RESTAURANT LIQUOR LICENSE

APPLICANT: FORTY-FIVE SURFSIDE ROAD LLC d/b/a FORTY-FIVE SURFSIDE

SITE ADDRESS: 45 SURFSIDE ROAD

HEARING DATE: MARCH 16, 2016

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NPD: The NPD does have some concerns about this application. The application was not clear about what they planned on doing with this. I'm struggling to understand why a "Bakery" and "Café" would need an all alcohol liquor beverage license. My concern is that this location is very close to the elementary school. Being a café it would seem that their primary hours of operation would coincide with the hours that the school children are present in the area. I would oppose the sale, delivery and consumption of alcoholic beverages on the patio. Chief Pittman

NFD: NFD did not state any concerns with this application. Chief Rhude

HEALTH: We have received a plan review but are still waiting on some equipment specs. I do not foresee any problems. Art Crowley



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
 www.mass.gov/abcc

For Reconsideration

**FORM 43**  
**MUST BE SIGNED BY LOCAL LICENSING AUTHORITY**

ABCC License Number

City/Town

Local Approval Date

**TRANSACTION TYPE (Please check all relevant transactions):**

- |                                                   |                                                          |                                                     |                                                     |
|---------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------|
| <input checked="" type="checkbox"/> New License   | <input type="checkbox"/> New Officer/Director            | <input type="checkbox"/> Pledge of License          | <input type="checkbox"/> Change Corporate Name      |
| <input type="checkbox"/> Transfer of License      | <input type="checkbox"/> Change of Location              | <input type="checkbox"/> Pledge of Stock            | <input type="checkbox"/> Seasonal to Annual         |
| <input type="checkbox"/> Change of Manager        | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock          | <input type="checkbox"/> Change of License Type     |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> Issuance of Stock               | <input type="checkbox"/> New Stockholder            | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License   | <input type="checkbox"/> Management/Operating Agreement  | <input type="checkbox"/> Wine & Malt to All Alcohol |                                                     |

Name of Licensee  EIN of Licensee

D/B/A  Manager

ADDRESS:  CITY/TOWN:  STATE  ZIP CODE

Annual  All Alcohol  Restaurant  Granted under Special Legislation? Yes  No

Annual or Seasonal Category: (All Alcohol; Wine & Malt; Wine, Malt & Cordials; Wine; Malt) Type: (Restaurant, Club, Package Store, General On Premises, Etc.)

If Yes, Chapter  Year

Complete Description of Licensed Premises:

In whole of said 2 story building with cafe, kitchen, hallway, storage and restrooms on the first floor (approximately 2000 square feet), storage in the basement (approximately 1450 square feet, and rear deck (approximately 448 square feet), total square footage 3898. See attached floor plans.

Application Filed:  Date & Time Advertiser:  Date & Attach Publication Abutters Notified: Yes  No

Licensee Contact Person for Transaction  Phone:

ADDRESS:  CITY/TOWN:  STATE  ZIP CODE

Remarks:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission  
 Ralph Sacramone  
 Executive Director

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Remarks:

# APPLICATION FOR RETAIL ALCOHOLIC BEVERAGE LICENSE

City/Town

Nantucket

## 1. LICENSEE INFORMATION:

A. Legal Name/Entity of Applicant:(Corporation, LLC or Individual)

B. Business Name (if different) :  C. Manager of Record:

D. ABCC License Number (for existing licenses only) :

E. Address of Licensed Premises:  City/Town:  State:  Zip:

F. Business Phone:  G. Cell Phone:

H. Email:  I. Website:

J. Mailing address (If different from E.):  City/Town:  State:  Zip:

## 2. TRANSACTION:

- New License     New Officer/Director     Transfer of Stock     Issuance of Stock     Pledge of Stock  
 Transfer of License     New Stockholder     Management/Operating Agreement     Pledge of License

### The following transactions must be processed as new licenses:

- Seasonal to Annual     (6) Day to (7)-Day License     Wine & Malt to All Alcohol

**IMPORTANT ATTACHMENTS (1): The applicant must attach a vote of the entity authorizing all requested transactions, including the appointment of a Manager of Record or principal representative.**

## 3. TYPE OF LICENSE:

- §12 Restaurant     §12 Hotel     §12 Club     §12 Veterans Club     §12 Continuing Care Retirement Community  
 §12 General On-Premises     §12 Tavern (No Sundays)     §15 Package Store

## 4. LICENSE CATEGORY:

- All Alcoholic Beverages     Wines & Malt Beverages     Wines     Malt  
 Wine & Malt Beverages with Cordials/Liqueurs Permit

## 5. LICENSE CLASS:

- Annual     Seasonal

**6. CONTACT PERSON CONCERNING THIS APPLICATION (ATTORNEY IF APPLICABLE)**

NAME: Andrew Upton, Esq.

ADDRESS: 6 Beacon Street, Suite 700

CITY/TOWN: Boston STATE: MA ZIP CODE: 02108

CONTACT PHONE NUMBER: (617) 279 - 2595 FAX NUMBER: (617) 426 - 0587

EMAIL: Andrew.Upton@dsu-law.com

**7. DESCRIPTION OF PREMISES:**

Please provide a complete description of the premises. Please note that this must be identical to the description on the Form 43. **Your description MUST include: number of floors, number of rooms on each floor, any outdoor areas to be included in licensed area, and total square footage.** i.e.: "Three story building, first floor to be licensed, 3 rooms, 1 entrance 2 exits (3200 sq ft); outdoor patio (1200 sq ft); Basement for storage (1200 sq ft). Total sq ft = 5600."

In whole of said 2 story building with cafe, kitchen, hallway, storage and restrooms on the first floor (approximately 2000 square feet), storage in the basement (approximately 1450 square feet), and rear deck (approximately 448 square feet), total square footage 3898. See attached floor plans.

Total Square Footage: 3898 Number of Entrances: 1 Number of Exits: 3

Occupancy Number: TBD Seating Capacity: TBD

IMPORTANT ATTACHMENTS (2): The applicant must attach a floor plan with dimensions and square footage for each floor & room.

**8. OCCUPANCY OF PREMISES:**

By what right does the applicant have possession and/or legal occupancy of the premises? Own

IMPORTANT ATTACHMENTS (3): The applicant must submit a copy of the final lease or documents evidencing a legal right to occupy the premises. Other:

Landlord is a(n): Please Select Other:

Name: Phone:

Address: City/Town: State: Zip:

Initial Lease Term: Beginning Date Ending Date

Renewal Term: Options/Extensions at: Years Each

Rent: Per Year Rent: Per Month

Do the terms of the lease or other arrangement require payments to the Landlord based on a percentage of the alcohol sales? Yes  No

If Yes, Landlord Entity must be listed in Question # 10 of this application.

If the principals of the applicant corporation or LLC have created a separate corporation or LLC to hold the real estate, the applicant must still provide a lease between the two entities.

**9. LICENSE STRUCTURE:**

The Applicant is a(n):

LLC

Other :

If the applicant is a Corporation or LLC, complete the following:

Date of Incorporation/Organization:

03/23/2015

State of Incorporation/Organization:

Massachusetts

Is the Corporation publicly traded? Yes  No

**10. INTERESTS IN THIS LICENSE:**

List all individuals involved in the entity (e.g. corporate stockholders, directors, officers and LLC members and managers) and any person or entity with a direct or indirect, beneficial or financial interest in this license.

**IMPORTANT ATTACHMENTS (4):**

A. All individuals or entities listed below are required to complete a [Personal Information Form](#).

B. All shareholders, LLC members or other individuals with any ownership in this license must complete a [CORI Release Form](#) (unless they are a landlord entity)

| Name                 | All Titles and Positions | Specific % Owned | Other Beneficial Interest |
|----------------------|--------------------------|------------------|---------------------------|
| Rebecca A. Moesinger | LLC Manager/Member       | 100%             | Manager of Record         |

\*If additional space is needed, please use last page.

**11. EXISTING INTEREST IN OTHER LICENSES:**

Does any individual listed in §10 have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes  No  **If yes, list said interest below:**

| Name | License Type  | Licensee Name & Address |
|------|---------------|-------------------------|
|      | Please Select |                         |

\*If additional space is needed, please use last page.

**12. PREVIOUSLY HELD INTERESTS IN OTHER LICENSES:**

Has any individual listed in §10 who has a direct or indirect beneficial interest in this license ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes  No  If yes, list said interest below:

| Name | Licensee Name & Address | Date | Reason Terminated |
|------|-------------------------|------|-------------------|
|      |                         |      | Please Select     |
|      |                         |      | Please Select     |
|      |                         |      | Please Select     |

**13. DISCLOSURE OF LICENSE DISCIPLINARY ACTION:**

Have any of the disclosed licenses to sell alcoholic beverages listed in §11 and/or §12 ever been suspended, revoked or cancelled? Yes  No  If yes, list said interest below:

| Date | License | Reason of Suspension, Revocation or Cancellation |
|------|---------|--------------------------------------------------|
|      |         |                                                  |
|      |         |                                                  |
|      |         |                                                  |

**14. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR A (§15) PACKAGE STORE LICENSE ONLY :**

**A.) For Individual(s):**

- 1. Are you a U.S. Citizen? Yes  No
- 2. Are you a Massachusetts Residents? Yes  No

**B.) For Corporation(s) and LLC(s) :**

- 1. Are all Directors/LLC Managers U.S. Citizens? Yes  No
- 2. Are a majority of Directors/LLC Managers Massachusetts Residents? Yes  No
- 3. Is the License Manager a U.S. Citizen? Yes  No

**C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):**

- 1.. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No

**15. CITIZENSHIP AND RESIDENCY REQUIREMENTS FOR (§12) RESTAURANT, HOTEL, CLUB, GENERAL ON PREMISE, TAVERN, VETERANS CLUB LICENSE ONLY:**

**A.) For Individual(s):**

- 1. Are you a U.S. Citizen? Yes  No

**B.) For Corporation(s) and LLC(s) :**

- 1. Are a majority of Directors/LLC Managers **NOT** U.S. Citizen(s)? Yes  No
- 2. Is the License Manager or Principal Representative a U.S. Citizen? Yes  No

**C.) For Individual(s), Shareholder(s), Member(s), Director(s) and Officer(s):**

- 1.. Are all Individual(s), Shareholders, Members, Directors, LLC Managers and Officers involved at least twenty-one (21) years old? Yes  No

**16. COSTS ASSOCIATED WITH LICENSE TRANSACTION:**

|                                        |                     |
|----------------------------------------|---------------------|
| A. Purchase Price for Real Property:   | \$0.00              |
| B. Purchase Price for Business Assets: | \$0.00              |
| C. Costs of Renovations/Construction:  | \$700,000.00        |
| D. Initial Start-Up Costs:             | \$50,000.00         |
| E. Purchase Price for Inventory:       | \$0.00              |
| F. Other: (Specify)                    | \$0.00              |
| <b>G: TOTAL COST</b>                   | <b>\$750,000.00</b> |
| <b>H. TOTAL CASH</b>                   | <b>\$0.00</b>       |
| <b>I. TOTAL AMOUNT FINANCED</b>        | <b>\$750,000.00</b> |

**IMPORTANT ATTACHMENTS (5):** Any individual, LLC, corporate entity, etc. providing funds of \$50,000 or greater towards this transaction, must provide proof of the source of said funds. Proof may consist of three consecutive months of bank statements with a minimum balance of the amount described, a letter from your financial institution stating there are sufficient funds to cover the amount described, loan documentation, or other documentation.

The amounts listed in subsections (H) and (I) must total the amount reflected in (G).

**17. PROVIDE A DETAILED EXPLANATION OF THE FORM(S) AND SOURCE(S) OF FUNDING FOR THE COSTS IDENTIFIED ABOVE (INCLUDE LOANS, MORTGAGES, LINES OF CREDIT, NOTES, PERSONAL FUNDS, GIFTS):**

Commercial Construction Mortgage Loan.

\*If additional space is needed, please use last page.

**18. LIST EACH LENDER AND LOAN AMOUNT(S) FROM WHICH "TOTAL AMOUNT FINANCED" NOTED IN SUB-SECTIONS 16(I) WILL DERIVE:**

A.

| Name                            | Dollar Amount  | Type of Financing |
|---------------------------------|----------------|-------------------|
| Hingham Institution for Savings | \$1,075,000.00 | Mortgage Loan.    |
|                                 |                |                   |
|                                 |                |                   |

\*If additional space is needed, please use last page.

B. Does any individual or entity listed in §17 or §18 as a source of financing have a direct or indirect, beneficial or financial interest in this license or any other license(s) granted under Chapter 138? Yes  No

If yes, please describe:

**19. PLEDGE: (i.e. COLLATERAL FOR A LOAN)**

A.) Is the applicant seeking approval to pledge the license?  Yes  No

1. If yes, to whom:

2. Amount of Loan:  3. Interest Rate:  4. Length of Note:

5. Terms of Loan :

B.) If a corporation, is the applicant seeking approval to pledge any of the corporate stock?  Yes  No

1. If yes, to whom:

2. Number of Shares:

C.) Is the applicant pledging the inventory?  Yes  No

If yes, to whom:

**IMPORTANT ATTACHMENTS (6):** If you are applying for a pledge, submit the pledge agreement, the promissory note and a vote of the Corporation/LLC approving the pledge.

**20. CONSTRUCTION OF PREMISES:**

Are the premises being remodeled, redecorated or constructed in any way?\_If YES, please provide a description of the work being performed on the premises:  Yes  No

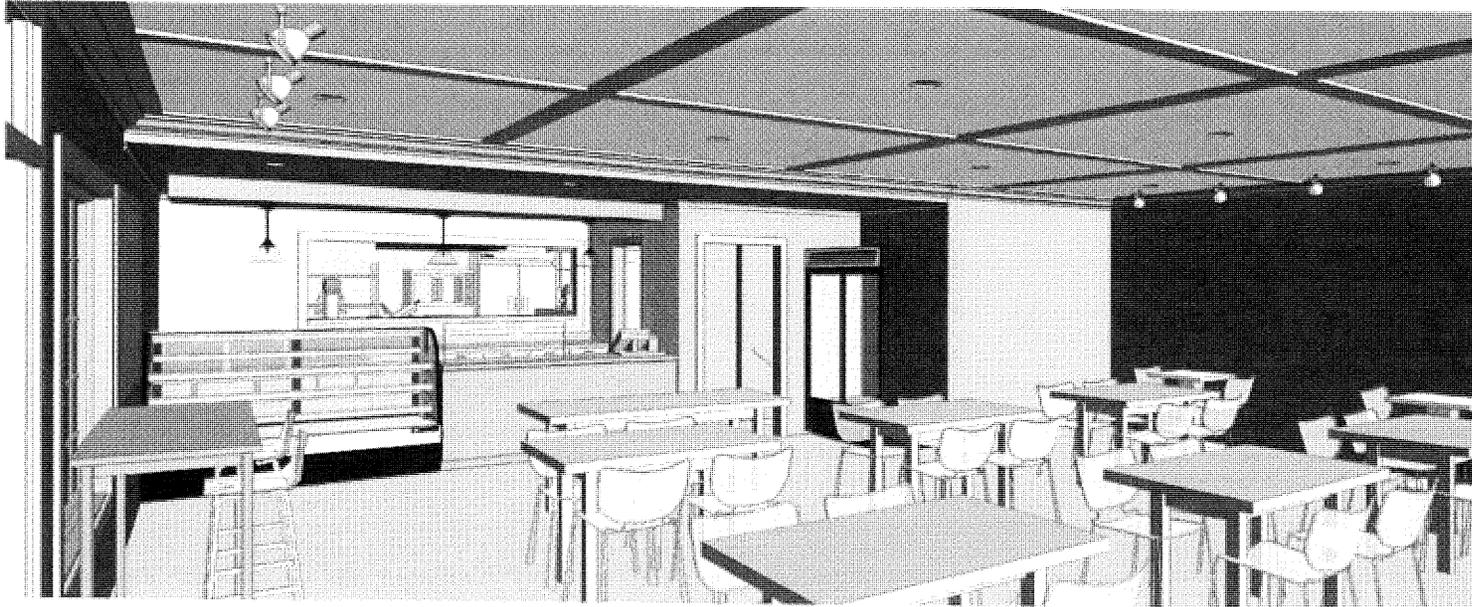
The shingles, windows and doors and two sets of egress stairs are being removed and replaced. The interior of the building is being built out to accommodate a kitchen and cafe/retail space.

21. ANTICIPATED OPENING DATE:

IF ALL OF THE INFORMATION AND  
ATTACHMENTS ARE NOT COMPLETE  
THE APPLICATION WILL BE  
**RETURNED**

# 45 Surfside Bakery & Cafe

45 Surfside Rd.  
Nantucket, MA 02554



## Project Team:

Owner:  
**Rebecca Moesinger**  
20 Dudley Lane  
Milton, MA 02186  
617.828.3058

Contractor:  
**Eben Construction**  
3229 Cranberry Highway, Suite 6  
Buzzards Bay, MA 02532

Architect:  
**BKA Architects, Inc.**  
142 Crescent Street  
Brockton, MA 02302  
508.583.5603

## Sheet List:

General:  
CS.1 COVER SHEET  
A0.1 CODE REVIEW / GENERAL NOTES

Architectural:  
A1.0 BASEMENT FLOOR PLAN  
A1.1 FIRST FLOOR PLAN  
A2.1 CEILING PLAN AND DETAILS  
A3.1 INTERIOR ELEVATIONS  
A3.2 PARTIAL EXTERIOR ELEVATIONS  
A4.1 FRAMING PLANS



## PERMIT SET

Date: 08/10/2015  
Project #: 215045

B:24/2015 11:52:45 AM

C:\Users\herzog\Documents\215045-45 Surfside\_perzog.MT

EXISTING CONCRETE PAD TO BE REMOVED  
 EXISTING PROPANE TANK TO BE REMOVED  
 CEDAR SHINGLES ON EXTERIOR SHEATHING ON 2X4 STUD WALL

CEDAR SHINGLES ON EXTERIOR SHEATHING ON 2X4 (FLAT) PURLING, ATTACHED DIRECTLY TO COOLER PANELS

A3.2

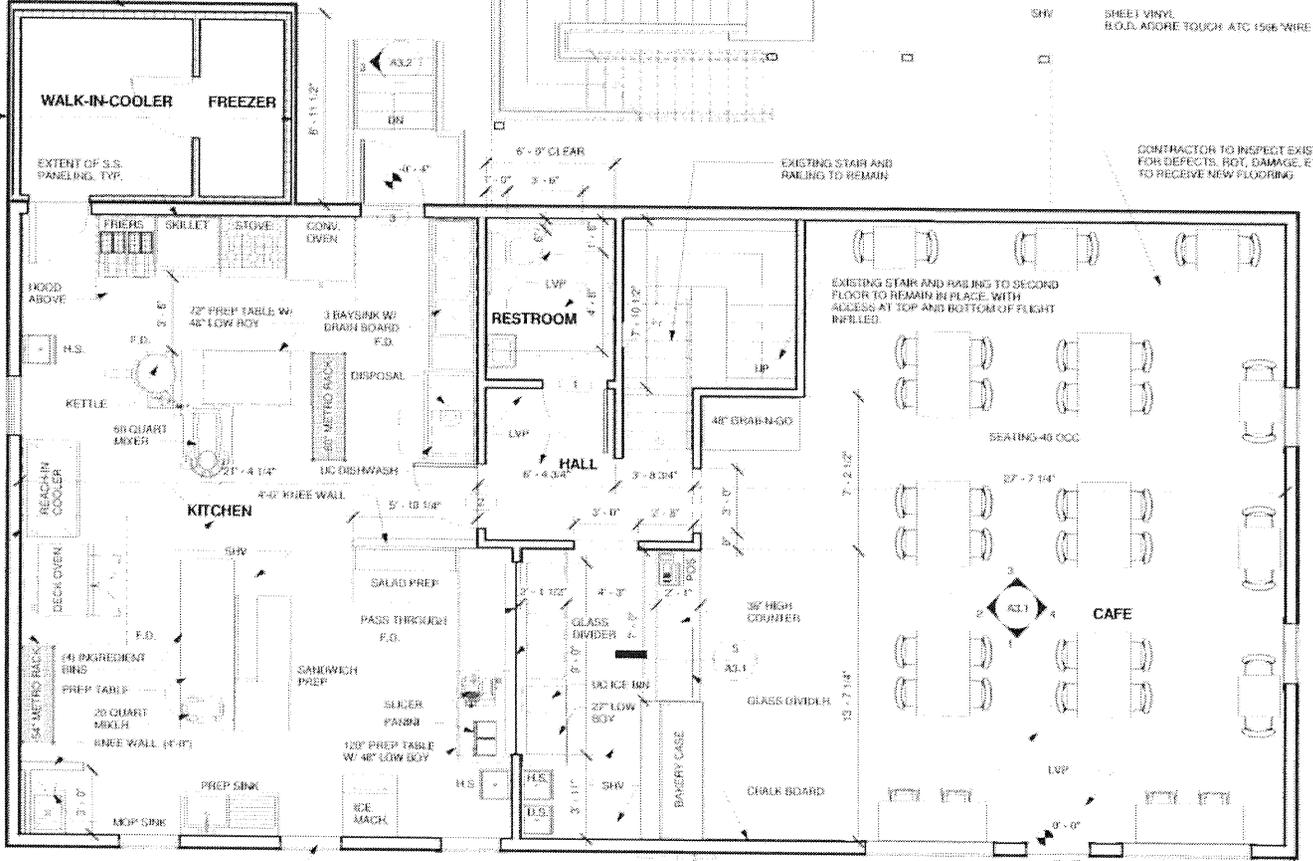
EXTENT OF S.S. PANELING TYP. HOOD ABOVE

ALL EXTERIOR WINDOWS TO BE INSTALLED PER APPROVED PERMIT PACKAGE, DATED 11/13/2012  
 B.G.D. - ANDERSON 400 SERIES, WHITE, TYP. THROUGHOUT

Level 1  
 1/4" = 1'-0"

NEW WALL - DIMENSIONED TO FACE OF STUD  
 EXISTING WALL - DIMENSIONED TO FACE OF EXISTING FINISH  
 LVP  
 LUXURY VINYL PLANK  
 B.O.B. ABOVE TOUCH AT 1566 WIRE BRUSHED OAK  
 SHV  
 SHEET VINYL  
 B.O.B. ABOVE TOUCH AT 1566 WIRE BRUSHED OAK

CONTRACTOR TO INSPECT EXISTING SUBFLOOR FOR DEFECTS, ROT, DAMAGE, ETC. REPAIR AS REQ'D TO RECEIVE NEW FLOORING



Door Schedule

| Mark | Count | Width x Height | Thickness   | Door Material | Manufacturer | Finish  | Comments |
|------|-------|----------------|-------------|---------------|--------------|---------|----------|
| 1    | 2     | 36" x 80"      | 0" - 1 3/4" | Wood          | Simpson      | Painted | Interior |
| 2    | 2     | 36" x 80"      | 0" - 1 3/4" | Wood          | Simpson      | Painted | Interior |
| 3    | 1     | 36" x 80"      | 0" - 1 3/4" | Wood          | Simpson      | Painted | Exterior |

**b a**  
 BKA Architects, Inc.  
 Architecture + Interiors  
 142 Crescent Street  
 Brockton, MA 02302  
 Tel: 508.543.5403  
 Fax: 508.584.2914  
 email: info@bkaarch.com

| Rev | Date | Description |
|-----|------|-------------|
|     |      |             |
|     |      |             |
|     |      |             |

**First Floor**  
**45 Surfside Bakery & Cafe**  
**Rebecca Mosinger**  
 45 Surfside Rd.  
 Nantucket, MA 02554

Scale: 1/4" = 1'-0"  
 Date: 08/10/2015  
 Drawn By: JCH  
 Checked By: BRK  
 Job Number: 215045

Drawing  
**A1.1**







The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 239 Causeway Street  
 Boston, MA 02114  
 www.mass.gov/abcc

**MANAGER APPLICATION**

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

**1. LICENSEE INFORMATION:**

Legal Name of Licensee:  Business Name (dba):

Address:

City/Town:  State:  Zip Code:

ABCC License Number:  Phone Number of Premise:   
 (If existing licensee)

**2. MANAGER INFORMATION:**

A. Name:  B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises:

**3. CITIZENSHIP INFORMATION:**

A. Are you a U.S. Citizen: Yes  No  B. Date of Naturalization:  C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

**4. BACKGROUND INFORMATION:**

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes  No   
 If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes  No   
 If yes, please describe:

C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes  No   
 If yes, please describe:

D. List your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature:  Date:

Additional Space

Please note which question you are using this space for.

Supplement to Manager Application, Question 4D:

July 2011 - Present; Instructor, Le Cordon Bleu College of Culinary Arts; 215 First Street, Cambridge, MA 02142; (617) 218-8000

1980s - July 2011; Chef; Konditor Meister; 32 Wood Road, Braintree, MA 02184; (781) 849-1970

## **CORPORATE VOTE**

### **APPLICATION FOR NEW LICENSE AND APPOINTMENT OF MANAGER**

This is to certify that at a meeting of the Managers of

Forty-Five Surfside Road, LLC

It was voted to apply to the Licensing Authority for the Town of Nantucket and the Commonwealth of Massachusetts for a NEW LICENSE AND APPOINTMENT OF MANAGER at 45 Surfside, 45 Surfside Road, Nantucket, Massachusetts, and to appoint Rebecca A. Moesinger, a citizen of the United States, as manager for said LLC, with full authority and control of the licensed premise and of the conduct of all business therein relative to alcoholic beverages as the licensee itself should in any way have and exercise if it were a natural person resident in the Commonwealth; and to authorize Attorney Andrew Upton to execute any documents reasonably necessary for the submission of said application.

**[signature page follows]**

The foregoing statement is made under penalty of perjury on 1/27, 2016

REBECCA A. MOESINGER

BY: 

TITLE: OWNER

Town and County of Nantucket  
Board of Selectmen • County Commissioners

Robert R. DeCosta, Chairman  
Rick Atherton  
Matt Fee  
Tobias Glidden  
Dawn E. Hill Holdgate



16 Broad Street  
Nantucket, Massachusetts 02554

Telephone (508) 228-7255  
Facsimile (508) 228-7272  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

C. Elizabeth Gibson  
Town & County Manager

At a meeting held Wednesday, March 16, 2016, the Nantucket Board of Selectmen approved an application for a new annual all-alcoholic beverages restaurant license for 45 Surfside Road LLC d/b/a 45 Surfside, Rebecca Moesinger, manager, for the premises located at 45 Surfside Road, Nantucket, MA 02554. The Board determined that this new liquor license is not detrimental to the spiritual and educational activities of the Nantucket Public Schools' campus, 10-30 Surfside Road, Nantucket MA. This abutter is located within 500 feet of the premises of 45 Surfside Road LLC d/b/a 45 Surfside (Section 12 liquor license holder).

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Robert R. DeCosta, Chairman

---

Matthew G. Fee, Vice Chairman

---

Rick Atherton

---

Tobias B. Glidden

---

Dawn E. Hill Holdgate

Board of Selectmen  
Nantucket, MA

**2016 Seasonal Liquor License Renewals  
(Including CV & Entertainment)**

| <b>DBA</b>                      | <b>LIQUOR</b> | <b>CV</b> | <b>ENT.</b> | <b>MANAGER</b>      | <b>PREMISES</b>       |
|---------------------------------|---------------|-----------|-------------|---------------------|-----------------------|
| 29 Fair Street                  | S             | X         |             | Seth High           | 29 Fair St            |
| American Seasons                | S             | X         | X           | Shelley Ferguson    | 80 Centre St          |
| Arno's Breakfast & Seafood      | S             | X         | X           | Joseph V. Arno      | 41 Main St            |
| B-ACK YARD BBQ                  | S             | X         | X           | Denise Corson       | 20 Straight Wharf     |
| Bartlett's Ocean View Farm, Inc | S             | X         |             | John Bartlett       | 33 Bartlett Farm Rd   |
| Beachside                       | S             |           |             | Karen Keelan        | 30 North Beach Street |
| Boarding House/The Pearl        | S             | X         | X           | Angela Raynor       | 12 Federal St         |
| Brant Pt Grill/White Elephant   | S             | X         | X           | Bettina Landt       | 50 Easton St          |
| BRIX III Inc.                   | S             | X         |             | Klaudia Mally       | 1 A Windy Way         |
| Chanticleer                     | S             | X         | X           | Susan Handy         | 9 New St              |
| Cliffside Beach Club            | S             | X         |             | David C. Silva      | 46 Jefferson Ave      |
| Club Car                        | S             | X         | X           | Joseph Pantorno     | 1 Main St             |
| Company of the Cauldron         | S             | X         |             | Allen Kovalencik    | 5 India St            |
| Cowboys                         | S             | X         |             | Laura Ann McCloskey | 7B Bayberry Ct        |
| CRU                             | S             | X         | X           | Jane Stoddard       | 49 Straight Wharf     |
| Current Vintage                 | S             |           |             | Margaret English    | 4 Easy Street         |
| Epernay                         | S             |           |             | Jennifer Benzie     | 1 North Beach Street  |
| Galley Beach                    | S             | X         | X           | David Silva         | 54 Jefferson Ave      |
| Grey Lady                       | S             | X         | X           | Ryan Chadwick       | 2 Chin's Way          |
| Harpoon Liquors                 | S             | X         |             | Joshua Harde        | 3 Salem Street        |
| Jared Coffin House              | S             | X         | X           | James Storey        | 29 Broad St           |
| Jetties                         | S             | X         | X           | Marshall Thompson   | 4 Bathing Beach Rd    |
| Le Languedoc Inn                | S             | X         |             | Neil Grennan        | 24 Broad St           |
| Lobster Trap                    | S             | X         | X           | Alex Whelden        | 23 Washington St      |
| Lola Burger                     | S             | X         | X           | Timothy Smiles      | 1 Sparks Ave          |
| Meursault                       | S             | X         | X           | William Jed. Dupree | 18 Broad St           |
| Millie's                        | S             | X         | X           | Christopher Cochran | 326 Madaket Rd        |
| Millie's Market                 | S             |           |             | Charles Banks       | 324 Madaket Road      |
| Nantucket Inn                   | S             | X         | X           | Scott Thomas        | 1 Miller's Way        |

**2016 Seasonal Liquor License Renewals  
(Including CV & Entertainment)**

| <b>DBA</b>                     | <b>LIQUOR</b> | <b>CV</b> | <b>ENT.</b> | <b>MANAGER</b>       | <b>PREMISES</b>         |
|--------------------------------|---------------|-----------|-------------|----------------------|-------------------------|
| Nantucket Prime                | S             | X         | X           | Matthew Sullivan     | 29 Broad St             |
| Nantucket Yacht Club           | S             | X         | X           | Peter McEachern      | 1 South Beach St        |
| Oran Mor Bistro                | S             | X         |             | Christopher Freeman  | 2 South Beach St        |
| Proprietors                    | S             | X         | X           | Orla Murphy- LaScola | 9 India St              |
| Sankaty Head Beach Club        | S             | X         | X           | Robert Kuratek       | 18 Hoicks Hollow Rd     |
| Sconset Bookstore              | S             |           |             | Rolf Nelson          | Main St. & Elbow Lane   |
| Ships Inn                      | S             | X         |             | Mark Gottwald        | 13 Fair St              |
| Slip 14                        | S             | X         | X           | Jonas Baker          | 14 Old South Wharf      |
| Station 21                     | S             | X         | X           | Mark Daley           | 21 S. Water St          |
| Straight Wharf Restaurant      | S             | X         | X           | Allyson McConnell    | 6 Harbor Square         |
| Summer House                   | S             | X         | X           | Christopher Karlson  | 17 Ocean Ave/1 Magnolia |
| Summer House Beachside Bistro  | S             | X         | X           | Christopher Karlson  | 16 Ocean Ave            |
| Table No. 1                    | S             | X         | X           | Sarah Powers         | 7 Old South Wharf       |
| Tavern                         | S             | X         | X           | Larry Whelden        | 28 Harbor Square        |
| Vanessa Noel Hotel & Vanne Bar | S             | X         |             | Vanessa Noel Ginley  | 5 Chestnut St           |
| Ventuno Restaurant             | S             | X         | X           | Scott Fraley         | 21 Federal St           |
| Wauwinet                       | S             | X         | X           | Eric Landt           | 120 Wauwinet Rd         |
| Westmoor Club                  | S             | X         | X           | Brent Tartamella     | 10 Westmoor Lane        |
| White Elephant Residences      | S             | X         |             | Bettina Landt        | 19 S. Beach Street      |

**2016 Seasonal Liquor License Renewals  
2015 VIOLATION REPORT**

| <b>DBA</b>                            | <b>Date/Time</b>    | <b>Type of Complaint/Violation</b>                                                                                                                                                                                                                                                                                                   | <b>Result</b>                                                                                                      |
|---------------------------------------|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>29 Fair Street</b>                 | 07/22/15            | 1 Count: Furnishing Alcoholic Beverages to Minors<br>1 Count: Failure to notify Local Licensing Authority of a change of manager                                                                                                                                                                                                     | 3-Day Suspension to be served July 24-26, 2016<br>11-Days held in abeyance for 1-Year starting July 26, 2016       |
| <b>Arno's Breakfast &amp; Seafood</b> | 07/21/15            | 1 Count: Furnishing Alcoholic Beverages to Minors<br>1 Count: No Current Servers Training Certificate<br>4 Years of Violations considered in sanctions ruling                                                                                                                                                                        | 7-Day Suspension to be served July 17-23, 2016<br>7-Days held in abeyance for 2-Years starting July 23, 2016       |
| <b>Boarding House/The Pearl</b>       | 07/23/15; 10:26 pm  | Intoxicated Patron refused to leave                                                                                                                                                                                                                                                                                                  | Patron highly intoxicated and placed in protective custody.                                                        |
|                                       | 08/19/15            | Reported as Last Drink Location for OUI on 8-19-15                                                                                                                                                                                                                                                                                   | Reported by Attorney General's Office                                                                              |
|                                       | 08/21/15            | Clearing Dining Room for a Dance Floor                                                                                                                                                                                                                                                                                               | Verbal Warning by NFD - Dance Floor not allowed per Entertainment License                                          |
|                                       | 09/05/15; 1:13 am   | Noise                                                                                                                                                                                                                                                                                                                                | Music must be shut off by 1:00 am per Ent. License. Manager shut off music and building was cleared.               |
|                                       | 12/06/15; 10:31 pm  | Noise                                                                                                                                                                                                                                                                                                                                | Music within acceptable range and Ent. License Manager agreed to lower volume                                      |
| <b>Cowboys</b>                        | 07/21/15            | 1 Count: Furnishing Alcoholic Beverages to Minors                                                                                                                                                                                                                                                                                    | Written Warning                                                                                                    |
| <b>CRU</b>                            | 08/24/15; 01:12 am  | 2 Noise Complaints after 1:00 am.                                                                                                                                                                                                                                                                                                    | Manager claimed Entertainment License was valid until 1:30 am. Must turn off by 1:00 am. Written Warning.          |
| <b>Grey Lady</b>                      | 8/2/2015; 12:43 am  | Intoxicated Patron                                                                                                                                                                                                                                                                                                                   | Patron sent home with responsible party                                                                            |
|                                       | 08/09/15; 12:22 am  | Under Age Drinking Reported by Patron                                                                                                                                                                                                                                                                                                | Several Intoxicated Patrons removed from bar.<br>One Patron taken into protective custody until am.                |
|                                       | 09/05/15 - 09/07/15 | 3 Counts: Sale or Delivery of an alcoholic beverage to an intoxicated person.<br>4 Counts: Operating in violation of restrictions imposed by another Town Board or Commission (Entertainment and Alcohol Service on Patio after 10:00 pm)<br>2 Counts: No Current Servers Training Certificate (Not a factor in ruling of sanctions) | 2-Day Suspension to be served September 3-4, 2016<br>2-Days held in abeyance for 1-Year starting September 4, 2016 |
| <b>Meursault</b>                      | 07/22/15            | 1 Count: Furnishing Alcoholic Beverages to Minors<br>1 Count: No Current Servers Training Certificate                                                                                                                                                                                                                                | 1-Day Suspension to be served on July 18, 2016                                                                     |
| <b>Sconset Bookstore</b>              | 08/03/15            | 1 Count: Furnishing Alcoholic Beverages to Minors<br>1 Count: No Current Servers Training Certificate                                                                                                                                                                                                                                | 1-Day Suspension held in abeyance for 2-Years from Aug, 1, 2016                                                    |

**2016 Seasonal Liquor License Renewals  
2015 VIOLATION REPORT**

| <b>DBA</b>                             | <b>Date/Time</b>   | <b>Type of Complaint/Violation</b>                                                                    | <b>Result</b>                                         |
|----------------------------------------|--------------------|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| <b>Table No. 1</b>                     | 08/03/15           | 1 Count: Furnishing Alcoholic Beverages to Minors<br>1 Count: No Current Servers Training Certificate | 1-Day Suspension to be served August 1, 2016          |
| <b>Vanessa Noel Hotel &amp; Café V</b> | 07/22/15           | 1 Count: Furnishing Alcoholic Beverages to Minors                                                     | Written Warning                                       |
| <b>Westmoor Club</b>                   | 07/22/15           | 1 Count: Furnishing Alcoholic Beverages to Minors<br>1 Count: No Current Servers Training Certificate | 1-Day Suspension to be served on July 20, 2016        |
| <b>White Elephant/Brant Pt Grill</b>   | 09/20/15; 10:06 pm | Noise                                                                                                 | Function at Hotel ended by 10:30 pm and band had left |

**2016 LICENSE RENEWAL LIST**  
**FOR DEALERS IN OR KEEPERS OF A SHOP FOR THE PURCHASE, SALE AND BARTER**  
**IN**  
**JUNK, OLD METALS AND SECOND HAND ARTICLES**

1. NORTH LIBERTY CONSIGNMENT SHOP (ANNUAL OPERATION)  
31 NORTH LIBERTY STREET  
JEFFREY KASCHULAK, OWNER
  
2. ISLAND TREASURERS (ANNUAL OPERATION)  
17B NORTH BEACH STREET  
KAREN MURPHY, OWNER
  
3. HOSPITAL THRIFT SHOP (SEASONAL OPERATION)  
17 INDIA STREET  
HOSPITAL THRIFT SHOP, INC.

Renewal of licenses for period May 1, 2016 to April 30, 2017, pursuant to MGL Ch. 140, section 203.

1 **Suggested Language Changes: RESIDENTIAL PARKING PERMITS**

2 [BLANK]

3 200.16.1.1 Residential Parking Permit: Where Stopping, Standing or Parking is not otherwise  
4 prohibited within the Residential Parking Permit District, up to two (2) permits shall be issued  
5 to owners of Vehicles who own or rent dwellings which front on streets included in the  
6 Resident Parking Permits District or Core District, provided that a fee of \$50 for applications  
7 submitted between January 1 and May 31 or \$100 for applications submitted between June 1  
8 and December 31 has been paid to the Town; the applicant shows satisfactory proof that he or  
9 she lives on a Public Way in one of the districts during the period between June 1 and  
10 September 30 of the year for which he is seeking a permit by using a tax bill, executed lease  
11 with a term greater than 90 days or other acceptable documentation as proof; and a valid  
12 registration card for the Vehicle to be permitted is shown. Applicants who require additional  
13 permits ~~shall~~ **may** be issued a permit, **upon completion of an application as follows: For**  
14 **additional permits purchased between January 1 and January 31 by a resident of the Town who**  
15 **is shown as a resident of the Town upon the street where such additional permits are**  
16 **requested as determined by the Official Street List maintained by the Nantucket Town Clerk,**  
17 **the fee or any such additional permit shall be \$50.00; for additional permits by persons who do**  
18 **not appear on the Official Street List of the Town, and such additional permits are purchased**  
19 **between January 1 and May 31, the fee for each additional permit shall be \$250.00; for any**  
20 **additional permit purchased between June 1 and December 31, the fee shall be \$500.00 for**  
21 **each permit. [Fee established by the Board of Selectmen March 16, 2016, effective April 1,**  
22 **2016] ~~provided that a fee of \$250 for each additional vehicle for applications submitted~~**  
23 **~~between January 1 and May 31 or \$500 for each additional vehicle for applications submitted~~**  
24 **~~between June 1 and December 31 has been paid to the Town. Vehicles which are owned by a~~**  
25 **~~corporate entity may be issued one (1) Applicants for Residential Parking Permit s may register~~**  
26 **~~one (1) corporate owned vehicle per applicant~~ when the vehicle being registered is owned by a**  
27 **corporate entity rather than the applicant. Corporate vehicle owners are not eligible for any**  
28 **additional parking permits under this section. Denial of permits for corporate vehicles can be**  
29 **appealed to the Board of Selectmen. [Fee established by the Board of Selectmen on December**  
30 **17, 2014, effective January 1, 2015]. Owners of Vehicles who live full-time aboard a vessel**  
31 **moored on a Town licensed mooring shall be eligible for a Residential Parking Permit under this**  
32 **section. Provided that a fee of \$75 has been paid to the Town; the applicant shows satisfactory**  
33 **proof that he or she lives full-time on a vessel that is properly documented by the U.S. Coast**  
34 **Guard or properly registered by the State of Massachusetts and moored on a mooring properly**  
35 **permitted by the Town of Nantucket during the period between June 1 and September 30 of**  
36 **the year for which they are seeking a permit and a valid registration card for the Vehicle to be**  
37 **permitted must be provided. The Signature of the Harbormaster is required to verify proof of**

38 full-time live-aboard status. [Fee established by the Board of Selectmen on October 22, 2014,  
39 effective October 30, 2014]

40 [BLANK]

41 **EFFECTIVE APRIL 1, 2016 THROUGH APRIL 30, 2016: Additional Residential Parking Permits may**  
42 **be purchased by a resident of the Town who is shown as a resident of the Town upon the street**  
43 **where such additional permits are requested as determined by the Official Street List**  
44 **maintained by the Nantucket Town Clerk, the fee for any such additional permit shall be**  
45 **\$50.00. This paragraph beginning with the phrase "EFFECTIVE APRIL 1, 2016 THROUGH APRIL**  
46 **30, 2016" shall be automatically deleted from this regulation on April 30, 2016.**

Nantucket Fire Department  
Project Update

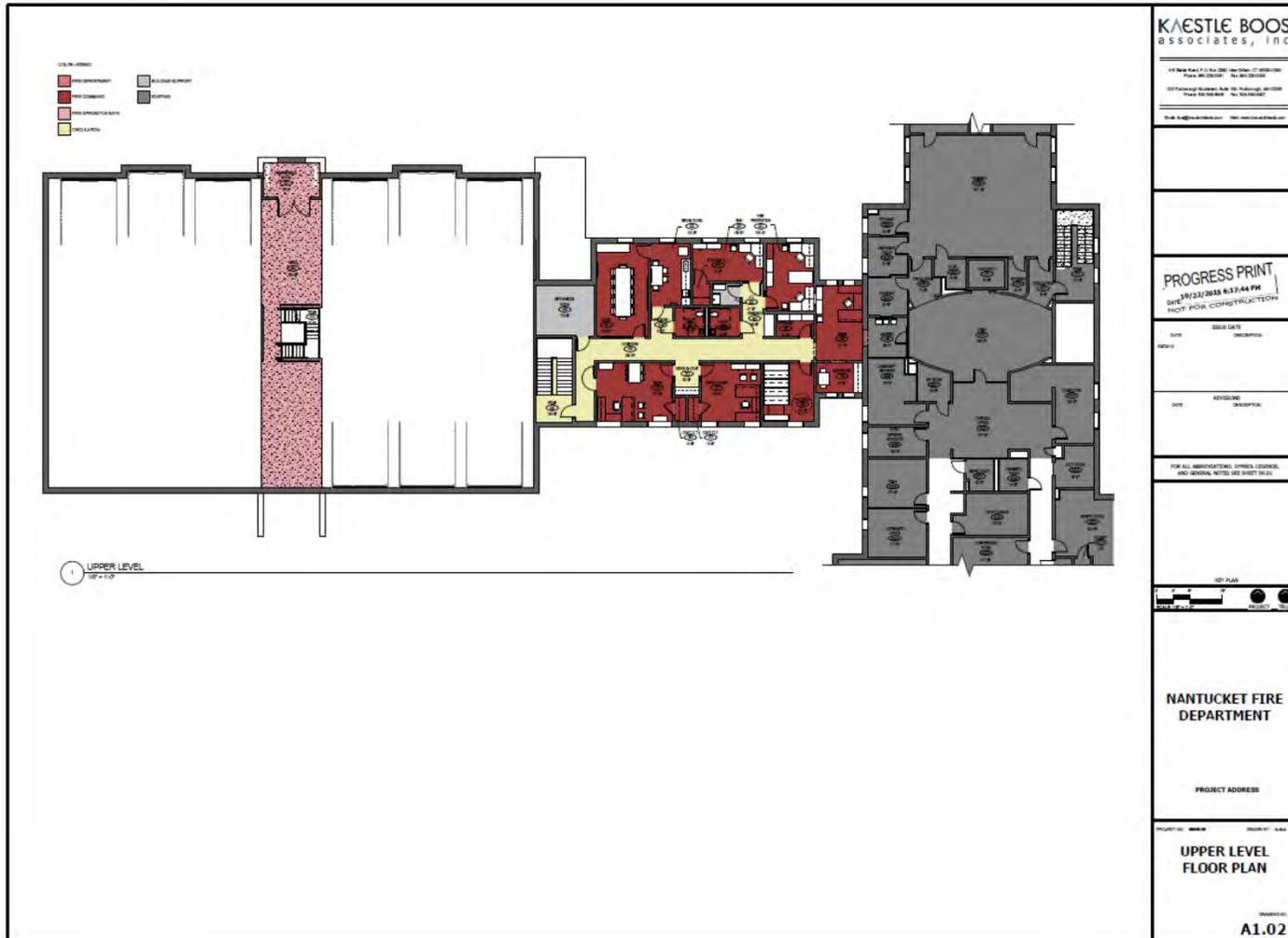
March 16, 2016

# Plan





# Plan



# Update

Recent updates are as follows:

- Schematic Design complete
- Design Development (DD) complete
- DD estimate received
- Drawings submitted to Planning (no comments to date)
- Drawings submitted to HDC for initial conversation
- “Front end” already vetted by Town Counsel

# Update

Prequalification essentially complete:

- Eight (8) General Contractors prequalified
- Approximately fifty (50) subcontractors over twelve (12) different filed sub trades received
- Process will be complete by the end of the week

# Schedule

Remaining milestones are as follows:

- Drawings available April 20, 2016
- Receive Filed Sub Bids May 4, 2016
- Receive GC bids May 18, 2016
- Contract with GC
- Issue a Notice to Proceed May 31, 2016

# Project Budget

| Description                     | Budget Amount       |
|---------------------------------|---------------------|
| <b>Construction Budget</b>      | \$14,433,125        |
| Designer Fees                   | \$976,000           |
| OPM Fees                        | \$458,860           |
| Other Soft Costs (FFE, etc.)    | \$440,140           |
| Soft Cost Contingency (2%)      | \$37,500            |
| Construction Contingency (4.5%) | <u>\$654,375</u>    |
| <b>Total Project Budget</b>     | <b>\$17,000,000</b> |

# DD Estimate Update

| Description                          | Budget Amount        |
|--------------------------------------|----------------------|
| <b>Construction Budget</b>           | <b>\$14,433,125</b>  |
| Less Current Cost Estimate*          | <u>-\$13,250,935</u> |
| Difference                           | \$1,182,190          |
| Alt. 1 - Less Pre Eng. Metal Bldg.** | <u>-\$1,182,190</u>  |
| Difference                           | \$0                  |

*\*Equates to \$592 per sf for 22,386 sf*

*\*\*Scope still under review*