



UPDATE

Original Posting Date: January 5, 2021

Original Posting Time: 2:08 PM

Original Posting Number: T 010

MEETING POSTING

Pursuant to MGL Chapter 30A, § 18-25

All meeting notices and agenda must be filed, and time stamped with the Town Clerk's Office and

Committee/Board/s

PLANNING BOARD

Day, Date, and Time

MONDAY, JANUARY 11, 2021 @ 4:00PM

Location / Address

REMOTE PARTICIPATION VIA ZOOM WEBINAR

**Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law (Attached). Information on viewing the meeting can be found at <http://www.nantucket-ma.gov/138/Boards-Commissions-Committees>*

Signature of Chair or
Authorized Person

MEGAN TRUDEL
LAND-USE SPECIALIST

WARNING:

IF THERE IS NOT A QUORUM OF MEMBERS PRESENT, OR IF MEETING POSTING IS NOT IN COMPLIANCE WITH THE OML STATUTE, NO MEETING MAY BE HELD!

**The Planning Board meeting will be audio and video recorded*

Board Members: Judith Welch Wegner (Chair), John Trudel, III (Vice-Chair), Nat Lowell, "Fritz" McClure, and David Iverson

Alternates: Stephen Welch, Campbell Sutton and David Callahan

Staff: Andrew Vorce (Planning Director), Leslie Snell (Deputy Director of Planning), Meg Trudel (Land Use Planner) and Catherine Ancero (Administrative Specialist)

MINUTES OF 01-11-2021 PLANNING BOARD AGENDA 01-11-2021

(Subject to change)

Please list below the topics the chair reasonably anticipates will be discussed at the meeting

*The complete text, plans, application, or other material relative to each agenda items are available for inspection digitally. Email requests may be sent to mtrudel@nantucket-ma.gov *

Participation in Public Hearings and Public Comment will be available through Zoom Webinar. You must register in advance in order to participate. Use the below link to register for Zoom participation. Contact mtrudel@nantucket-ma.gov with any questions.

ZOOM WEBINAR REGISTRATION LINK:

https://zoom.us/webinar/register/WN_CCOC9posS2K6opKIIYm8mA

To view the meeting only, see link below: YouTube Link:

<https://youtu.be/4vFpvX3jZNE>

I. Call to order:

Chair Wegner called the meeting to order at 4:08PM

Chair Wegner read a prepared statement in accordance with Governor Baker's March 21, 2020 order regarding open meeting law, which outlines how the meeting is conducted via remote participation and states the ground rules for any discussion.

Roll call of those participating:

Board Members:

Fritz McClure *Aye*

Nat Lowell *Aye*

David Iverson *Aye*

Chair Judith Wegner *Aye*

Vice-Chair John Trudel *Aye (arrived at 4:09PM)*

Alternates:

David Callahan *Aye*

Campbell Sutton *Aye*

Stephen Welch *Aye (arrived at 4:09PM)*

Staff:

Catherine Ancero *Aye*

Megan Trudel *Aye*

Leslie Snell *Aye*

Roll call of those participating:

Vincent Murphy

Trevor Johnson

John Brescher

Dan Mulloy

Michael Connolly

Dan Bracken

Paul Santos

Ben Norman

Jay Maroney

Doug Carlson

Tom Garrette

Katy Mitchell

Elaine Mooney

II. Approval of the agenda:

Mr. Lowell moved to approve the revised agenda, the motion was duly seconded by Mr. Iverson and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Fritz McClure *Aye*

Nat Lowell *Aye*

David Iverson *Aye*

Vice-Chair John Trudel *Aye*

Chair Judith Wegner *Aye*

III. Presentation – Arcadis- Coastal Resiliency

Vincent Murphy - Addressed flood plan. Data collection almost completely. Available in Town webpage. Arcadis met with several Town department heads in the last few weeks. Fritz McClure is the Planning Board representative. **Trevor Johnson** – community engagement. Trying to create a baseline of understanding. Overview of the Coastal Resilience plan. Senior Resilience. Received Planning degree. Spent number of years in New York. Primarily on Land Use and Zoning Regulation. **Mr. McClure** – Had the opportunity to hear the input and important to be able to ask questions that they may have and focus ultimately of the Planning Board proposals of the Zoning Bylaw and presumed the outcome of the report considering potential changes to the Zoning Bylaw maybe premature. **Chair Wegner** – Responsibilities of the Harbor Place proposal. **Mr. Lowell** – Joe Pharroll being engage with this conversation. **Mr. Lowell** – concern the time to do stuff. Specific that it allowed. **Mr. Murphy** – No. **Mr. Iverson** – No comments excited to see where it will take us. **Vice-Chair Trudel** – premature Nantucket unique and what the measures it will be taking. What are the realistic goals and where from finding from your research and studies. **Ms. Sutton** – Read presentation in packet. Reinforce Fritz's idea for the Zoning. The amount of growing in the buffer zone. **Mr. Callahan** – Thrilled to see that its island wide causes its crucial. Great presentation and thanks for the time. **Mr. Welch** – Agree island wide solution and partnership. Really good material posted on the Town website. **Mr. Murphy** – gave email address for any questions and input. **Chair Wegner** – Did the survey and found out to be frustrating primary went over things it didn't really get to the point of sensitive areas and regulation area needed. Does the survey focus on what it really is and if not a subsequent survey? Harbor Place inform decisions can be made in advance.

IV. Minutes

- **September 14, 2020, *CONTINUE TO 02-08-2021***
- **October 26, 2020, *CONTINUE TO 02-08-2021***

Mr. Lowell moved to continue to the next meeting. The motion was seconded by Mr. McClure and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Nat Lowell *Aye*

Fritz McClure *Aye*

David Iverson *Aye*

Vice-Chair John Trudel *Aye*

Chair Judith Wegner *Aye*

V. Second Dwellings:

- **PBDW-2021-01-0080 38 Derrymore Road LLC, 38 Derrymore Road (Map 30 Parcel 72)**
- **PBDW-2021-01-0081 38 Prospect LLC, 38 Prospect Street (Map 55.4.4 Parcel 56)**
- **PBDW-2021-01-0082 Paul Caggiano, 59B Polpis Road (Map 54 Parcel 26)**
- **PBWD-2021-01-0083 Nantucket Homes for People Inc., 2 Blueberry Lane (Map 80 Parcel 178)**

Mr. Lowell recused. Vice-Chair Trudel moved to approve file #2021-01-0083 in accordance with the recommendations and conditions outlined in the staff report. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

Vote by Roll Call:

Vice Chair Trudel

Fritz McClure *Aye*

David Iverson *Aye*

Chair Judith Wegner *Aye*

▪ **PBDW-2021-01-0084 Nantucket Homes for People Inc., 4 Blueberry Lane (Map 80 Parcel 178.1)**

Mr. Lowell recused. Vice-Chair Trudel moved to approve file #2021-01-0083 in accordance with the recommendations and conditions outlined in the staff report. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

Vote by Roll Call:

Vice Chair Trudel

Fritz McClure *Aye*

David Iverson *Aye*

Chair Judith Wegner *Aye*

▪ **PBDW-2021-01-0085 James & Amy VanSicklin, 9 Myles Standish Street (Map 87 Parcel 31)**

▪ **PBDW-2021-01-0086 154 Cliff Road Nominee Trust, 154 Cliff Road (Map 41 Parcel 73)**

Voting: Judith Welch Wegner (Chair), Nat Lowell, Fritz McClure and David Iverson

Recused: John Trudel

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: None

Motion/Vote: Vice Chair **Trudel** moved to approve file numbers 2021-01-0080, 2021-01-0081, 2021-01-0082, 2021-01-0085 and 2021-01-0086 in accordance with the recommendations and conditions outlined in the staff report. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

Vote by Roll Call:

Vice Chair Trudel

Nat Lowell *Aye*

David Iverson *Aye*

Fritz McClure *Aye*

Chair Judith Wegner *Aye*

VI. ANR Plans:

▪ **PLSUB-2021-01-00123 Timothy Parsons, 33 Hinsdale Road (Map 68 Parcel 411), *REQUEST TO WITHDRAW WITHOUT PREJUDICE***

Voting: Judith Welch Wegner (Chair), Nat Lowell, Fritz McClure and David Iverson

Recused: John Trudel

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: None

Motion/Vote: Vice Chair Trudel moved to approve the withdrawal without prejudice. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

Vote by Roll Call:

Vice Chair Trudel

Nat Lowell *Aye*

David Iverson *Aye*

Fritz McClure *Aye*

Chair Judith Wegner *Aye*

- **PLSUB-2021-01-00120 Kitty Glantz, 7 Sherburne Turnpike (Map 30 Parcel 112)**
- **PLSUB-2021-01-00121 John Fones, Mary L. Weber & Nancy Dearing, 126 Somerset Road (Map 66 Parcel 151)**
- **PLSUB-2021-01-00122 Norris Building Co. Inc., 14 Lowell Place (Map 41 Parcel 164)**
- **PLSUB-2021-01-00124 Michael M. Metz, Clare T. Casademont, Iam Ventures, LLC 9 & 10 Auriga (Map 87 Parcels 113.1 & 150)**
- **PLSUB-2021-01-00125 Julie Hughes, Trustee of Edna Nominee Trust, 5B Bunker Hill Road (Map 73.4.2 Parcel 33.2)**

Voting: Judith Welch Wegner (Chair), Nat Lowell, Fritz McClure and David Iverson

Recused: John Trudel

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: None

Motion/Vote: Vice Chair Trudel moved to approve file numbers 2021-01-00120, 2021-01-00121, 2021-01-00122, 2021-01-00124, and 2021-01-00125 in accordance with the recommendations and conditions outlined in the staff report. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

Vote by Roll Call:

Vice Chair Trudel

Nat Lowell *Aye*

Fritz McClure *Aye*

David Iverson *Aye*

Chair Judith Wegner *Aye*

VII. Previous Plans:

- **#19-19 Bradbury Holdings, LLC, 10.5 Cherry Street (Map 55 Parcel 383), *Request for minor modification***

Voting: Judith Welch Wegner (Chair), Nat Lowell, Fritz McClure and David Iverson

Recused: John Trudel

Documentation: File with associated plans, photos and required documentation

Representing: Attorney John Brescher

Discussion: None

Motion/Vote: Vice Chair Trudel moved to approve that it requires no public hearing. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor. Vice-Chair Trudel moved to approve the minor modification. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

Vote by Roll Call:

Vice Chair Trudel

Nat Lowell *Aye*

Fritz McClure *Aye*

David Iverson *Aye*

Chair Judith Wegner *Aye*

VIII. Public Hearings:

- **PLSP-2020-08-0066 Grey Lady Marine (MCD Amendment #2), 13 Arrowhead Drive, *action deadline 12-13-2020, REQUEST TO WITHDRAWAL***

Mr. Lowell moved to accept the withdrawal without prejudice. The motion was duly seconded by Vice-Chair Trudel and voted 5-0 in favor.

Vote by Roll Call:

Nat Lowell *Aye*

Vice Chair Trudel *Aye*

Fritz McClure *Aye*

David Iverson *Aye*

Chair Judith Wegner *Aye*

- **PLSP-2020-11-0094 Nantucket Boys and Girls Club, 69 Sparks Avenue, *action deadline 03-14-2021*, *CONTINUE TO 02-08-2021***

Mr. Iverson moved to continue to the February 8th meeting. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

Vote by Roll Call:

David Iverson *Aye*

Fritz McClure *Aye*

Nat Lowell *Aye*

Vice Chair Trudel *Aye*

Chair Judith Wegner *Aye*

- **PLSP-2020-11-0092 2 Mayflower Circle LLC, 2 Mayflower Circle, *action deadline 03-14-2021*, *CONTINUE TO 02-08-2021***

Mr. Iverson moved to continue to the February 8th meeting. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

Vote by Roll Call:

David Iverson *Aye*

Fritz McClure *Aye*

Nat Lowell *Aye*

Vice Chair Trudel *Aye*

Chair Judith Wegner *Aye*

- **PLSP-2020-10-0089 & PLSP-2020-10-0090 10 Cliff Road LLC, 10A & 10B Cliff Road, *action deadline 02-21-2021*, *CONTINUE TO 02-08-2021***

Mr. Lowell moved to continue to the February 8th meeting. The motion was duly seconded by Vice-Chair Trudel and the Board voted 5-0 in favor.

Vote by Roll Call:

Nat Lowell *Aye*

Fritz McClure *Aye*

Vice Chair Trudel *Aye*

David Iverson *Aye*

Chair Judith Wegner *Aye*

- **PLSP-2020-12-0095 Elena & Veselin Nikolova, 5 Bailey Road, *action deadline 04-11-2021*, *CONTINUE TO 02-08-2021***

Mr. Lowell moved to continue to the February 8th meeting. The motion was duly seconded by Vice-Chair Trudel and the Board voted 5-0 in favor.

Vote by Roll Call:

Nat Lowell *Aye*

Fritz McClure *Aye*

Vice Chair Trudel *Aye*

David Iverson *Aye*

Chair Judith Wegner *Aye*

- **PLSP-2020-12-0097 John G. Wofford, Trustee, 20 Madequecham Valley Road, *action deadline 04-11-2021***

Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell, Frederick McClure and David Iverson

Alternates: Campbell Sutton, Stephen Welch and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Attorney Jay Maroney

Discussion: Mrs. Trudel provided the Board with an overview of the application. Attorney Maroney elaborated more as to why his client is requesting for the proposal. Chair Wegner opened the floor to the public. Emily Molden from the Nantucket Land Council stated that she understands the owners' proposal she asked the board to consider with this type of situation to address these coastal properties. The Board discussed whether to allow the additional floor area since the space is currently unfinished. The Applicant stated that he wishes to move forward with the request and that it will provide housing to a year-round resident. Attorney Maroney stated that they are not trying to get around zoning just trying to get the 3% allowed ground cover, change the ratio between the two structures and the HDC will still need to approve the scale issues. Chair Wegner the accommodating between the two buildings. Mrs. Trudel stated correct. Mr. McClure stated that there are two dwellings one closer to the water which is the primary dwelling and at end of driveway a second dwelling. Propose to demolish second dwelling and build larger building where second dwelling. Mrs. Trudel stated that they are relocating and when they relocate would like to build an addition. Mr. McClure stated that he shares Ms. Molden's concern. Mr. Iverson questioned limited of bedrooms by the size of the septic system. Ms. Sutton stated that she appreciates that they are moving the structure away from the bluff and the reuse of the existing building. Concern with large equipment on large property it adds the instability of the land in that area to try to use smaller equipment would be beneficial for future erosion.

Motion/Vote: Mr. Lowell moved to close the public hearing. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

Vote by Roll Call:

Nat Lowell *Aye*

Fritz McClure *Aye*

Vice Chair Trudel

David Iverson *Aye*

Chair Judith Wegner *Aye*

Motion/Vote: Mr. Lowell moved to approve with per staff. The motion was duly seconded by Vice Chair Trudel and the Board voted 5-0 in favor.

Vote by Roll Call:

Nat Lowell *Aye*

Vice Chair Trudel

Fritz McClure *Aye*

David Iverson *Aye*

Chair Judith Wegner *Aye*

- **PLSP-2020-12-0100 & PLSUB-2020-12-00119 Mark Dawson, Trustee, Fog Nominee Trust, 17 Milestone Crossing, *action deadline 04-11-2021***

Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell, Frederick McClure and David Iverson

Alternates: Campbell Sutton, Stephen Welch and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: None

Discussion: Mrs. Trudel provided the Board with an overview of the application. Chair Wegner opened the floor to the public. Emily Molden from Nantucket Land Council questioned that some lots restricted from not having second dwellings. The market rate lot may go before the Board. Vice Chair Trudel stated that can only adhere the tertiary size. Mr. Lowell questioned allow tertiary dwelling if second dwelling restricted. Mrs. Snell stated that by removing the prohibition it will be allowed. Ms. Sutton stated that the any improvements on primary lot or market rate lot.

Motion/Vote: Mr. Lowell moved to close the public hearing. The motion was duly seconded by Vice Chair Trudel and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Nat Lowell *Aye*

Vice-Chair John Trudel *Aye*

David Iverson *Aye*

Fritz McClure *Aye*

Chair Judith Wegner *Aye*

Motion/Vote: Vice Chair Trudel moved to amend the subdivision and the grading of Hinsdale road with the findings in the findings and the recommended conditions for the AR subdivision amendments. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Vice-Chair John Trudel *Aye*

Nat Lowell *Aye*

Fritz McClure *Aye*

David Iverson *Aye*

Chair Judith Wegner *Aye*

Motion/Vote: Vice Chair Trudel moved to approve the secondary lots with the findings and amended to not allow a tertiary dwelling and secondary dwelling. amend the subdivision and the grading of Hinsdale road. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Vice-Chair John Trudel *Aye*

Nat Lowell *Aye*

Fritz McClure *Aye*

David Iverson *Aye*

Chair Judith Wegner *Aye*

▪ **PLSP-2020-12-0098 5 Luff Road LLC, 5 Luff Road, *action deadline 04-11-2021***

Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell, Frederick McClure and David Iverson

Alternates: Campbell Sutton, Stephen Welch and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Jason Zinser, Applicant

Discussion: Mrs. Trudel motion to continue to Feb 8th.

Motion/Vote: Mr. Trudel moved to close the public hearing. The motion was duly seconded by Mr. Fritz. e and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Vice-Chair John Trudel *Aye*

Fritz McClure *Aye*

Nat Lowell *Aye*

David Iverson *Aye*

Chair Judith Wegner *Aye*

Motion/Vote: Mr. Trudel moved to deny the Special Permit request for an increase in gross floor area but to approve a tertiary dwelling with all conditions as defined in the Bylaw. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Nat Lowell *Aye*

David Iverson *Aye*

Vice-Chair John Trudel *Aye*

Fritz McClure *Aye*

Chair Judith Wegner *Aye*

▪ **PLSP-2020-12-0099 8SPR, LLC, 8 Sheep Pond Road, *action deadline 04-11-2021***

Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell, Frederick McClure and David Iverson

Alternates: Campbell Sutton, Stephen Welch and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Don Bracken, Surveyor

Discussion: Mr. Bracken provided the Board with an overview of the application. Chair Wegner opened the floor to the public. Ms. Sutton questioned why the guest house use the northside to access the gravel area. The Board discussed whether to allow the additional floor area since the space is currently unfinished. The Applicant stated that he wishes to move forward with the request and that it will provide housing to a year-round resident.

Motion/Vote: Mr. Lowell moved to close the public hearing. The motion was duly seconded by Vice Chair Trudel and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Nat Lowell *Aye*

Vice-Chair John Trudel *Aye*

David Iverson *Aye*

Fritz McClure *Aye*

Chair Judith Wegner *Aye*

Motion/Vote: Mr. Lowell moved to approve per the following findings and recommendations with conditions stated in the staff report. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Nat Lowell *Aye*

Vice-Chair John Trudel *Aye*

David Iverson *Aye*

Fritz McClure *Aye*

Chair Judith Wegner *Aye*

▪ **PLSP-2020-12-0096 Adam Kessler, 11 Meadow Lane, action deadline 04-11-2021**

Voting: Judith Welch Wegner (Chair), John Trudel (Vice-Chair), Nat Lowell, Frederick McClure and David Iverson

Alternates: Campbell Sutton, Stephen Welch and David Callahan

Recused: None

Documentation: File with associated plans, photos and required documentation

Representing: Katie Mitchell

Discussion: Mrs. Trudel provided the Board with an overview of the application. Chair Wegner opened the floor to the public. Elaine Mooney at 10 Meadow Lane stated that she was denied for a second curb cut and is opposed and an unfortunate precedent. Jay Maroney representing an abutter stated that he would ask the board to allow second curb restriction in the summer months. Andrew Lowell expressed concern. Brief discussion as to correct property address therefore not properly notice. Mr. McClure stated that clarifying which lot and same concern with Vice Chair Trudel. Have a concern with a second curb cut. Mr. Iverson – Issue where curb cut location will be. Mr. Lowell issue of curb cut backing out into the street. Chair Wegner stated that there is a strong sense that this application will be denied or say that there is some clause in the notice. Mrs. Snell no flaw from preventing you to acting on it.

Motion/Vote: Mr. Trudel moved to close the public hearing. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Nat Lowell *Aye*

David Iverson *Aye*

Vice-Chair John Trudel *Aye*

Fritz McClure *Aye*

Chair Judith Wegner *Aye*

Motion/Vote: Mr. Trudel moved to deny the Special Permit request for an increase in gross floor area but to approve a tertiary dwelling with all conditions as defined in the Bylaw. The motion was duly seconded by Mr. McClure and the Board voted 5-0 in favor.

Vote Taken by Roll Call:

Nat Lowell *Aye*

David Iverson *Aye*

Vice-Chair John Trudel *Aye*

Fritz McClure *Aye*

Chair Judith Wegner *Aye*

IX. Public Comment:

X. Other Business:

- Harbor Place Discussion, **CONTINUE TBD**
- ATM public hearing previously scheduled for January 14, 2021 is **CANCELLED**
- Next regular Planning Board meeting, Monday, February 8, 2021 at 4pm via Zoom/YouTube
- ATM public hearing scheduled for Thursday, February 4, 2020 at 4pm via Zoom

XI. Adjournment:

Vice Chair Trudel moved to adjourn the meeting at 7:00pm. The motion was duly seconded by Mr. Lowell and the Board voted 5-0 in favor.



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYNE E. POLITO
LIEUTENANT GOVERNOR

**ORDER SUSPENDING CERTAIN PROVISIONS
OF THE OPEN MEETING LAW, G. L. c. 30A, § 20**

WHEREAS, on March 10, 2020, I, Charles D. Baker, Governor of the Commonwealth of Massachusetts, acting pursuant to the powers provided by Chapter 639 of the Acts of 1950 and Section 2A of Chapter 17 of the General Laws, declared that there now exists in the Commonwealth of Massachusetts a state of emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19"); and

WHEREAS, many important functions of State and Local Government are executed by "public bodies," as that term is defined in G. L. c. 30A, § 18, in meetings that are open to the public, consistent with the requirements of law and sound public policy and in order to ensure active public engagement with, contribution to, and oversight of the functions of government; and

WHEREAS, both the Federal Centers for Disease Control and Prevention ("CDC") and the Massachusetts Department of Public Health ("DPH") have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19. Additionally, the CDC and DPH have advised high-risk individuals, including people over the age of 60, anyone with underlying health conditions or a weakened immune system, and pregnant women, to avoid large gatherings.

WHEREAS, sections 7, 8, and 8A of Chapter 639 of the Acts of 1950 authorize the Governor, during the effective period of a declared emergency, to exercise authority over public assemblages as necessary to protect the health and safety of persons; and

WHEREAS, low-cost telephone, social media, and other internet-based technologies are currently available that will permit the convening of a public body through virtual means and allow real-time public access to the activities of the public body; and

WHEREAS section 20 of chapter 30A and implementing regulations issued by the Attorney General currently authorize remote participation by members of a public body, subject to certain limitations;

NOW THEREFORE, I hereby order the following:

(1) A public body, as defined in section 18 of chapter 30A of the General Laws, is hereby relieved from the requirement of section 20 of chapter 30A that it conduct its meetings in a public place that is open and physically accessible to the public, provided that the public body makes provision to ensure public access to the deliberations of the public body for interested members of the public through adequate, alternative means.

Adequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body. Such means may include, without limitation, providing public access through telephone, internet, or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the public body while those activities are occurring. Where allowance for active, real-time participation by members of the public is a specific requirement of a general or special law or regulation, or a local ordinance or by-law, pursuant to which the proceeding is conducted, any alternative means of public access must provide for such participation.

A municipal public body that for reasons of economic hardship and despite best efforts is unable to provide alternative means of public access that will enable the public to follow the proceedings of the municipal public body as those activities are occurring in real time may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable upon conclusion of the proceedings. This paragraph shall not apply to proceedings that are conducted pursuant to a general or special law or regulation, or a local ordinance or by-law, that requires allowance for active participation by members of the public.

A public body must offer its selected alternative means of access to its proceedings without subscription, toll, or similar charge to the public.

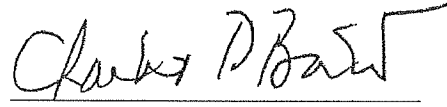
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby suspended.

(3) A public body that elects to conduct its proceedings under the relief provided in sections (1) or (2) above shall ensure that any party entitled or required to appear before it shall be able to do so through remote means, as if the party were a member of the public body and participating remotely as provided in section (2).

(4) All other provisions of sections 18 to 25 of chapter 30A and the Attorney General's implementing regulations shall otherwise remain unchanged and fully applicable to the activities of public bodies.

This Order is effective immediately and shall remain in effect until rescinded or until the State of Emergency is terminated, whichever happens first.

Given in Boston at { *'f* *M* } this 12th day of
March, two thousand and twenty.

A handwritten signature in cursive script, reading "Charles D. Baker", written over a horizontal line.

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts