



Nantucket Planning Board

MINUTES NANTUCKET PLANNING BOARD WEDNESDAY, FEBRUARY 17, 2021 @ 1:00PM REMOTE PARTICIPATION VIA ZOOM & YOUTUBE

I. Call to order:

Chair Wegner called the meeting to order at 1:03PM

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*

David Iverson *Aye*

Chair Judith Wegner *Aye*

Vice-Chair John Trudel *Aye*

Alternates:

Campbell Sutton (*arrived at 1:09PM*)

Stephen Welch (*arrived at 1:05PM*)

Staff:

Megan Trudel *Aye*

Leslie Snell *Aye*

Public:

John Bartlett

Linda Williams

Brian Ryder

Emily Molden

II. Approval of the agenda:

John Trudel moved to approve the agenda. The motion was duly seconded by Fritz McClure, and the Board voted 4-0 in favor.

Vote by Roll Call:

Vice Chair Trudel *Aye*

David Iverson *Aye*

Fritz McClure *Aye*

Chair Judith Wegner *Aye*

III. Public Hearings:

WARRANT ARTICLES FOR 2021 ATM

❖ Zoning Articles Proposed by Citizen Petition:

- **Zoning Map amendment to place portions of properties on Bartlett Farm Road currently located in the Residential Commercial-2 (RC-2) district to the Commercial Neighborhood (CN) district, portions of properties on Bartlett Farm Road currently located Limited Use General-2 (LUG-2) to the Commercial Neighborhood (CN) district, and placing a property located on Bartlett Farm Road currently located in the Residential Commercial-2 (RC-2) to the Limited Use General-2 (LUG-2) district;**

The Board discussed with the proponent and staff what the future development potential for this area would be should the article be approved. Mrs. Snell stated that it is estimated that the proposal will result in a net loss of five (5) lots. It was additionally discussed that the rezoning of the RC-2 lots aligns with the goals in the Master Plan and that the lots gained by rezoning the LUG-2 lots will be offset by the lots lost rezoning the RC-2 lots.

Fritz McClure moved to close the public hearing. The motion was duly seconded by John Trudel and the Board voted 4-0 in favor.

Vote by Roll Call:

Vice Chair Trudel *Aye*

David Iverson *Aye*

Fritz McClure *Aye*

Chair Judith Wegner *Aye*

Fritz McClure moved to give the article a positive recommendation. The motion was duly seconded by John Trudel and the Board voted 4-0 in favor.

Vote by Roll Call:

Vice Chair Trudel *Aye*

David Iverson *Aye*

Fritz McClure *Aye*

Chair Judith Wegner *Aye*

- **Zoning Map amendment to place property at 18 Evergreen Way currently located in the Limited Use General 1 (LUG-1) district in the Residential 40 (R-40) district;**

Dave Iverson moved to close the public hearing. The motion was duly seconded by John Trudel and the Board voted 4-0 in favor.

The Board further discussed with staff the location of the sewer line. Dave Iverson suggested that the other properties in this area will likely move from LUG-1 to R-40 in the future.

Dave Iverson moved to give the article a positive recommendation. The motion was duly seconded by John Trudel and the Board voted in favor 3-1.

Vote by Roll Call:

Vice Chair Trudel *Aye*
David Iverson *Aye*
Fritz McClure *Aye*
Chair Judith Wegner *Nay*

- **Zoning Map amendment to place properties at 8 &10 Chatham Road currently located in the Limited Use General 1 (LUG-1) district to the Residential 20 (R-20) district, and to remove the properties from the Country Overlay district and place them into the Town Overlay district;**

The Board discussed with staff, the proponent, and the proponent's representation the potential Linda Williams provided the Board with historical overview of the zoning changes in the area. She mentioned that surrounding lots are undersized preexisting non-conforming, additionally, there is now Town sewer and water available. Emily Molden spoke against the article through the public comment. The Applicant has volunteered to place a restriction to limit the subdivision potential on 8 Chatham Rd from to two (2) lots.

John Trudel moved to close the public hearing. The motion was duly seconded by Dave Iverson and the Board voted 4-0 in favor.

John Trudel moved to provide a positive recommendation noting that the proponent has voluntarily agreed to place a deed restriction on the property limiting the subdivision to two (2) lots.

Vote by Roll Call:

Vice Chair Trudel *Aye*
David Iverson *Aye*
Fritz McClure *Aye*
Chair Judith Wegner *Aye*

- **Zoning Map amendment to place properties at 2 Mayflower Circle and 32 Evergreen Way currently located in the Residential 20 (R-20) district to the Residential 5 (R-5) district.**

John Trudel recused.

The proponent's representation, Linda Williams, provided the Board with an overview of the request. She confirmed that the properties in question are serviced by Town water and sewer and that the proponent would voluntarily place deed restrictions on the properties to limit the future subdivision potential to two (2) lots.

Dave Iverson moved to close the public hearing. The motion was duly seconded by Fritz McClure and the Board voted 3-0 in favor.

Dave Iverson expressed concern about rezoning these properties and how that could potentially impact requests for zoning changes in this neighborhood in the future.

Dave Iverson moved to give the article a negative recommendation. The motion was duly seconded by Fritz McClure, and the Board voted 3-0 in favor.

Vote by Roll Call:

David Iverson *Aye*
Fritz McClure *Aye*
Chair Judith Wegner *Aye*

IV. Planning Board Comments

The Board discussed reviewing the comments for warrant articles in detail at the March 8, 2021 meeting.

V. Public Comment:

Emily Molden made a suggestion to provide more information in the Warrant for the general public on the implications of the proposed zoning changes both by the Planning Board and for Citizen Articles.

VI. Other Business:

- **Next regular Planning Board meeting Monday, March 8, 2021 at 4pm via Zoom/YouTube**

XI. Adjournment:

Fritz McClure moved to adjourn the meeting. The motion was duly seconded by Dave Iverson, and the Board voted 4-0 in favor.

Vote by Roll Call:

Vice Chair Trudel *Aye*
David Iverson *Aye*
Fritz McClure *Aye*
Chair Judith Wegner *Aye*

The February 17, 2021 Planning Board meeting was adjourned at 2:47pm.



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CHARLES D. BAKER
GOVERNOR

KARYN 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.

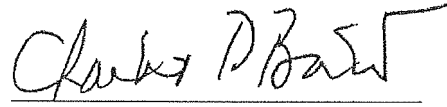
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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