



MEETING POSTING

TOWN OF NANTUCKET

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 posted at least 48 hours prior to the meeting (excluding Saturdays, Sundays and Holidays)

RECEIVED

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NANTUCKET TOWN CLERK
Posting Number:T 019

Committee/Board/s	Zoning Board of Appeals
Day, Date, and Time	Thursday, January 14, 2021, at 1:00 PM
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 https://www.nantucket-ma.gov/138/Boards-Commissions-Committees
Signature of Chair or Authorized Person	Eleanor W. Antonietti, Zoning Administrator

WARNING: IF THERE IS NOT A QUORUM OF MEMBERS OR IF THE MEETING POSTING IS NOT IN COMPLIANCE WITH THE OPEN MEETING LAW, NO DELIBERATIONS MAY TAKE PLACE BUT THE MEMBERS MAY APPEAR AND ANNOUNCE A NEW SCHEDULE.

AGENDA FOR 01-14-2021

(Subject to change)

The meeting will be recorded and archived at www.nantucket-ma.gov

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

ZOOM WEBINAR REGISTRATION LINK:

https://zoom.us/webinar/register/WN_P-tIvYCuTweg7gHIVTrtvw

To view the LIVE broadcast of the meeting, see YouTube Link at https://youtu.be/Ujmt_d_t56uw

BELOW ARE THE TOPICS THE CHAIR REASONABLY ANTICIPATES WILL BE DISCUSSED AT THE MEETING.

- I. CALL TO ORDER:
- II. APPROVAL OF THE AGENDA:

III. APPROVAL OF THE MINUTES:

- December 10, 2020

IV. OLD BUSINESS (CONTINUED PUBLIC HEARINGS AND VOTES MAY TAKEN)

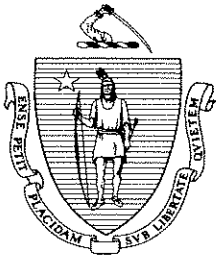
- 051-03 David S. Gesner & Julie A. Gesner 6 Fox Grape Lane Beaudette
Action Deadline January 14, 2021 *to determine and notify Applicant if requested modification is deemed substantial or insubstantial*
The Applicant seeks to ratify a previous determination that a proposed modification to the Comprehensive Permit, as amended, and the plans approved therewith, may be considered insubstantial pursuant to 760 CMR 56.05 (11)(a)(b), and as such, may be authorized and ratified by the Zoning Board of Appeals. Specifically, applicants seek to confirm that the bedroom count upon Lot 8 is three and the bedroom count upon Lot 9 is four. Furthermore, and to the extent necessary, Applicant requests the assent of the Zoning Board of Appeals to amend the Declaration of Restrictions and Easements, so as to effectuate and memorialize the foregoing request. The Locus is situated in the Beach Plum Village 40B, is known as 6 Fox Grape Lane, is shown on Assessor's Map 67 as Parcel 808, and as Lot 9 upon Plan No 2006-61. Evidence of owner's title is recorded in Book 1611, Page 116 on file at the Nantucket Registry of Deeds. The site is located in the Limited Use General Two (LUG-2) zone.
- 11-20 Peter J. Mackay & Alison Mackay and David P. Mackay & Anne M. Phaneuf, Tr.,
Mackay/Phaneuf Family Trust 21 & 25 Monohansett Road Alger
Action Deadline May 13, 2021 **CONTINUED TO MAY 13, 2021**

V. NEW BUSINESS (INITIAL PUBLIC HEARINGS AND VOTES MAY BE TAKEN):

- 01-21 Michael Metz 16 Western Av. Reade
Action Deadline April 14, 2021
Applicant seeks relief by Special Permit pursuant to Zoning By-law Sections 139-30.A and 139-33.A to alter, replace, and vertically extend a pre-existing nonconforming dwelling and accessory garage structure. Applicant proposes to relocate the detached garage to be attached to the house, thus decreasing the existing front yard encroachment. Further alterations are proposed to the dwelling. The structures are currently sited within the front and side yard lot lines. The altered structures would maintain encroachments, but would not get closer to the lot lines than the existing structures or otherwise increase the nonconformities. The Locus is split between the R-20 and the LUG-2 zoning districts. The lot has a limited available building envelop due to shape, zoning setbacks, soil conditions, wetlands with associate buffer zones, and split zoning. The Locus is situated at 16 Western Avenue, is shown on Assessor's Map 87 as Parcel 72, and as Lot 3 upon Land Court Plan 8256-C. Evidence of owner's title is registered on Certificate of Title No. 22820 at the Nantucket County District of the Land Court. The site is zoned Residential 20 (R-20) and Limited Use General 2 (LUG-2).

VI. OTHER (VOTES MAY BE TAKEN)

VII. ADJOURNMENT (VOTE WILL BE TAKEN)



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
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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.

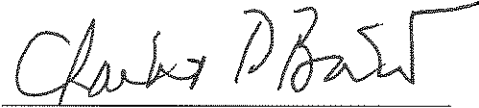
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby 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 6:40 PM this 12th day of
March, two thousand and twenty.

A handwritten signature in dark ink, appearing to read "Charles D. Baker". The signature is written in a cursive style with a large, sweeping "C" and a distinct "B".

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts