



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)

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NANTUCKET TOWN CLERK
Posting Number: T 211

Committee/Board/s	Zoning Board of Appeals
Day, Date, and Time	Thursday, March 11, 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 03-11-2021

(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_HGH01O-zSneS0kS0ahzi6g

To view the LIVE broadcast of the meeting, see YouTube Link at https://youtu.be/3YN_E5ZATn8

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:

- February 11, 2021

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

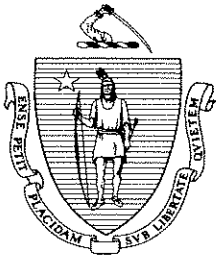
- 11-20 Peter J. Mackay & Alison Mackay and David P. Mackay & Anne M. Phaneuf, Tr.,
Mackay/Phaneuf Family Trust 21 & 25 Monohansett Road Alger
Action Deadline May 13, 2021 **CONTINUED TO MAY 13, 2021**

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

- 04-21 Anton J. Mello, Tr., Mello Realty Trust 20 Miacomet Road Waickowski
Action Deadline June 9, 2021
Applicant seeks relief by Special Permit pursuant to Zoning By-law Section 139-16.C(2) to validate an unintentional setback intrusion. The subject barn structure was sited and built based on measurements taken from a reasonably licensed survey after 1990 and is not greater than 5 feet into the required rear yard setback and is not closer than 4 feet from the rear yard lot line. In a district where minimum rear yard setback is 15 feet, the barn is as close as 11.7 feet from the rear yard lot line. The Locus is situated at 20 Miacomet Road, is shown on Assessor's Map 67 as Parcel 336.2, and as Lot 4 on Plan Book 23, Page 81. Evidence of owner's title to is recorded in Book 1446, Page 283 on file at the Nantucket County Registry of Deeds. The site is zoned Limited Use General Two (LUG-2).
- 05-21 Richard P. Beaudette, Tr., Westwind Nom. Tr. 8 Isobel's Way Beaudette
Action Deadline June 9, 2021
Applicant is requesting Modification of prior relief by Special Permit granted in File No. 55-04 pursuant to Zoning By-law Section 139-16.C(2) in order to validate the siting of the subject garage structure 34.27 feet from the front yard lot line where minimum front yard setback is 35 feet. Specifically, the applicant proposes to change the use of the garage to a studio. There will be no change in footprint or ground cover as a result of the change of use. The Locus is situated at 8 Isobel's Way, is shown on Assessor's Map 49 as Parcel 13, and as Lot 2 on Plan File 12-F. Evidence of title is recorded in Book 1740, Page 284 on file at the Nantucket County Registry of Deeds. The site is zoned Limited Use General Three (LUG-3).

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.

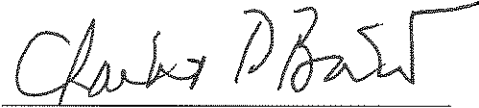
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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