



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 310

Committee/Board/s	Zoning Board of Appeals
Day, Date, and Time	Thursday, April 8, 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	Leslie Woodson Snell, Deputy Director of Planning

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 04-08-2021

(**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_dtObGfHZTp-rRnc8GBu2Sw

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

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

I. CALL TO ORDER:

II. APPROVAL OF THE AGENDA:

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

JAYNE C. DEBIASIO & BRIAN F. DEBIASIO, FILE NO. 06-21 (Action Deadline 07-05-21)

Applicants are seeking to further modify prior relief by Special Permit (Decision File No. 030-11 as modified by File No. 25-19). The 2011 decision permitted a reduction of the sideline setback from 10 feet to 5 feet in order to construct a garage/studio within the northerly side yard setback and was subject to certain conditions. Specifically, Applicants request elimination of condition ‘a.’ that the “studio shall not be for human habitation”. Applicants have obtained Planning Board approval to convert the structure into a secondary dwelling. Locus is situated at 39 Meadow View Drive, shown on Assessor’s Map 56 as Parcel 133, and as Lot 50 upon Land Court Plan 14830-O. Evidence of owner’s title is registered on Certificate of Title No. 23121 with the Nantucket County District of the Land Court. The site is zoned Residential Twenty (R-20).

WILLIAM S. COWZER AND AISLING L. COWZER, FILE NO. 07-21 (Action Deadline 07-05-21)

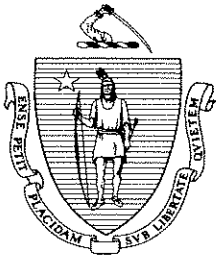
Applicants are requesting Modification of a previously issued Special Permit in the Decision in ZBA File No. 106-93 granted pursuant to Zoning By-law Section 139-16.C(1) in order to reduce the required southwesterly side yard setback from 10 feet to 6.6 feet to validate the siting of an existing bulkhead. A Modification was granted in the Decision in ZBA File No. 16-14 to construct an exterior “walk-down” set of stairs in place of the bulkhead, reducing the setback to 5.4 feet at its closest point. However, as the Special Permit was never exercised within the statutorily required 3-year time period, relief has arguably expired. Applicants are now seeking the same relief in the form of a Modification of the Decision in File No. 106-93 for the same project. The Locus is situated at 32 Equator Drive, is shown on Assessor’s Map 56 as Parcel 340, and as Lot 80 upon Land Court Plan 35397-G. Evidence of owner’s title is registered on Certificate of Title No. 23394 with the Nantucket County District of the Land Court. The site is zoned Residential 20 (R-20).

EBWC, LLC, FILE NO. 08-21 (Action Deadline 07-05-21)

Applicant is requesting relief by Special Permit pursuant to Zoning By-law Section 139-33.A to allow for the extension, alteration, and change of a dwelling which is pre-existing nonconforming as to height. In the alternative and to the extent necessary, Applicant requests relief by Variance pursuant to Section 139-32. Specifically, Applicant proposes to construct an addition to the dwelling with a ridge height extending from the pre-existing nonconforming ridge height. As a result of the project as proposed, the height nonconformity will decrease slightly. The Locus is situated at 4 Lincoln Avenue, is shown on Assessor’s Map 30 as Parcel 151, as Lot 1 upon Land Court Plan 33167-B. Evidence of owner’s title is registered on Certificate of Title No. 27906 with the Nantucket County District of the Land Court. The site is zoned Residential One (R-1).

IV. OTHER (VOTES MAY BE TAKEN)

V. ADJOURNMENT (VOTE WILL BE TAKEN)



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

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.

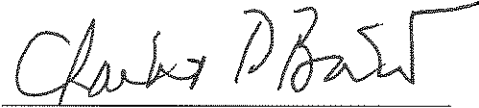
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts