



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

2021 JUN 04 AM 10:03
NANTUCKET TOWN CLERK
Posting Number: T 559

Committee/Board/s	Zoning Board of Appeals
Day, Date, and Time	Thursday, June 10, 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 06-10-2021

(**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://us06web.zoom.us/webinar/register/WN_ghYKz5mERqy8AAOaYA4HRA

To view the LIVE broadcast of the meeting, see YouTube Link at <https://youtu.be/Y1EEKV9B41Q>

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:

- April 8, 2021
- May 13, 2021

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

- 30-19 Habitat for Humanity Nantucket, Inc. Benjamin Drive project Holland
CONFIRMATION of Modification of prior Comprehensive Permits – Miacomet Village 40B
 The Applicant requests confirmation of the 2019 approval to modify prior Comprehensive Permits, granted in accordance with Massachusetts General Laws (“M.G.L.”) Chapter 40B, pursuant to 760 CMR 56.05. Although the subject property is permanently deed-restricted for the purpose of providing affordable year-round housing, the Applicant seeks to have the approved units contribute to the required 10% Subsidized Housing Inventory (“SHI”) for the Town. The Department of Housing and Community Development (“DHCD”) has determined that a Local Initiative Program is the proper method to include the units on the SHI list. After conducting a site visit, DHCD issued a Project Eligibility Letter (“PEL”) on May 7, 2021. With a complete hearing process consisting of proper abutter notification and public comment having taken place in 2019, and with the issuance of the PEL, the Applicant is requesting the Board confirm and reissue the Decision in File No. 30-19, recorded at Book 1737, Page 20, on file at the Nantucket County Registry of Deeds, with a current date in order to establish both the bona fide permit and date of eligibility for inclusion on the SHI and toward certification, per DHCD guidance. With this, it is anticipated that the units will contribute to Nantucket’s next period of Safe Harbor relative to M.G.L. Chapter 40B. The property is situated within the Miacomet Village, a 40B subdivision approved and modified in Comprehensive Permit Decisions numbered 025-86, 050-86, 030-94, 110-93, and 17-97. Locus is shown as Lots 17B & 17C on Plan No. 2020-13. Evidence of owner’ title is in Book 1823, Page 230. The site is zoned Limited Use General 2 (LUG-2).
- 06-21 Jayne C. Debiasio & Brian F. Debiasio 39 Meadow View Dr. Reade
CONTINUED TO JULY 8, 2021
 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).

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

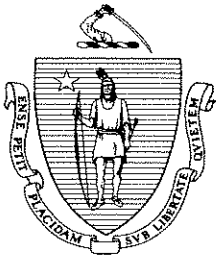
- 10-21 Brian Rice and Robert Goldrich 41 Crooked Lane Cohen
 Action Deadline August 18, 2021
 Applicant requests relief by Variance pursuant to Section 139-32 for a waiver from the front yard setback provisions in Section 139-16. The applicant proposes to construct a 384 SF detached garage in the existing driveway as close as 18’ from the front yard lot line where 30’ setback distance is required. The proposed encroachment is further back than the pre-existing

nonconforming main dwelling which is sited as close as 3.6 feet from the front yard lot line. The Locus is constrained by wetlands such that there is no location for the garage that is outside both the 50' buffer and the front yard setback. The Locus is situated at 41 Crooked Lane, is shown on Nantucket Tax Assessor's Map 41 as Parcel 202, and as Lot 2 on Land Court Plan 32312-B and Lot 6 on LCP 32313-C. Evidence of owner's title is registered as Certificate of Title No. 20897 in the Nantucket County District of the Land Court. The site is zoned Residential – 20 (R-20).

- 11-21 Gregory Siemon Swart and Ann Cameron Kalb Swart, Tr. of Swart 2004 Trust
Action Deadline September 8, 2021 94 Quidnet Rd. Cohen
Applicant requests relief by Special Permit pursuant to Zoning By-law Section 139-33.A(2) to allow the alteration and expansion of a pre-existing nonconforming dwelling on an undersized lot. Specifically, applicant proposes to construct a roughly 142 SF single story addition to the main dwelling, resulting in an increase of the pre-existing nonconforming ground cover from 1,597 SF to 1,739 SF, increasing the ground cover ratio from 21.7% to 23.6% where maximum allowed is 12.5% or 1,500 SF pursuant to Section 139-33.E. The Locus is situated at 94 Quidnet Road, is shown on Tax Assessor's Map 21 as Parcel 107, and as Lot 1 on Land Court Plan 8606-A and Lot 31 on LCP 8606-B and as unregistered land on Plan Book 20, Page 19. Evidence of owner's title is registered as Certificate of Title No. 26749 in the Nantucket County District of the Land Court and recorded in Book 1628, Page 272 on file at the Nantucket County Registry of Deeds. The site is zoned Residential 20 (R-20) and Limited Use General 3 (LUG-3).
- 12-21 Wisentaner, Inc. 25 & 27 Young's Way Wisentaner
Action Deadline September 8, 2021
Applicant requests amendment of prior Special Permit relief granted in Zoning Board of Appeals File No. 037-12. Specifically, Applicant seeks to modify the relief and certain conditions therein to 1) eliminate the requirement for a lease and the related conditions as the lots are in common ownership; 2) convert a portion of the existing parking lot to an outdoor turf fitness area to allow for appropriate social distancing during the pandemic; 3) request waivers, to the extent necessary, from parking requirements in Section 139-18 and open area requirements in Section 139-16.E; and 4) substitute an updated Site Plan as new "Exhibit A." The Locus is situated at 25 and 27 Young's Way, is shown on Tax Assessor's Map 67 as Parcels 688 and 689, and as Lots 24 and 23 on Plan No. 2003-10. Evidence of owner's title is recorded in Book 1323, Page 115 and Book 1607, Page 179 on file at the Nantucket County Registry of Deeds. The site is zoned Commercial Trade, Entrepreneurship and Craft (CTEC).

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.

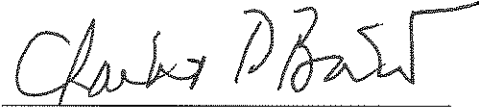
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts