



Updated Meeting Posting MEETING POSTING

Original Posting Time: 2021 MAR 12 PM 01:41
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2021 MAR 16 AM 10:01
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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)

Committee/Board/s	Historic District Commission (HDC) – Old Business
Day, Date, and Time	Tuesday, March 16, 2021; <u>04:30pm</u>
Location / Address	REMOTE PARTICIPATION VIA ZOOM AND YouTube 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

Please note: Ray Pohl, Chairman
If there is no quorum of members present, or if meeting posting is not in compliance with the OML statute, no meeting may be held.

HISTORIC DISTRICT COMMISSION

Signature of Chair/Authorized Person: Cathy Flynn, Land Use Specialist

To join the Historic District Commission meeting click on the Zoom Link below:
<https://zoom.us/j/92280688302?pwd=aGs3K2tLSzFaOVpNbENtM0pHd28wUT09>

Meeting ID: 922 8068 8302 **Password:** 153126
Phone dial in: 646 558 8656; Meeting ID: 922 8068 8302; Password: 153126

To watch live feed, click here: <https://www.youtube.com/watch?v=CdooYd4KpQw>

Commissioners: Ray Pohl (Chair), Diane Coombs (Vice-Chair), John McLaughlin, Abby Camp, Val Oliver
Associate Commissioners: Stephen Welch, Jesse Dutra, Carrie Thornewill
Staff: Terry Norton, Cathy Flynn, Holly Backus and Kadeem McCarthy

Historic Structures Advisory Board (HSAB), Sconset Advisory Board (SAB), Madaket Advisory Board (MAB), Sign Advisory Council (SAC).

AGENDA

Listed below are the topics the chair reasonably anticipates will be discussed at the meeting.

Some applications on this agenda may not be heard at this meeting due to time constraints. Please check with the office on Wednesday after the Tuesday meeting for further information.

II. CONSENT

	<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1.	Bear Vault LLC 03-3105	12 + 12R Bartlett Road	Renew COA 69071 move/demo	67/115.1 + 116	Brook Meerbergen
2.	Bear Vault LLC 03-3107	12 + 12R Bartlett Road	Renew COA 69495 storage bldg	67/115.1 + 116	Brook Meerbergen
3.	Randall Faust 03-3139	17 Meadowview Drive	Covered porch	56/280	NAG
4.	Marine Home Ctr 03-3134	134 Orange Street	Demo bal/remve 2 wins	55/49	Gerardo Noloasco
5.	Vlatko Peshnachki 03-3133	10 Lewis Court	Shed	67/155	Self
6.	17A Washington St LLC 03-3135	9 Coffin Street	Frnt dr color chg	42.3.218	Permits Plus
7.	48 Walsh St Tr 03-3136	48 Walsh Street	Rev 72177; remv wind	29/101	Robert Newman
8.	Herb Mittenthal 03-3148	118 Main Street	Outdoor shower	43.3.3/102	Self
9.	Nancy Martin 03-3149	41 W Chester Street	Rebuild chimney	41/256	Val Oliver Design
10.	Frederick Hahn 03-3138	50 Eel Point Road	160 sf addition	32/25.1	Ethan McMorrow
11.	Stephen Welch 03-3111	13 Waydale Road	Renew COA 69761	67/32	Self
12.	GLP Trust 03-3144	33 Squam Road	MH-win/dr/clr/roof chg	21/2	Linda Williams
13.	GLP Trust 03-3145	33 Squam Road	Cottage-win/dr/clr/roof chg	21/2	Linda Williams
14.	Jennifer Monto 03-3147	247 Polpis Road	Pergola-patio	26/62	NAG
15.	10 Industry Rd, LLC 03-3141	10 Industry Road	7200 sf Commercial bldg.	69/294	Linda Williams
16.	2 Mayflower Circle LLC 03-3142	2 Mayflower Circle	Rev 12-2427 change doors	68/728	Linda Williams
17.	Pearl St. Realty LLC 03-3086	4 India Street	Front door color change	42.3.1/167	LINK

III. CONSENT WITH CONDITIONS

	<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>	
1.	Charles Walters	50 Orange Street	AC Units	42.3.2/35	Self	<ul style="list-style-type: none">AC units must be screened at time of inspection and in perpetuity
2.	Lindsay Cross 03-3076	7 Green Lane	Brick patio + walkways	42.3.3/8	Natalie Cowger	<ul style="list-style-type: none">Walkways on North elevation as per site plan
3.	Randall Faust 03-3140	17 Meadowview Drive	Patio/firepit	56/280	NAG	<ul style="list-style-type: none">Firepit must not be seen at time of inspection and in perpetuity
4.	Seanda Bartlett 03-3137	41 Bartlett Farm Road	Pool-spa	82/500	Linda Williams	<ul style="list-style-type: none">Pool and spa must not be visible at time of inspection and in perpetuity
5.	Edward Kerrigan 03-3132	1 Sandpiper Way	Pool-picket fence	76/33	Julie Jordin	<ul style="list-style-type: none">Pool must not be visible at time of inspection and in perpetuity
6.	Jennifer Monto 03-3146	247 Polpis Road	Pool	26/62	NAG	<ul style="list-style-type: none">Pool must not be visible at time of inspection and in perpetuity

IV. OLD BUSINESS (2/23/21)

	<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>	
1.	Derek Till 02-2944	86 Quidnet Road	Reno and addition	21/102	Linda Williams/NAG	<ul style="list-style-type: none"><i>Commissioners: Coombs (acting Chair), McLaughlin, Camp, Welch, Thornewill; Alternates: None; Recused: Oliver</i>
2.	EBCW, LLC 02-2972	4 Lincoln Avenue	New garage	30/151	Botticelli & Pohl	<ul style="list-style-type: none"><i>Commissioners; Coombs (acting Chair), McLaughlin, Camp, Oliver, Thornewill; Alternates: Welch; Recused: Pohl</i>
3.	14 Lowell Place LLC 10-2188	14 Lowell Place	New dwelling	41/164	Emeritus	<ul style="list-style-type: none"><i>Commissioners: Pohl, Coombs, Oliver, Welch; Alternates: None; Recused: None</i>
4.	Grey Lady Capital 12-2381	33 Pilgrim Road	Cabana addition	41/834	JB Studio	<ul style="list-style-type: none"><i>Commissioners: Pohl, Coombs, Camp, Oliver, Welch; Alternates: Thornewill; Recused: None</i>
5.	Shriberg Trust 01-2796	60 W Chester St	Guest house	41/374	CWA	<ul style="list-style-type: none"><i>Commissioners: Coombs, McLaughlin, Camp, Oliver, Welch; Alternates: Dutra, Thornewill; Recused: Pohl</i>
6.	36 Washing Pond, LLC 01-2813	36 Washing Pond Road	New dwelling	31/13.3	Workshop APD	<ul style="list-style-type: none"><i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Welch, Thornewill; Recused: None</i>
7.	36 Washing Pond, LLC 01-2808	36 Washing Pond Road	New guest house	31/13.3	Workshop APD	<ul style="list-style-type: none"><i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Welch, Thornewill; Recused: None</i>
8.	36 Washing Pond, LLC 01-1814	36 Washing Pond Road	Garage	31/13.3	Workshop APD	<ul style="list-style-type: none"><i>Not yet opened</i>
9.	36 Washing Pond, LLC 01-2807	36 Washing Pond Road	Gym	31/13.3	Workshop APD	<ul style="list-style-type: none"><i>Not yet opened</i>
10.	36 Washing Pond, LLC 01-2810	36 Washing Pond Road	Shed	31/13.3	Workshop APD	<ul style="list-style-type: none"><i>Not yet opened</i>
11.	36 Washing Pond, LLC 01-2809	36 Washing Pond Road	Pool	31/13.3	Jardins International	<ul style="list-style-type: none"><i>Not yet opened</i>

12. Alex Karis **02-2862** 11 Mill Hill Lane New 2nd dwelling 55/924 Brook Meerbergen
 • *Commissioners: Pohl, Coombs, Camp, Oliver, Welch; Alternates: Thornewill; Recused: None*
13. Alex Karis **02-2962** 11 Mill Hill Lane Pool and hardscape 55/924 Brook Meerbergen
 • *Commissioners: Pohl, Coombs, Camp, Oliver, Welch; Alternates: Thornewill; Recused: None*

V. NEW BUSINESS (03/01/21)

	<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1.	Jake Dwyer 03-3083	11 Mississippi Ave	Rooftop solar	59.4/233	ACK Smart
2.	Bartlett Farm LLC 03-3081	19 Bartlett Farm Road	Rooftop solar – A	65/16.1	ACK Smart
3.	Bartlett Farm LLC 03-3082	19 Bartlett Farm Road	Rooftop solar – B	65/16.1	ACK Smart
4.	Charles Sawyer 03-3077	8R Back Street	Rooftop solar	55/355	ACK Smart
5.	Joe + Stacey Perry 03-3079	16 ½ Bartlett Road	Rooftop solar	67/114.1	Cotuit Solar
6.	5 Old Mill LLC 02-3036	5 Old Mill Court	New main house	55/926	Brook Meerbergen
7.	5 Old Mill LLC 02-3035	5 Old Mill Court	Garage/studio	55/926	Brook Meerbergen
8.	5 Old Mill LLC 02-3034	5 Old Mill Court	Pool and hardscape	55/926	Brook Meerbergen
9.	4 Ahab Rd LLC 03-3072	41 Wauwinet Road	New dwelling	20/7	Thornewill Design
10.	4 Ahab Rd LLC 03-3073	41 Wauwinet Road	Garage addition	20/7	Thornewill Design
11.	4 Ahab Rd LLC 03-3091	41 Wauwinet Road	Cabana	20/7	Thornewill Design
12.	4 Ahab Rd LLC 02-3010	41 Wauwinet Road	Pool	20/7	Jardins International
13.	Randy Sharpe 02-3051	49A Meadow View Drive	New dwelling	56/113.1	Thornewill Design
14.	Alex Karis 03-3098	22 Ellen’s Way	Rev 12-2599 cable rail	81/179	Brook Meerbergen
15.	Alex Karis 03-3097	22 Ellen’s Way	Rev 12-2588 extend porch	81/179	Brook Meerbergen
16.	Klacar LLC 03-3080	1 Windy Way	Addition	67/553.1 + 553.2	Klaudia Mally
17.	White Elephant LLC 03-3084	50 Easton Street	Awning addition	42.4.1/23	Mike Duffy
18.	Kim Wentworth 02-3033	14 Lincoln Ave	Addition	30/182	Mark Cutone
19.	Okay Okay House LLC 03-3115	10 Union Street	Fence + gate	42.3.1/43	BPC
20.	Nicola Day 03-3085	5 Essex Road	Car tent	67/602	Ronny Arias
21.	George Balboa 03-3087	71R Cliff Road	New dwelling	30/160.1	Brook Meerbergen
22.	George Balboa 03-3100	71R Cliff Road	Studio	30/160.1	Brook Meerbergen
23.	George Balboa 03-3102	71R Cliff Road	Pool	30/160.1	Brook Meerbergen
24.	4EW LLC 02-3055	4 Ellen’s Way	New dwelling	81/171	Brook Meerbergen
25.	4EW LLC 02-3054	4 Ellen’s Way	Garage/studio	81/171	Brook Meerbergen
26.	4EW LLC 02-3052	4 Ellen’s Way	Pool	81/171	Brook Meerbergen
27.	Daniel Omstead 02-3045	50 Wauwinet Road	Garage	14/68.2	SMRD
28.	Paul Gray 02-3060	9 Coffin Street	Addition	73.4.1/15	SMRD
29.	Hugh Davis 02-3045	112 Main Street	Cottage – entry cover	42.3.3/104	Gryphon Architect
30.	Hugh Davis 02-3062	112 Main Street	Shack – fenestration revs	42.3.3/104	Gryphon Architect
31.	11 Upper Tawpawshaw Rd LLC 03-3106	11 Tawpawshaw Road	New dwelling	53/45	Mark Cutone
32.	11 Upper Tawpawshaw Rd LLC 03-3104	11 Tawpawshaw Road	Garage	53/45	Mark Cutone
33.	11 Upper Tawpawshaw Rd LLC 03-3093	11 Tawpawshaw Road	Pool	53/45	Mark Cutone
34.	11 Upper Tawpawshaw Rd LLC 03-3103	11 Tawpawshaw Road	Pool cabana	53/45	Mark Cutone
35.	LBC Sconset LLC 03-3075	9 Hawks Circle	New dwelling	74/37.1	JGG Architects
36.	Cannonbury Holdings 2 02-3025	16 Cannonbury Lane	Move on MH from 9 Hawks	74/12	JGG Architects
37.	Cannonbury Holdings 2 02-3026	16 Cannonbury Lane	Move on GAR from 9 Hawks	74/12	JGG Architects
38.	10 Easy Street NT 03-3089	10 Easy Street	Window changes	42.3.1/78	NAG
39.	Chris Loftus 03-3092	8.5 Evergreen Way	New dwelling	68/703	Linda Williams
40.	38 Prospect LLC 03-3070	Por 38/38R Prospect/Birdsong	New main house	55.4.4/80.1	Brook Meerbergen
41.	38 Prospect LLC 03-3099	Por 38/38R Prospect/Birdsong	New 2 nd dwelling	55.4.4/80.1	Brook Meerbergen
42.	38 Prospect LLC 03-3094	Por 38/38R Prospect/Birdsong	Shed	55.4.4/80.1	Brook Meerbergen
43.	38 Prospect LLC 02-3037	Por 38/38R Prospect/Birdsong	Water feature	55.4.4/80.1	Brook Meerbergen
44.	Galyna Bahdanovich 03-3101	65 Miacomet Ave	Addition	67/84.1	Self
45.	Nantucket Oaks LLC 02-3059	6 Fishers Lane	New dwelling	75/32.1	Normand Residential
46.	Nantucket Oaks LLC 02-3058	6 Fishers Lane	Garage	75/32.1	Normand Residential
47.	Nantucket Oaks LLC 03-3090	6 Fishers Lane	Pool and hardscape	75/32.1	Normand Residential
48.	The Richmond Co. 02-3060	9 Nancy Ann Lane	Loading dock/addition	68/135	KOH Architecture
49.	Michael Robinson 03-3088	13 Fayette Street	New deck, chimney	42.3.2/28	Sanne Payne
50.	Justin Brooks 03-3112	15 Correia Lane	New main dwelling	80/56	LINK
51.	Justin Brooks 03-3113	15 Correia Lane	New garage	80/56	LINK
52.	Steven Jemison 02-3029	4 Lavender Lane	New shed/tennis cabana	33/24	JB Studio/LINK
53.	Steven Jemison 02-3030	4 Lavender Lane	Tennis court	33/24	JB Studio/LINK
54.	Joseph Saluti 03-3114	174 Cliff Road	Fenestration changes	41/63	Emeritus

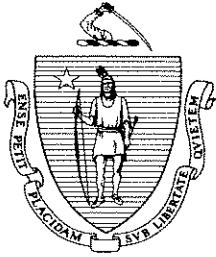
55.	M. Woodley 02-3039	22 Mizzenmast Road	Addition	66/368	Val Oliver
56.	17 Avenue Realty 02-3049	17 Lincoln Ave	Move off/demo	30/118	Botticelli + Pohl
57.	Bruschi Family 02-3044	7 Westerwick Drive	New dwelling	73/35	Workshop/APD
58.	Bruschi Family 02-3056	7 Westerwick Drive	Garage/studio	73/35	Workshop/APD
59.	Mark Wendling 02-3050	4 John Adams Lane	Rev 07-1397 pool and hardscape	30/628	Botticelli + Pohl
60.	Melissa Pique 02-3027	39 Surfside Road	New dwelling	55/438	Topham Design

VI. OLD BUSINESS (03/16/2021)

	<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1.	Jon Schoudel 08-1477	13 Union Street	Brick driveway	42.3.2/16	Self
	• <i>Commissioners: Pohl, Coombs, Camp, Oliver; Alternates: None; Recused: None</i>				
2.	Sharon Hubbard 02-2943	28 Dukes Road	Pool and hardscape	56/190	Waterscapes
	• <i>Commissioners: Coombs, Camp, Welch, Thornewill; Alternates: None; Recused: Oliver, McLaughlin</i>				
3.	Brett Fodiman 01-2765	111 Surfside Road	New dwelling	80/70	Emeritus
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Oliver, Thornewill; Alternates: Welch, Dutra; Recused: None</i>				
4.	Paul Piccirillo 10-2053	6 Baltimore Road	New dwelling	60/106	Val Oliver Design
	• <i>Commissioners: Pohl, Coombs, Camp, Welch, Thornewill; Alternates: None; Recused: Oliver</i>				
5.	61 Fairgrounds, LLC 02-2980	61 Fairgrounds Road – Lot A	Main house	67/176	Linda Williams
	• <i>Commissioners: Pohl, Coombs, Camp, Welch, Thornewill; Alternates: McLaughlin (technical issues); Recused: None</i>				
6.	61 Fairgrounds, LLC 02-2981	61 Fairgrounds Road – Lot A	Cottage	67/176	Linda Williams
	• <i>Commissioners: Pohl, Coombs, Camp, Welch, Thornewill; Alternates: McLaughlin (technical issues); Recused: None</i>				
7.	61 Fairgrounds, LLC 02-2982	61 Fairgrounds Road – Lot B	Main house	67/176	Linda Williams
	• <i>Commissioners: Pohl, Coombs, Camp, Welch, Thornewill; Alternates: McLaughlin (technical issues); Recused: None</i>				
8.	61 Fairgrounds, LLC 02-2983	61 Fairgrounds Road – Lot B	Cottage	67/176	Linda Williams
	• <i>Commissioners: Pohl, Coombs, Camp, Welch, Thornewill; Alternates: McLaughlin (technical issues); Recused: None</i>				
9.	61 Fairgrounds, LLC 02-2984	61 Fairgrounds Road – Lot C	Main house	67/176	Linda Williams
	• <i>Commissioners: Pohl, Coombs, Camp, Welch, Thornewill; Alternates: McLaughlin (technical issues); Recused: None</i>				
10.	61 Fairgrounds, LLC 02-2985	61 Fairgrounds Road – Lot C	Cottage	67/176	Linda Williams
	• <i>Commissioners: Pohl, Coombs, Camp, Welch, Thornewill; Alternates: McLaughlin (technical issues); Recused: None</i>				
11.	61 Fairgrounds, LLC 02-2986	61 Fairgrounds Road – Lot D	Main house	67/176	Linda Williams
	• <i>Commissioners: Pohl, Coombs, Camp, Welch, Thornewill; Alternates: McLaughlin (technical issues); Recused: None</i>				
12.	Three North Gully Rd 02-2956	7 North Gully Road	Demo/move off	73.1.4/123	Botticelli + Pohl
	• <i>Commissioners: Coombs, Camp, Oliver, Welch, Thornewill; Alternates: None; Recused: Pohl</i>				
13.	Emily Overlook 02-2842	22 Clifton Street	New dwelling	73.4.1/26.3	Bentley + Churchill
	• <i>Commissioners: Coombs, McLaughlin, Camp, Oliver, Welch; Alternates: Thornewill; Recused: None</i>				
14.	Gifford Whitney A Trst 02-2977	6 Lily Street	Renovations	42.3.4/45	CWA
	• <i>Commissioners: Coombs, McLaughlin, Camp, Oliver, Thornewill; Alternates: Welch; Recused: None</i>				
15.	Brian + Toni Franz 02-2974	12 Cannonbury Lane	New dwelling	74/10	Workshop/APD
	• <i>Commissioners: Coombs, McLaughlin, Oliver, Thornewill; Alternates: None; Recused: Camp (stepped out)</i>				
16.	Brian + Toni Franz 02-2975	12 Cannonbury Lane	Garage	74/10	Workshop/APD
	• <i>Commissioners: Coombs, McLaughlin, Camp, Oliver, Thornewill; Alternates: None; Recused: None</i>				
17.	Brian + Toni Franz 02-2957	12 Cannonbury Lane	Shed	74/10	Workshop/APD
	• <i>Commissioners: Coombs, McLaughlin, Camp, Oliver; Alternates: None; Recused: None</i>				
18.	LBC Sconset LLC 01-2762	9 Hawks Circle	New dwelling	74/37.1	JGG Architects
	• <i>Commissioners: Pohl, Coombs, Camp, Oliver, Thornewill; Alternates: None; Recused: None</i>				
19.	Charles Schwarzapfel 10-2033	9 Maine Ave	Pool	60.3.1/425	NAG
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Welch, Thornewill; Recused: None</i>				
20.	46 Union St N.T. 02-2843	46 Union Street	Addition	42.2.3/28	M. Cutone Arch
	• <i>Commissioners: Camp, McLaughlin, Oliver, Welch, Thornewill; Alternates: None; Recused: Coombs</i>				
21.	Deb Wasil 01-2786	51 Pleasant Street	Hardscape	55/32.3	Linda Williams
	• <i>Commissioners: Pohl, Camp, Oliver, Welch; Alternates: None; Recused: None</i>				
22.	17 Avenue RT 01-2776	17 Lincoln Ave	Rev 12-2442: ext revisions	30/118	Botticelli + Pohl
	• <i>Commissioners: Coombs, Camp, Oliver, Thornewill; Alternates: None; Recused: Pohl</i>				
23.	Gordon C. Russell 02-2976	3 School Street	Adtn, roofwalk & clapboard	42.3.2/125	Flavin Architects
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Welch, Thornewill; Alternates: Camp (took a break); Recused: None</i>				
24.	Gordon C. Russell 02-2976	3 School Street	Hardscape	42.3.2/125	Flavin Architects
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Welch, Thornewill; Alternates: Camp (took a break); Recused: None</i>				
25.	Taylor Murphy 02-2961	7 Evergreen Way	Garage door change	68/722	Self
	• <i>Commissioners: Coombs, McLaughlin, Camp, Oliver, Thornewill; Alternates: None; Recused: None</i>				
26.	37 Pocomo Road R.T. 02-2932	37 Pocomo Road	New dwelling	14/38	Workshop/APD

- *Commissioners: Pohl, Coombs, McLaughlin, Camp, Welch; Alternates: Thornewill; Recused: None*
27. Brain Rice **02-2965** 41 Crooked Lane Main house addition 41/202 Workshop/APD
- *Commissioners: Pohl, Coombs, McLaughlin, Camp, Thornewill; Alternates: Welch; Recused: None*
28. Brain Rice **02-2964** 41 Crooked Lane New garage 41/202 Workshop/APD
- *Commissioners: Pohl, Coombs, McLaughlin, Camp, Thornewill; Alternates: Welch; Recused: None*

VII. OTHER BUSINESS	
Approved Minutes -	February 12, 18, 23 & 26 2021
Review Minutes -	February 25, March 1, 4 & 5, 2021
Other Business -	<ul style="list-style-type: none"> • Meeting posting for HDC Appeal- 83/85 Eel Point Rd; Select Board 3/17/21 at 5:00 pm • Next HDC Meeting- Old Business Thursday March 18, 2021 at 01:00pm-2:30pm sharp • Discussion of Resilient Nantucket meeting • Grey shingles in the OHD/SOHD • Discussion of additions and new dwelling added to the consent agenda • Review policy of Move/Demo hearings in relation to new dwellings • Hardscaping
Commission Comments	



OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
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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.

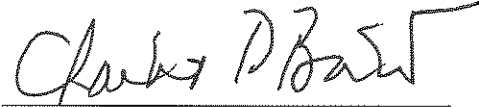
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts