



UPDATED & AMENDED
MEETING POSTING

Original Posting Date 7/2/2020 – Original Posting Number T 1782
Amended Posting Date 7/6/2020 – Posting Number T 1787

RECEIVED
2020 JUL 07 PM 01:37
NANTUCKET TOWN CLERK
Posting Number:T 1795

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	Zoning Board of Appeals
Day, Date, and Time	Thursday, July 9, 2020 at 1:00 PM
Location / Address	REMOTE PARTICIPATION VIA ZOOM & 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
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.

UPDATED & AMENDED AGENDA FOR 07-09-2020

(Subject to change)

www.nantucket-ma.gov

YouTube Link:

<https://youtu.be/qWcHbX1VSXA>

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

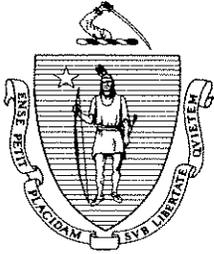
- I. CALL TO ORDER:**
- II. APPROVAL OF THE AGENDA:**
- III. APPROVAL OF THE MINUTES:**
 - June 11, 2020

IV. OTHER BUSINESS (VOTES MAY BE TAKEN)

- 051-03 Rugged Scott a/k/a Beach Plum 40B Holland / Posner
DISCUSSION of implementing policy in fulfillment of obligation to allow abutting property owners non-resident family membership privileges and access to the common amenities (Clubhouse/Pool/Lawn/Tennis Court Facility) in Beach Plum Village, as per provisions in Section 3.2(o) regarding Management Issues in the original Comprehensive Permit and Section 9 of the “Settlement Agreement”.
- **ELECTION OF OFFICERS** – (Chairman, Vice Chairman, and Clerk positions)

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

- 051-03 David S. Gesner & Julie A. Gesner 6 Fox Grape Lane Brescher
Action Deadline July 20, 2019 *to determine and notify Applicant if requested modification is deemed substantial or insubstantial*
The Applicant seeks a 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 by the Zoning Board of Appeals. The proposed modifications for which applicant seeks approval consist of siting and installation of a 23’ x 9.6’ private residential swimming pool and related hardscaping. 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.
- 09-20 Timothy E. Quinlisk & Elizabeth A. Quinlisk 88 Quidnet Road Alger
REQUEST TO CONTINUE to August 13, 2020
Applicants are seeking Special Permit relief pursuant to Zoning By-law Sections 139-30 and 139-33.A(1) to alter, extend, and change a structure, which is pre-existing nonconforming as to side yard setbacks, situated on a lot which is pre-existing nonconforming as to lot size and frontage. As proposed, the pre-existing nonconforming setback distances will not be made more nonconforming. The Locus is situated at 88 Quidnet Road, is shown on Assessor’s Map 21 as Parcels 109, 104, & 70, as Lots 5 & 6 upon Land Court Plan 8606-A and Lot 33 upon LCP 8606-B. Evidence of owner’s title is registered on Certificate of Title No. 26998 at the Nantucket County District of the Land Court. The site is zoned Residential Twenty (R-20).
- 11-20 Peter J. Mackay & Alison Mackay and David P. Mackay & Anne M. Phaneuf, Tr., Mackay/Phaneuf Family Trust 21 & 25 Monohansett Road Alger
REQUEST TO CONTINUE to August 13, 2020
Applicants are seeking Special Permit relief pursuant to Zoning By-law Sections 139-30 and 139-33.A(1)(a) to alter, change, and extend a preexisting nonconforming lot, or in the alternative and to the extent necessary, a Variance, or the modification of an existing Variance, under By-law Section 139-32. The locus is improved with primary and secondary dwellings, constructed as principal residences for each couple. The dwellings have been treated separately, and for all intents and purposes as separate lots and structures, each served by a separate driveway. Applicants propose to separate out their properties for estate planning and other purposes. The proposal would encompass one of the dwellings and subdivision of the property



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.

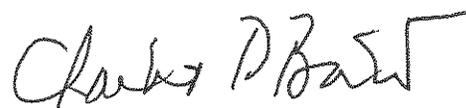
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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

CHARLES D. BAKER
GOVERNOR
Commonwealth of Massachusetts