



# MEETING POSTING

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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)

<b>Committee/Board/s</b>	Historic District Commission (HDC) – New Business
<b>Day, Date, and Time</b>	Monday, March 01, 2021; <b>04:30pm</b>
<b>Location / Address</b>	<b>REMOTE PARTICIPATION VIA ZOOM AND YouTube</b> Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law (Attached)  Information on viewing the meeting can be found at: <a href="https://www.nantucket-ma.gov/138/Boards-Commissions-Committees">https://www.nantucket-ma.gov/138/Boards-Commissions-Committees</a>
	Ray Pohl, Chairman
<b>Please note:</b>	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.
<b>HISTORIC DISTRICT COMMISSION</b>	
<b>Signature of Chair/Authorized Person: Cathy Flynn, Land Use Specialist</b>	

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=wOMuJ3jB34M>

**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.**

### I. PUBLIC COMMENT

### II. CONSENT

<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
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1.	Candyland N Trust	58E Main Street	Window/door clr chg	42.3.1/219.5	Robert Young
2.	140 Cliff Rd, LLC	140 Cliff Road	Window/door chg	41/575	Mark Cutone Architecture
3.	140 Cliff Rd, LLC	140 Cliff Road	Re-site/window+door chg	41/575	Mark Cutone Architecture
4.	123 Madaket Rd N.T.	123 Madaket Road	Rev 0724; door/win chg	40/60	Mark Cutone Architecture
5.	Stephen Welch	13 Waydale Road	Renew COA 69625	37/32	Self
6.	High Garden Holdings LLC	40 Jefferson Ave	Rev 12-2377 add window	30/119	Emeritus
7.	Ennismore Mews LLC	3 Hickory Meadow Lane	Rev 71153 patio roof + chimney	41/73.1	Sophie Metz Design
8.	Folger Road LLC	1 Folger Rd/20 Sherburne Tpke	Rev 08-1607 chimney + fenes	30/195	Sophie Metz Design
9.	Kevin + Wendy Werle	80 Sankaty Road	Rev 07-1355 shed door change	49/114	Thornewill Design
10.	Knight-Schwartz Trust	31 Monomoy Road	Roof change	54/249	James Lydon
11.	Sally Wallace	12.5 Oak Hollow Lane	New garage	56/128.2	Normand Residential
12.	Island Lumber	1 Polpis Road	Replace barn door	54/121	Val Oliver
13.	Lilymoor LLC	1 Maxey Pond	Rev 1766 add barn door	40/107	Val Oliver
14.	Steve & Carrie Phillips	4 Okorwaw Ave	Rev 2584; MH fenestration	79/131	JB Studio/LINK
15.	Steve & Carrie Phillips	4 Okorwaw Ave	Rev 2585; cottage windows	79/131	JB Studio/LINK
16.	Bell Atlantic	14 Eel Point Road	Cell tower revisions	40/64	Smartlink
17.	Nantucket, LLC	78 Centre Street	Rev 0071; windows	42.4.3/78	Emeritus
18.	Gale Arnold	110 Wauwinet Road	Replace exst. screened porch	11/29	Leonard Pagano
19.	John Hayes	13 Vesper Lane	Roof change	55/1.5	Linda Williams
20.	7 Old Westmoor Farm Rd NT	7 Old Westmoor Farm Rd	Change window	41/830	Linda Williams
21.	Christine Saad-Keefe etal	5 Grove Lane	Window replacement	41/271	William Saad

### 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.	Harbour Island Trust	104 Miacomet Avenue	Pool	81/158	Linda Williams
	• Pool must not be visible at time of inspection and in perpetuity				
2.	3 Wingspread Lane, LLC	3 Wingspread Lane	Shed	27/17.6	Ethan McMorro
	• Due to lack of visibility				
3.	Kip Hughes	2 Lewis Court	Pool	55/75	Val Oliver Design
	• Pool must not be visible at time of inspection and in perpetuity				
4.	140 Cliff Road, LLC	140 Cliff Road	Pool/hardscape	41/575	Mark Cutone Architecture
	• Pool must not be visible at time of inspection and in perpetuity				
5.	Gerard Layden	22 Atlantic Avenue	Bluestone patio	55/26	NICHE Architecture
	• Due to lack of visibilit				
6.	Kevin Silva	14 W Dover Street	Fence	55.4.1/195	Katie Hemingway
	• 5'in 1' lattice to be horizontal				
7.	4 Ahab Road LLC	4 Old Quidnet Milk Road	Swimming pool and spa	20/7	Jardins Intl
	• Pool and spa must not be visible at time of inspection and in perpetuity				
8.	Greg Glowacki	11 Millers Lane	Pool-pickleball court	68/124	Val Oliver
	• Pool and pickle ball court must not be visible at time of inspection and in perpetuity				
9.	Scott Barrett	31 Dukes Road	Pool	56/459	Val Oliver
	• Pool must not be visible at time of inspection and in perpetuity				

### IV. NEW BUSINESS

	<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1.	Housing Nantucket	31 Fairgrounds Road	Move off to 33 S Shore	67/149	Brook Meerbergen
2.	Melissa Long <b>02-2844</b>	11 Pippen's Way	Rooftop solar	43/94.2	ACK Smart
	• <i>Held for a view. Commissioners: Coombs, McLaughlin, Camp, Oliver, Welch; Alternates: Thornewill; Recused: None</i>				
3.	Michelle Currie <b>02-2963</b>	7 Anna Drive	Addition	55/245.2	Josiah Newman
	• <i>Held for a view. Commissioners: Coombs, McLaughlin, Camp, Oliver, Thornewill; Alternates: Welch; Recused: None</i>				
4.	GG Development, LLC <b>02-2959</b>	6 Red Mill Lane	Hardscape – pool/wall	55/919.2	Linda Williams
	• <i>Held for a view. Commissioners: Coombs, McLaughlin, Camp, Oliver, Welch; Alternates: None; Recused: (Thornewill lost connection)</i>				
5.	61 Fairgrounds, LLC <b>02-2980</b>	61 Fairgrounds Road – Lot A	Main house	67/176	Linda Williams
6.	61 Fairgrounds, LLC <b>02-2981</b>	61 Fairgrounds Road – Lot A	Cottage	67/176	Linda Williams
7.	61 Fairgrounds, LLC <b>02-2982</b>	61 Fairgrounds Road – Lot B	Main house	67/176	Linda Williams
8.	61 Fairgrounds, LLC <b>02-2983</b>	61 Fairgrounds Road – Lot B	Cottage	67/176	Linda Williams
9.	61 Fairgrounds, LLC <b>02-2984</b>	61 Fairgrounds Road – Lot C	Main house	67/176	Linda Williams
10.	61 Fairgrounds, LLC <b>02-2985</b>	61 Fairgrounds Road – Lot C	Cottage	67/176	Linda Williams
11.	61 Fairgrounds, LLC <b>02-2986</b>	61 Fairgrounds Road – Lot D	Main house	67/176	Linda Williams
12.	Karli Hagedorn <b>02-2970</b>	34 W Chester Road	Rev 12-2615 garage alts.	41/31	Normand Residential
13.	Karli Hagedorn <b>02-2969</b>	34 W Chester Road	Garden shed	41/31	Normand Residential

14.	Karli Hagedorn 02-2967	34 W Chester Road	Restore existing shed	41/31	Normand Residential
15.	Karli Hagedorn 02-2968	34 W Chester Road	Greenhouse	41/31	Normand Residential
16.	Karli Hagedorn 02-2958	34 W Chester Road	Hardscape	41/31	Julie Jordin
17.	Karli Hagedorn 02-2945	3 Wesco Place	Hardscape	41/31	Julie Jordin
18.	Carl Nielsen 02-2947	15 Bassett Road	Shed	26/59	Ethan McMorro
19.	Romelys + Ronald Vasquez 02-2864	25 Equator Drive	New dwelling	66/257	Ethan McMorro
20.	Kennith Sharkey 02-2870	13 W Sankaty Road	Garage	73.4.2/119	Ethan McMorro
21.	Jeannine Randolph 02-2934	22 Wigwam Road	Add skirt to roof walk	77/7.9	Permits Plus
22.	Gordon C. Russell 02-2898	3 School Street	Addition	42.3.2/125	Flavin Architects
23.	Gordon C. Russell 02-2976	3 School Street	Hardscape	42.3.2/125	Flavin Architects
24.	37 Pocomo Road R.T. 02-2932	37 Pocomo Road	New dwelling	14/38	Workshop/APD
25.	Brian Rice 02-2965	41 Crooked Lane	Main house addition	41/202	Workshop/APD
26.	Brian Rice 02-2964	41 Crooked Lane	Garage addition	41/202	Workshop/APD
27.	Julia Killian 02-2938	10 Mayhew Lane	Pool and hardscape	41/443	Julie Jordin
28.	5 Yawkey Way Trst 02-2950	5 Yawkey Way	New duplex building	69/299	Val Oliver Design
29.	Richard Phillips Trust 02-2978	19 E. Tristram Ave	Rev 09-1862 ext. alterations	31/4.1	Botticelli + Pohl
30.	Stuart Hendrin 02-2941	43 Kendrick Street	New dwelling MH	76.4.3/31	CWA
31.	Stuart Hendrin 02-2942	43 Kendrick Street	Garage	76.4.3/31	CWA
32.	Gifford Whitney A Trst 02-2977	6 Lily Street	Renovations	42.3.4/45	CWA
33.	Diedre Hamlin Trust 02-2951	6 Lowell Place	Addition	41/167	Topham Design

## V. 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
	• <i>Commissioners: Coombs (acting Chair), McLaughlin, Camp, Welch, Thornewill; Alternates: None; Recused: Oliver</i>				
2.	John Bartlett Trust 01-2793	43 Bartlett Farm Road	New dwelling	82/504	NAG
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Thornewill; Alternates: Welch; Recused: Oliver</i>				
3.	Phillips Marks 01-2706	33 Beach Grass Road	Duplex	68/371	SMRD
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Welch, Dutra, Thornewill; Recused: None</i>				
4.	33 Coffin St, LLC 01-2747	33 Coffin St, Sias	Cabana	73.4.1/26.1	CWA
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Welch, Dutra, Thornewill; Recused: None</i>				
5.	Peter Barrett 01-2734	40 Mary Ann Drive	New dwelling	68/965	Topham Design
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Welch, Dutra, Thornewill; Recused: None</i>				
6.	11 India Street, LLC 01-2816	11 India Street	Hardscaping	42.3.1/122.2	Ahern
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Welch, Dutra, Thornewill; Recused: None</i>				
7.	17 Avenue RT 01-2776	17 Lincoln Ave	Rev 12-2442; ext. revisions	30/118	Botticelli + Pohl
	• <i>Commissioners: Coombs, Camp, Oliver, Dutra, Thornewill; Alternates: Welch; Recused: Pohl</i>				
8.	450 Green Park LLC 09-1785	2 Stone Alley	Addition	42.3.1/102	LINK
	• <i>Commissioners: Pohl, Coombs, Camp, Oliver, Thornewill; Alternates: None; Recused: None</i>				
9.	450 Green Park LLC 08-1545	2 Stone Alley	Hardscape	42.3.1/102	Ahern
	• <i>Commissioners: Pohl, Coombs, Camp, Oliver, Thornewill; Alternates: None; Recused: None</i>				
10.	Andrew Reger 12-2469	7 E Lincoln Ave	New dwelling	42.4.1/8	Emeritus
	• <i>Commissioners: Pohl, Coombs, Camp, Thornewill; Alternates: None; Recused: None</i>				
11.	14 Lowell Place LLC 10-2188	14 Lowell Place	New dwelling	41/164	Emeritus
	• <i>Commissioners: Pohl, Coombs, Oliver, Welch; Alternates: None; Recused: None</i>				
12.	Grey Lady Capital 12-2381	33 Pilgrim Road	Cabana addition	41/834	JB Studio
	• <i>Commissioners: Pohl, Coombs, Camp, Oliver, Welch; Alternates: Thornewill; Recused: None</i>				
13.	Shriberg Trust 01-2796	60 W Chester St	Guest house	41/374	CWA
	• <i>Commissioners: Coombs, McLaughlin, Camp, Oliver, Welch; Alternates: Dutra, Thornewill; Recused: Pohl</i>				
14.	36 Washing Pond, LLC 01-2813	36 Washing Pond Road	New dwelling	31/13.3	Workshop APD
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Welch, Thornewill; Recused: None</i>				
15.	36 Washing Pond, LLC 01-2808	36 Washing Pond Road	New guest house	31/13.3	Workshop APD
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Welch, Thornewill; Recused: None</i>				
16.	36 Washing Pond, LLC 01-1814	36 Washing Pond Road	Garage	31/13.3	Workshop APD
	• <i>Not yet opened</i>				
17.	36 Washing Pond, LLC 01-2807	36 Washing Pond Road	Gym	31/13.3	Workshop APD
	• <i>Not yet opened</i>				
18.	36 Washing Pond, LLC 01-2810	36 Washing Pond Road	Shed	31/13.3	Workshop APD
	• <i>Not yet opened</i>				
19.	36 Washing Pond, LLC 01-2809	36 Washing Pond Road	Pool	31/13.3	Jardins International

- *Not yet opened*
20. Alex Karis **02-2862** 11 Mill Hill Lane New 2<sup>nd</sup> dwelling 55/924 Brook Meerbergen
- *Commissioners: Pohl, Coombs, Camp, Oliver, Welch; Alternates: Thornewill; Recused: None*
21. 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*

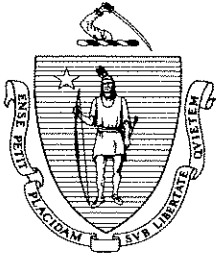
## VI. NEW BUSINESS (3/01/21)

	<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1.	Pearl St. Realty LLC	4 India Street	Front door color change	42.3.1/167	LINK
2.	Jake Dwyer	11 Mississippi Ave	Rooftop solar	59.4/233	ACK Smart
3.	Bartlett Farm LLC	19 Bartlett Farm Road	Rooftop solar – A	65/16.1	ACK Smart
4.	Bartlett Farm LLC	19 Bartlett Farm Road	Rooftop solar – B	65/16.1	ACK Smart
5.	Charles Sawyer	8R Back Street	Rooftop solar	55/355	ACK Smart
6.	Joe + Stacey Perry	16 ½ Bartlett Road	Rooftop solar	67/114.1	Cotuit Solar
7.	5 Old Mill LLC	5 Old Mill Court	New main house	55/926	Brook Meerbergen
8.	5 Old Mill LLC	5 Old Mill Court	Garage/studio	55/926	Brook Meerbergen
9.	5 Old Mill LLC	5 Old Mill Court	Pool and hardscape	55/926	Brook Meerbergen
10.	Lindsay Cross	7 Green Lane	Brick patio + walkways	42.3.3/8	Natalie Cowger
11.	4 Ahab Rd LLC	41 Wauwinet Road	New dwelling	20/7	Thornewill Design
12.	4 Ahab Rd LLC	41 Wauwinet Road	Garage addition	20/7	Thornewill Design
13.	4 Ahab Rd LLC	41 Wauwinet Road	Cabana	20/7	Thornewill Design
14.	Randy Sharpe	49A Meadow View Drive	New dwelling	56/113.1	Thornewill Design
15.	Alex Karis	22 Ellen’s Way	Rev 12-2599 cable rail	81/179	Brook Meerbergen
16.	Alex Karis	22 Ellen’s Way	Rev 12-2588 extend porch	81/179	Brook Meerbergen
17.	Klacar LLC	1 Windy Way	Addition	67/553.1 + 553.2	Klaudia Mally
18.	White Elephant LLC	50 Easton Street	Awning addition	42.4.1/23	Mike Duffy
19.	Starbuck Realty LLC	44 Warrens Landing	Rev 71889 fenestration	38/23	Mark Cutone
20.	Starbuck Realty LLC	44 Warrens Landing	Rev 71888 screened porch	38/23	Mark Cutone
21.	Kim Wentworth	14 Lincoln Ave	Addition	30/182	Mark Cutone
22.	Okay Okay House LLC	10 Union Street	Fence + gate	42.3.1/43	BPC
23.	Nicola Day	5 Essex Road	Car tent	67/602	Ronny Arias
24.	George Balboa	71R Cliff Road	New dwelling	30/160.1	Brook Meerbergen
25.	George Balboa	71R Cliff Road	Studio	30/160.1	Brook Meerbergen
26.	George Balboa	71R Cliff Road	Pool	30/160.1	Brook Meerbergen
27.	4EW LLC	4 Ellen’s Way	New dwelling	81/171	Brook Meerbergen
28.	4EW LLC	4 Ellen’s Way	Garage/studio	81/171	Brook Meerbergen
29.	4EW LLC	4 Ellen’s Way	Pool	81/171	Brook Meerbergen
30.	Nant. Housing Authority	31 Fairgrounds Road	Move off	67/149	Brook Meerbergen
31.	Daniel Omstead	50 Wauwinet Road	Garage	14/68.2	SMRD
32.	Paul Gray	9 Coffin Street	Addition	73.4.1/15	SMRD
33.	Hugh Davis	112 Main Street	Cottage – entry cover	42.3.3/104	Gryphon Architect
34.	Hugh Davis	112 Main Street	Shack – fenestration revs	42.3.3/104	Gryphon Architect
35.	11 Upper Tawpawshaw Rd LLC	11 Tawpawshaw Road	New dwelling	53/45	Mark Cutone
36.	11 Upper Tawpawshaw Rd LLC	11 Tawpawshaw Road	Garage	53/45	Mark Cutone
37.	11 Upper Tawpawshaw Rd LLC	11 Tawpawshaw Road	Pool	53/45	Mark Cutone
38.	11 Upper Tawpawshaw Rd LLC	11 Tawpawshaw Road	Pool cabana	53/45	Mark Cutone
39.	LBC Sconset LLC	9 Hawks Circle	New dwelling	74/37.1	JGG Architects
40.	Cannonbury Holdings 2	16 Cannonbury Lane	Move on MH from 9 Hawks	74/12	JGG Architects
41.	Cannonbury Holdings 2	16 Cannonbury Lane	Move on GAR from 9 Hawks	74/12	JGG Architects
42.	10 Easy Street NT	10 Easy Street	Window changes	42.3.1/78	NAG
43.	Chris Loftus	8.5 Evergreen Way	New dwelling	68/703	Linda Williams
44.	Chris Loftus	2 Beverly Court	Egress stairs 2 <sup>nd</sup> floor	68/186.2	Linda Williams
45.	38 Prospect LLC	Por 38/38R Prospct/Birdsong	New main house	55.4.4/80.1	Brook Meerbergen
46.	38 Prospect LLC	Por 38/38R Prospct/Birdsong	New 2 <sup>nd</sup> dwelling	55.4.4/80.1	Brook Meerbergen
47.	38 Prospect LLC	Por 38/38R Prospct/Birdsong	Shed	55.4.4/80.1	Brook Meerbergen
48.	38 Prospect LLC	Por 38/38R Prospct/Birdsong	Water feature	55.4.4/80.1	Brook Meerbergen
49.	Galyna Bahdanovich	65 Miacomet Ave	Addition	67/84.1	Self
50.	Nantucket Oaks LLC	6 Fishers Lane	New dwelling	75/32.1	Normand Residential
51.	Nantucket Oaks LLC	6 Fishers Lane	Garage	75/32.1	Normand Residential
52.	Nantucket Oaks LLC	6 Fishers Lane	Pool and hardscape	75/32.1	Normand Residential

53. The Richmond Co.	9 Nancy Ann Lane	Loading dock/addition	68/135	KOH Architecture
54. Bear Vault LLC	12 + 12R Bartlett Road	Renew COA 69071 move/demo	67/115.1 + 116	Brook Meerbergen
55. Bear Vault LLC	12 + 12R Bartlett Road	Renew COA 69495 storage bldg	67/115.1 + 116	Brook Meerbergen
56. Michael Robinson	13 Fayette Street	New deck, chimney	42.3.2/28	Sanne Payne
57. Justin Brooks	15 Correia Lane	New main dwelling	80/56	LINK
58. Justin Brooks	15 Correia Lane	New garage	80/56	LINK
59. Steven Jemison	4 Lavender Lane	New shed/tennis cabana	33/24	JB Studio/LINK
60. Steven Jemison	4 Lavender Lane	Tennis court	33/24	JB Studio/LINK
61. Regatta Inn	78 Centre Street	Rev 10-0071 fenestration	42.4.3/98	Emeritus
62. Joseph Saluti	174 Cliff Road	Fenestration changes	41/63	Emeritus
63. M. Woodley	22 Mizzenmast Road	Addition	66/368	Val Oliver
64. 17 Avenue Realty	17 Lincoln Ave	Move off/demo	30/118	Botticelli + Pohl
65. Bruschi Family	7 Westerwick Drive	New dwelling	73/35	Workshop/APD
66. Bruschi Family	7 Westerwick Drive	New dwelling	73/35	Workshop/APD
67. George Schmidt	3 A Street	Rev colors/trim/roof	60.2.4/78	Linda Williams
68. Mark Wendling	4 John Adams Lane	Rev 07-1397 pool and hardscape	30/628	Botticelli + Pohl
69. Melissa Pique	39 Surfside Road	New dwelling	55/438	Topham Design

## VII. OTHER BUSINESS

Approved Minutes -	January 28 & February 1, 4, 12 & 16, 2021
Review Minutes -	February 18, 23, 25 & 26, 2021
Other Business -	<ul style="list-style-type: none"> <li>• Next HDC Meeting- New Business <b>Thursday March 04, 2021 at 01:00pm</b></li> <li>• HDC review of revisions to HDC Background Summary to finalize for web page including vote</li> <li>• Discussion of additions and new dwellings added to the consent agenda</li> <li>• Review policy of Move/Demo hearings in relation to new dwellings</li> </ul>
Commission Comments	



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.

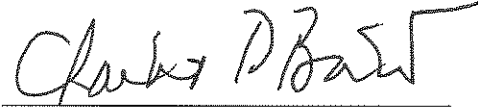
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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