



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 11 AM 10:41
NANTUCKET TOWN CLERK
Posting Number:T 586

Committee/Board/s | Historic District Commission (HDC) – Old Business

Day, Date, and Time | Tuesday, June 15, 2021; 04:30pm

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>

Ray Pohl, Chairman

Please note: 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=P9CBtn5LRvM>

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. RESILIENT NANTUCKET

- Final review and adoption of the Resilient Nantucket Design Guidelines

III. CONSENT

<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1. 3 Old Mill Court	3 Old Mill Court	Rev 73363 add window	55/927	Ethan McMorro
2. Michael + Rachel Watts 05-3896	20 Lincoln Ave	New gate	30/115	Sanne Payne
3. LBC Sconset LLC 05-3826	9 Hawk's Circle	Re-site 5 degrees/bump out	74/37.1	JGG Architects
4. Beach Not LLC 05-3828	16 Cannonbury Lane	Rev 02-3026; re-site + window	74/12	JGG Architects
5. 6 Gull Island LLC	6 Gull Island	Historic determination	42.4.3/61	Sarah McLane
6. Town of Nantucket	4 Western Avenue	Outdoor walk-in refrigerator	87/60	Abigail Shaw
7. Kathleen Schatz	8 Swain Street	As-built shed	42.4.1/82.1	Self
8. Carl Nielsen	15 Bassett Road	Rev 69715; chimney/vents	26/59	Chris Carey
9. Peter Kaizer	6 Nobadeer Avenue	Garage move on frm 24 Woodbine	80/37.2	Self

IV. 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. Thomas Wynn	10 Moors End Lane	Pool/deck/pergola	43/214	Ahern, LLC
• Pool must not be visible at time of inspection and in perpetuity				
2. Michael Schulder	33 Nonantum Avenue	Shed	87/49	Jardins International
• Due to lack of visibility				

V. SIGNS

<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1. Nant Land Bank	168 Hummock Pond Road	Informational Kiosk	65/13.2	Sustainable Nantucket
2. Nant Land Bank	168 Hummock Pond Road	Quarter board sign	65/13.2	Sustainable Nantucket
3. Sheila Egan	35 Old South Road	Projecting sign	68/6.4	Clay Twombly
4. Pearl Street RT	4 India Street	Rev 3433; add brass edging	42.3.1/169	LINK
5. Nant Hist Assoc	15 Broad Street	Temporary banner	42.4.2/61	Ashley Santos
6. Nant Hist Assoc	15 Broad Street	Temporary banner	42.4.2/61	Ashley Santos

VI. OLD BUSINESS- VIEW ONLY

<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1. Kristina Amendolare 05-3625	8 Bank Street	Addition	73.1.3/69	Angus Macleod
• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Thornewill; Recused: None</i>				

VII. NEW BUSINESS (05/18/21)

<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1. Village Way R.T. 05-3782	6 Village Way	New dwelling	14/42	Workshop APD
2. Dolores Martin 05-3796	80 Easton Street	Spa	42.4.2/6	Self
3. 37 Pocomo Road RT 05-3813	37 Pocomo Road	Cabana	14/38	Workshop/APD
4. 11 India Street LLC 05-3816	11 India Street	Fence	42.3.1/122.2	Ahern
5. Cannonbury Lane Part. 05-3817	14 Cannonbury Lane	New dwelling	74/11	Workshop APD
6. Cannonbury Lane Part. 05-3788	14 Cannonbury Lane	Pool and hardscape	74/111	Ahern
7. Gifford Whitney A Trst 05-3818	6 Lily Street	Window and door change	42.3.4/45	CWA
8. 8 Walsh LLC 05-3819	8 Walsh Street	Addition	42.4.1/83	Brook Meerbergen
9. Barry + Robert Ang 05-3821	11 Jonathan Way	New dwelling	75/42	McMullen + Assoc.
10. Barry + Robert Ang 05-3822	11 Jonathan Way	Cottage	75/42	McMullen + Assoc.
11. Barry + Robert Ang 05-3823	11 Jonathan Way	Shed	75/42	McMullen + Assoc.
12. Barry + Robert Ang 05-3824	11 Jonathan Way	Pool and hardscape	75/42	McMullen + Assoc.
13. Beach Not LLC 05-3827	16 Cannonbury Lane	Pool and hardscape	74/12	JGG Architects
14. 103 Main Street LLC 05-3829	103 Main Street	Unapproved granite posts	42.3.3/153	Atlantic Landscaping
15. Renehan Steven J. 05-3830	24 Stone Post Way	Pool and hardscape	73.3.2/68	Atlantic Landscaping
16. 38 Prospect LLC 05-3831	38 Prospect – Lot 29	Spa/hardscape	54.4.4/56	LFW/Mark Lombardi
17. Greg Raiff 05-3832	100 Low Beach Road	Rev 10-21882 minor revs	75/27	Bernice Wahler
18. Jim Ikard 05-3833	1 Bloom Street	Addition	42.3.3/140	Emeritus
19. Jim Helfrich 05-3834	37 Fair Street	Addition/alteration	42.3.2/212	Emeritus
20. Earret LLC 05-3836	6A Morey Lane	New dwelling	73.3.1/47	Emeritus
21. John Berry 05-3837	22 Eel Point Road	Demo/move off dwelling	40/45	Emeritus
22. John Berry 05-3838	22 Eel Point Road	New dwelling	40/45	Emeritus
23. Bill Burke 05-3839	54 Pochick Ave	Addition	79/128	Emeritus
24. Doug Meyer 05-3841	18 Gardner Road	New dwelling	43/135	Emeritus
25. Doug Meyer 05-3840	18 Gardner Road	Garage	43/135	Emeritus
26. Darrell Ferguson 05-3842	28 Main St, Sias	Rev 02-2856 cupola + pergola	73.3.1/47	Emeritus
27. Eric Kraeutler 05-3843	35 New Street	Move off/demo	73.4.2/42	Botticelli + Pohl
28. Eric Kraeutler 05-3844	35 New Street	New dwelling	73.4.2/42	Botticelli + Pohl
29. Okay Okay House LLC 06-3934	10 Union Street	Rev 2342; door change	42.3.1/43	BPC
30. Hannah Gardner House 05-3845	6 Gull Island Lane	Revise bldg size + alterations	42.4.3/61	Sarah McLane

31.	NISDA 05-3846	71 Washington Street	Move off/demo	42.2.3/41.2	BPC
32.	NISDA 05-3847	71 Washington Street	Move off/demo	42.2.3/41.2	BPC
33.	NISDA 05-3848	71 Washington Street	Move off/demo	42.2.3/41.2	BPC
34.	William Scannell 05-3849	119R Eel Point Road	Rev 12-2446; cupola revs	33/17.1	BPC
35.	Sweet Meadow Sylvania 05-3851	74 W Chester Street	Hardscape	41/478	NAG
36.	Kingfisher R.T. 05-3719	278 Polpis Road	Rev 2488 relocate on site	25/2	Gryphon Architects

VIII. OLD BUSINESS (05/25/21)

	<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1.	Mary Claus Trustee 04-3405	31 Low Beach Road	New dwelling	74/36	Botticelli + Pohl
	• <i>Commissioners: Coombs, McLaughlin, Camp, Oliver, Thornewill; Alternates: None; Recused: Pohl</i>				
2.	Anehialine Prop 04-3327	19 E Creek Road	Addition	55/60	BPC
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Welch, Thornewill; Alternates: None; Recused: Camp, Oliver</i>				
3.	38 Prospect LLC 03-3070	38/38R Prospect/Birdsong	New main house	55.4.4/80.1	Brook Meerbergen
	• <i>Commissioners: Pohl, Coombs, Camp, Welch, Thornewill; Alternates: None; Recused: Oliver</i>				
4.	38 Prospect LLC 03-3099	38/38R Prospect/Birdsong	New 2 nd dwelling	55.4.4/80.1	Brook Meerbergen
	• <i>Commissioners: Pohl, Coombs, Camp, Welch, Thornewill; Alternates: None; Recused: Oliver</i>				
5.	38 Prospect LLC 02-3037	38/38R Prospect/Birdsong	Water feature	55.4.4/80.1	Brook Meerbergen
	• <i>Commissioners: Pohl, Coombs, Camp, Welch, Thornewill; Alternates: None; Recused: Oliver</i>				
6.	38 Prospect LLC 02-3094	38/38R Prospect/Birdsong	Shed	55.4.4/80.1	Brook Meerbergen
	• <i>Commissioners: Pohl, Coombs, Camp, Welch, Thornewill; Alternates: None; Recused: Oliver</i>				
7.	Tim Demasi 04-3424	3 Gladlands Ave	New dwelling	80/234	Emeritus
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Thornewill; Alternates: Welch; Recused: None</i>				
8.	Josh Gregg 05-3714	2 Sandplain Drive	Pool and hardscape	68/356	Swimming Pool & Design
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Thornewill; Recused: None</i>				
9.	David Berson-Lacey 04-3382	6 Hedge Row	Dormer + shed addition	73.3.2/87	SM Roethke
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Thornewill; Alternates: Welch; Recused: None</i>				
10.	Cannonbury Holding 04-3380	18 Cannonbury Lane	New dwelling	71/13	Chip Webster
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Welch, Thornewill; Recused: None</i>				
11.	Jennifer Silva 04-3381	14 Harborview Way	Lift, addition & roofwalk	42.4.1/26	Thornewill Design
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Oliver, Welch; Alternates: None; Recused: Thornewill</i>				
12.	Sam Aloisi 05-3620	19 Quaker Road	New dwelling	41/42	Thornewill Design
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: None; Recused: Thornewill</i>				
13.	Brian Franz 04-3609	10-12 Cannonbury Lane	Pool	74/9 + 10	Ahern LLC
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Thornewill; Alternates: None; Recused: Oliver</i>				
14.	Diedre Hamlin Trust 02-2951	6 Lowell Place	Addition	41/167	Topham Design
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Thornewill; Alternates: Welch; Recused: None</i>				
15.	Gary Creem 04-3603	6 + 8 Hydrangea Lane	Addition	73/87 + 88	Val Oliver
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Thornewill; Alternates: None; Recused: Oliver</i>				
16.	Grey Lady Lane, LLC 04-3600	4 Grey Lady Lane	New dwelling	66/702	Val Oliver
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Thornewill; Alternates: None; Recused: Oliver</i>				
17.	3 Waterview LLC 04-3613	3 Waterview Drive	New dwelling	76/117.1	Linda Williams
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: None; Recused: None</i>				
18.	3 Waterview LLC 04-3594	3 Waterview Drive	Pool and hardscape	76/117.1	Linda Williams
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: None; Recused: None</i>				
19.	Stephanie Basile 04-3602	8 New Mill	Garage/apartment	42.3.3/33.2	Linda Williams
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Thornewill; Recused: None</i>				
20.	Mark Finnegan 05-3623	36 Warren's Landing	Gazebo/cabana	38/44	BPC
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Thornewill; Recused: None</i>				
21.	Mark Finnegan 05-3624	36 Warren's Landing	Pool	38/44	BPC
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Thornewill; Recused: None</i>				
22.	White Elephant LLC 03-3084	50 Easton Street	Awning addition	42.4.1/23	Mike Duffy
	• <i>Commissioners: Pohl, Coombs, Camp, Welch, Thornewill; Alternates: None; Recused: None</i>				

IX. NEW BUSINESS (06/07/2021)

	<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1.	Josh Morash 05-3885	8 Bayberry Lane – Lot A	Move/demo	67/72	Val Oliver Design
2.	Josh Morash 05-3886	8 Bayberry Lane – Lot A	New dwelling	67/72	Val Oliver Design
3.	Jeff Morash 05-3881	8 Bayberry Lane – Lot B	New dwelling w/ garage	67/72	Val Oliver Design
4.	Laurence Goode 05-3887	10 Grey Lady Lane	New dwelling	66/705	Val Oliver Design
5.	Lawrence Conway 05-3891	167 Surfside Road	New dwelling	87/118	Val Oliver Design

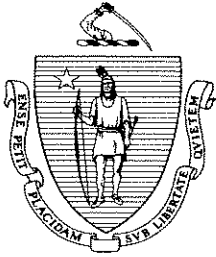
6.	Local Buoy Props 05-3890	39 Beach Grass Road	New duplex	66/368	Val Oliver Design
7.	Linda Towne 05-3884	5 Evergreen Way – Lot B	New dwelling	68/726	Val Oliver Design
8.	Jacob Martinson 05-3883	16 W York Lane	New dwelling	55/8.2	Val Oliver Design
9.	Diane Catino Etal 05-3892	11 D Street	New dwelling	60/2.1	Ethan McMorrow
10.	Tomaiolo Development 05-3901	3 Raceway Drive	Move off/demo	66/281	Ethan McMorrow
11.	3 Raceway Drive LLC 06-3964	3 Raceway Drive	New dwelling	66/281	Sophie Metz
12.	Town of Nantucket 05-3897	58 Bunker Road	New metal shop building	78/119	S.M. Roethke
13.	Hatcreek Cattle Co. 05-3898	15 Beach Grass Road	New dwelling	68/394	Karsten Reinemo
14.	Patti Duester 05-3876	13 Monomoy Road	As-built fence	54/198	Self
15.	Magnus Nicolin 06-3957	6 Brier Patch Road	Rooftop solar	21/136	Karen Alence
16.	Robert Meyer Jr. 06-3961	307 Polpis Road	Renovate barn	25/39	CWA
17.	5 Sherburne Way 06-3958	5 Sherburne Way	New Guest House	30/38	Botticelli & Pohl
18.	Kristen Engle Trust 06-3979	90 Pocomo Road	Pool and hardscape	15/43	CWA
19.	Howard + Holt	10 Bayberry Lane	Addition	67/71	Newman Inc.
20.	Oliver Carr 06-3954	84 Cliff Road	New dwelling	30/74.1	Robert Newman
21.	Robert Newman 06-3972	6 Topping Lift Road	Addition/garage	66/308	Robert Newman
22.	Downyflake Inc 06-3974	14 West Creek Road	Commercial building	55/175	Robert Newman
23.	Downyflake Inc 06-3971	14 West Creek Road	Rooftop solar array	55/175	Robert Newman
24.	Stuart Whitlock 06-3965	101 Orange Street	As-built fence	55.1.4/17	Self
25.	17 Lincoln Realty Trust 06-3968	17 Lincoln Circle	Pool and hardscape	30/18	Ben Champoux
26.	Gary Winn 06-3960	25 N Water St	Window replacement	42.4.2/2.1	Linda Williams
27.	Peter Dupont 06-3963	47 Millbrook Road	New dwelling	56/231	Ethan McMorrow
28.	Tim Quinlisk 06-3962	88 Quidnet Road	Rev 03-0793; add dormer	21/109	Botticelli + Pohl
29.	Thomas Rhodes II Trst 06-3932	125 Main Street	New dwelling	42.3.3/49	Gryphon Architects
30.	Tim Vieth 06-3912	3 Gladlands Avenue	Pool and hardscape	88/234	Atlantic Landscaping
31.	Aileen Newquist 06-3911	29 Main Street	Pool and hardscape	73.3.1/9	Atlantic Landscaping
32.	Rhack LLC 06-3909	20 Sherburne Tpk	Pool and hardscape	30/195	Atlantic Landscaping
33.	Brian Nester 06-3908	4 E Lincoln Avenue	Pool and hardscape	42.4.1/49	Atlantic Landscaping
34.	41 Beach Grass LLC 06-3953	41 Beach Grass Road	New dwelling	68/367	Val Oliver Design
35.	43 Beach Grass LLC 06-3952	43 Beach Grass Road	New dwelling	66/358	Val Oliver Design
36.	John Barry 06-3956	22 Eel Point Road	New guest house	40/45	Emeritus
37.	John Barry 06-3955	22 Eel Point Road	New garage	40/45	Emeritus
38.	Barbara Henderson 06-3981	6A Silver Street	Spa and hardscape	55.4.1/184.1	Waterscapes
39.	Thomas Wynn Trst 06-3966	10 Moors End Lane	Addition	43/214	Studio Ppark

X. OLD BUSINESS (06/15/2021)

	<u>Property owner name</u>	<u>Street Address</u>	<u>Scope of work</u>	<u>Map/Parcel</u>	<u>Agent</u>
1.	Peter Garren 04-3615	36 Pocomo Road	2 nd dwelling/garage	14/79	NAG
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Oliver; Alternates: None; Recused: Camp (stepped out)</i>				
2.	Eliza Silva 04-3391	16 Helen's Drive	Rooftop solar	66/53	ACK Smart
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Oliver, Thornewill; Alternates: Welch; Recused: None</i>				
3.	Jennifer Khoury 05-3768	27 W Chester Street	Spa	42.3.4/2	David Troast
	• <i>Commissioners: Coombs, McLaughlin, Camp, Thornewill; Alternates: None; Recused: Pohl</i>				
4.	Westmoor Club 05-3636	109 W Chester St	Dorm A	41/805	JGG Architects
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Thornewill; Recused: None</i>				
5.	Westmoor Club 05-3637	105 W Chester St	Dorm B	41/805	JGG Architects
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Thornewill; Recused: None</i>				
6.	Carol Anne Surface 04-3605	47 Warren's Landing	New dwelling	38/34	BPC
	• <i>Commissioners: Coombs, McLaughlin, Camp, Oliver, Thornewill; Alternates: None; Recused: None</i>				
7.	Carol Anne Surface 04-3606	47 Warren's Landing	Studio	38/34	BPC
	• <i>Commissioners: Coombs, McLaughlin, Camp, Oliver, Thornewill; Alternates: None; Recused: None</i>				
8.	Carol Anne Surface 04-3607	47 Warren's Landing	Pool	38/34	BPC
	• <i>Commissioners: Coombs, McLaughlin, Camp, Oliver, Thornewill; Alternates: None; Recused: None</i>				
9.	14 MVR LLC 04-3420	14 Madequecham Valley Road	New dwelling	89/13	Emeritus
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Thornewill; Recused: None</i>				
10.	Frederick Hahn 05-3797	50 Eel Point Road	Pool and hardscape	32/25.1	Atlantic Landscaping
	• <i>Commissioners: Pohl, Coombs, McLaughlin, Camp, Oliver; Alternates: Thornewill; Recused: None</i>				
11.	Zero India Street 03-3268	1 Cambridge Street	Addition	42.3.1/150.2	Emeritus
	• <i>Commissioners: Pohl, Coombs, Camp, Thornewill; Alternates: None; Recused: None</i>				
12.	One Folger Road, LLC 05-3642	1 Folger Road	Studio	30/195.1	Studio Ppark

- *Commissioners: Coombs, McLaughlin, Camp, Oliver, Thornewill; Alternates: None; Recused: None*

XI. OTHER BUSINESS	
Approved Minutes -	June 3, 2021
Review Minutes -	June 7, 2021
Other Business -	<ul style="list-style-type: none"> • Next HDC Meeting-Thursday June 17, 2021; 1:00pm – 2:30pm hard stop • HDC Meeting Schedule Update • Sign Advisory Council’s updated construction signs and site guideline vote • Coastal Resilience Plan Virtual Open House #2, June 24, 2021, 6-8pm. Registration to attend: https://www.eventbrite.com/e/nantucket-coastal-resilience-plan-open-house-2-tickets-154033750093 • Discussion of additions and new dwellings added to the consent agenda • Review policy of Move/Demo hearings in relation to new dwellings • Hardscaping
Commission Comments	



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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.

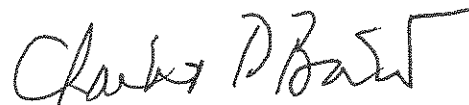
(2) Public bodies are hereby authorized to allow remote participation by all members in any meeting of the public body. The requirement that a quorum of the body and the chair be physically present at a specified meeting location, as provided in G. L. c. 30A, § 20(d) and in 940 CMR 29.10(4)(b), is hereby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