

Town and County of Nantucket
ROADS AND RIGHT OF WAY COMMITTEE

Posted Meeting of 20 April 2021
Held by Zoom Videoconferencing

FINAL AND APPROVED MINUTES

1. Call to Order, Approval of the Agenda, Approval of Minutes, and Public Comments.

A. Chair Allen Reinhard called the meeting to order at 4:07 pm. In attendance were Rick Atherton (left at 4:31 pm), Leslie Forbes, Ed Gillum, Bill Grieder (4:36 pm), Allen Reinhard, Lee Saperstein, and Phil Smith; there was a quorum at all times. All responded to an attendance roll call. The meeting was recorded and can be viewed on You Tube.

Absent: Nelson (Snookie) Eldridge and Nat Lowell

Guest: Max Brown

B. Approval of the Agenda. The agenda was approved unanimously by acclamation.

C. Public Comments.

None

D. Minutes. Approval of the minutes from March 16, 2021, was moved by Leslie Forbes, seconded by Rick Atherton, and approved by roll-call vote.

2. Chapter 91 Civic League Forum March 24 Follow Up.

Allen Reinhard reflected that the Nantucket Civic League March 24th forum on Chapter 91 Licenses went well and was an useful presentation. He was glad that state Department of Environmental Protection, DEP, personnel were able to participate. He said that the key purpose of the forum was to raise public awareness as well as educate the public on the workings of Chapter 91 licenses. The Committee's broad goal is to identify access ways to the harbor and the beach. He noted that, to do this, the Committee needs to identify lands that hold a license and those that need one.

Rick Atherton said that he was disappointed that the officialdom of the Town has not responded to our continued requests for information on Chapter 91 licenses on Nantucket. There were sounds of helpfulness during the forum but nothing new has been forthcoming. The Committee would like to know the annual state of license applications along with details of these applications and conditions applied to the resulting licenses. How, he asked, can we get this

information; should we file a Freedom of Information Application (FOIA)? Perhaps, we should write to the Town Manager and the Chair of the Select Board.

Allen Reinhard regretted the lack of response from the Town. The Committee would like to identify those properties that do not have a license but should. Ed Gillum suggested, even more, that it would be good to find out those properties with licenses that are about to expire. Rick Atherton added that, as helpful as the DEP speakers were, they did not elaborate on how to get a license. Lee Saperstein related the long history of his and Leslie Forbes's pursuit of on-Island license information. He has seen large paper files in the Department of Natural Resources and wondered what it would take to have them digitized. Leslie Forbes agreed with the summary and asked about next steps. Ed Gillum noted that the State does notify the Town, through its Conservation Commission, of licenses granted. He believes that the Committee should be copied on these notices. Leslie Forbes suggested that we start with oral communications to the either the Town Manager or the Select Board. Rick Atherton said that this would be a good approach and asked Allen Reinhard, as Committee Chair, to contact the Chair of the Select Board orally and tell her of the committee's concern. Allen Reinhard agreed to make the contact. [Action: Allen Reinhard to contact the Select Board Chair to inform of the committee's wish to be notified of Chapter 91 activities.]

At this point, Allen Reinhard focused the discussion by reminding all that the goal of the committee's interest in Chapter 91 licenses was to look for additional opportunities for access to the water. Leslie Forbes noted, with regard to the DEP participation that the State officials said that, in all their years of service, this was the first time that they had presented to a local forum such as Nantucket's. Phil Smith asked if it was correct that there was no state-wide digital file of licenses; Allen Reinhard and Lee Saperstein said that this was correct. Lee Saperstein conjectured that, although intended to be publicly available, the State agency did not want to throw their files open to everyone, hence their current procedure for in-person research of the license files.

Allen Reinhard then said that he was looking for a thorough definition of what is allowed on intertidal lands. The law says "fishing, fowling, and navigation" and then adds "strolling." Given the variety of walking activities, from slow walking to jogging, it would be nice to know what the State considers strolling to be. Bill Grieder said that he had received an e-mail from the land owner at Little Neck Way on what the land owner considered appropriate behavior on the intertidal lands on his property. Allen Reinhard acknowledged that this particular property had been in the news and that the Town Counsel has been asked to provide appropriate interpretations for citizens' use of the intertidal zone. Leslie Forbes said that we need more information from the State on strolling and will ask one of the DEP presenters for it.

Bill Grieder spoke of following the Harbor Walk from Petrel's Landing to the Great Harbor Yacht Club and of the barriers he found to exercising the right to use the intertidal lands. Allen Reinhard said that this entire issue was important and he will return it to the agenda once he has more information.

3. Winn Street and Partial Somerset Road Taking Update.

Allen Reinhard said that he had spoken briefly with Rob McNeil, DPW Director, but did not have an opportunity to get his views on the takings of Winn Street and portions of Somerset Road. Lee Saperstein suggested that he persist. Ed Gillum reminded the committee members that Winn Street is a vitally important link in a potential bike route between Hummock Pond and Madaket Roads. He asked also if we can recruit abutting owners on Winn Street to the cause of taking it. Allen Reinhard said that he would continue to follow up with the DPW. [Action: Allen Reinhard to talk with Rob McNeil about DPW interests in taking Winn Street and portions of Somerset Road.]

4. Sidewalk Project and Public-Private Way Map Project Update.

Allen Reinhard told the group that the Town's sidewalk contractor was working currently on Broad Street. Lee Saperstein pointed out that the Warrant Article on capital expenditures includes one million dollars for next year's efforts and that there is a five-year commitment to repairing all of the sidewalks in the downtown district. Bill Grieder and Ed Gillum commented that removal of dead and diseased trees has made easier the rebuilding task. Allen Reinhard added that there is a plan for phased rebuilding of the sidewalks and that the committee's earlier work on sidewalk conditions preceded this plan,

With respect to the public-private way map project, Allen Reinhard said that the Town's GIS coordinator, Nathan Porter, has been charged with its update. There is a map on the Town's web site and it is out of date. New real estate developments have created a myriad of new streets, most of which are private. In his project, Nathan Porter had created a list of ways for which he had ownership questions but this task has not been completed. Bill Grieder related his work with a town planner off Island in assigning street numbers to new buildings. Ed Gillum agreed that new development ways are mostly private.

Phil Smith asked if the new private ways are signposted by the Town and Allen Reinhard acknowledged that they are. Lee Saperstein added that signage is important for the fire department and the post office, not to mention lost drivers. Allen Reinhard related that the Town keeps a list of acceptable names for new streets. Phil Smith indicated that he was working on this issue. Bill Grieder thought that the Town Clerk's office was working on digitizing its paper file of ways on Nantucket. Allen Reinhard has spoken with the Town Clerk to let her know of the committee's interest in this project.

Bill Grieder noted that many building and re-building projects cause builders' vehicles to park on road shoulders, which they can damage. The grassy strips between the pavement and the multi-use paths are particularly vulnerable to this damage. He felt that there should be some mechanism to assure that they restore these damaged areas. Ed Gillum suggested that builders be required to bond these areas and Bill Grieder agreed with that suggestion. Lee Saperstein

suggested that the committee ask the DPW and the Building Inspector of their approaches to roadside damage. Bill Grieder volunteered to pursue this question and Allen Reinhard said that he would return this item to a future agenda.

5. Old, New, and Other Business, and Member Comments,

In new business, Max Brown thanked the committee for its willingness to let him attend. Allen Reinhard said that he was most welcome and this committee, similar to most town committees was open to the public at all times.

6. Adjourn.

Adjourn: The meeting was adjourned at 5:30 pm by consensus. The next meeting will be held at 4:00 pm on **Tuesday, May 18, 2021.**

Lee W. Saperstein, Secretary _____ Date _____

Roads and Right of Way Outstanding Projects List:

Public Way Monument Project: (Lee & Allen & Snookie)

- Install remaining monuments at 'Sconset Footpath, Hulbert Ave.
- Update file of existing monuments
- Move monuments at Westchester St. Ext. & Crooked Lane

Sidewalk Projects: (Allen)

- Prospect St. (bike path to Upper Vestal St.) and on to Madaket bike path
- Cliff Rd. Coffin Park to bike path at Sherburne Tpk.
- Pleasant St. Gardner Perry Lane to Williams St.
- Follow implementation of downtown sidewalk improvements
- Bike/Pedestrian connection from Surfside to Hummock Pond to Madaket paths

Harbor Walk Project: (Rick)

- Identify route and identify sections needing constructed walkway
- Concept drawings of construction required
- List permits and approvals needed and process to obtain
- Funding

Chapter 91 Monitor Project: (Leslie & Lee)

- Define goals for project
- Make local license information available on line
- Chapter 91 licenses along route for the Harbor Walk
- Locate other locations on Nantucket and Madaket Harbors requiring licenses

Nantucket Greenway and Trail System Project: (Allen and Lee)

- Nantucket Central Rail Road trail
- Map existing island trail and footpath systems and identify missing links
- How should maps and information be shared?