

Town and County of Nantucket
ROADS AND RIGHT OF WAY COMMITTEE

Posted Meeting of May 18, 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 4:03 pm. In attendance were Rick Atherton), Nelson (Snookie) Eldridge, Leslie Forbes, Ed Gillum (4:15 pm), Bill Grieder, Nat Lowell, 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.

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

C. Public Comments.

No public comments. Allen Reinhard, in chair's comments, reminded the committee members whose term ends this year, Snookie Eldridge, Leslie Forbes, and Ed Gillum, that they need to submit an application if they wish to continue on the committee. The application deadline is May 28th. Phil Smith asked about the Select Board's process of appointment and Allen Reinhard said that, in the past, applicants were invited to attend a Select Board meeting to introduce themselves but at the meeting at which appointments were made, there was no discussion and a written ballot was used when there were competitive applications. This year, the Select Board will be implementing a new process and it remains to be seen just how it will work.

D. Minutes. Approval of the minutes from April 20, 2021, was moved by Bill Grieder, seconded by Rick Atherton, and approved unanimously by roll-call vote.

2. Sidewalk Projects: Broad Street, Easy Street, Main Street Update.

Allen Reinhard reported that he had walked by the current sidewalk construction project to review progress on the ways around and to the harbor. He said that the work was going well, the completed sidewalks are smooth and, all in all, it is an impressive job. Nest year's work is in the budget to be approved at Annual Town Meeting.

Thence, Allen Reinhard segued to a discussion of missing sidewalks around Nantucket and our memorandum of December, 2020, to the Select Board, in which we endorse plans for installing sidewalks on six ways, in priority order: Prospect Street, Mill Hill Multi-use path, Pleasant Street, Cliff Road, North Liberty Street, and Lovers Lane. The memorandum notes that the first three are already in the planning stage and could be moved into the capital budget soon. He reported, also, that he had recently spoken with the owner of 57 and 61 Pleasant Street who is

willing to work with the Town to lay out a sidewalk along this property providing that a way can be found to save the trees that border the street. Lee Saperstein also noted that these trees show signs of weather damage but are still very healthy.

Phil Smith noted that a plan for Prospect Street sidewalks would be straightforward. Allen Reinhard agreed and added that Rob McNeil, Director, DPW, had told him that planning for this way and several others was underway. He also said that a sidewalk along Cliff Road should be relatively easy to lay out.

Bill Grieder asked if anyone knew about the tree that had been removed on Main Street in front of 53-57 Main Street, particularly if there is a plan to replace it. Allen Reinhard said that he did not know but would try to find out.

3. Chapter 91 and Outstanding Projects Update.

Allen Reinhard reported that he has spoken with the Chair of the Select Board, Dawn Hill Holdgate, about getting cooperation from the Town on sharing information about Chapter 91 Licenses. She asked him to put his concerns into an e-mail to the Director of the Natural Resources Department with a copy to her and that message is appended to these minutes. He remarked that Chair Holdgate was supportive and that we will see how it goes. He also told her that Leslie Forbes and Lee Saperstein had met with Jeff Carlson in May of 2017 (memorandum in file).

Rick Atherton said that we could contribute labor for searching the records; although Lee Saperstein noted that this could be an onerous task. Yes, agreed Rick Atherton, “we need to have a conversation on what we would like to do with the license information.”

Bill Grieder asked if it is known what data exist on Nantucket Chapter 91 Licenses. Rick Atherton explained that Appendix 3. to the “Nantucket & Madaket Harbors Action Plan,” May 2009, <https://www.nantucket-ma.gov/DocumentCenter/View/10269/Nantucket-and-Madaket-Harbors-Action-Plan-PDF>, had a thorough listing of those that could be found when the plan was written (pages 150-167). Although the document is in PDF format, he sent a copy of these pages in Word format to committee members. Lee Saperstein, who at the time was a liaison member from Roads and Right of Way to the Harbor Plan Implementation Committee, HPIC, said that the plan was on the Town’s web site, referenced above, and was due to be renewed. If Jeff Carlson is interested in organizing all information that exists on Nantucket for Chapter 91 Licenses, Lee Saperstein suggested that we could help to find resources for this task. He said, also, that Natural Resources has at least two large loose-leaf folders of Chapter 91 information,

Bill Grieder said that he had read an article that suggested that the mandate for harbor plans may be in question: “Fate of Municipal Harbor Plans Thrown into Question,” <https://www.lexology.com>. Leslie Forbes said that she thought that the law suit described in the article referred only to Boston Harbor. She appears to be correct although, if the State chooses to amend Chapter 91 to accommodate Boston’s needs, it could affect all such plans.

With respect to the Projects List, Allen Reinhard said that it was clear to him that the list would be greatly enhanced if each project had an objective or objectives attached to it. He posed that question of what it is that we wish to accomplish. He hopes that the committee can turn its collective energy at the next meeting to assigning objectives to the projects. [Action: Committee members consider objectives for projects.]

4. Winn Street and Partial Somerset Road Taking Update.

As requested at the previous meeting, Allen Reinhard related that he e-mailed Rob McNeil, DPW Director, asking for information on Winn Street and Somerset Road. Rob McNeil replied that, at this time, he did not know where they fit in the big picture of takings and re-construction.

Phil Smith then reported on his research into road ownership, private versus public. There is a road ownership map on the Town's web site at the GIS tab but it may not be entirely accurate. It was released on May 17, 2008. Details are on the map but it must be enlarged on one's computer screen to see them. He has discussed this map with Nathan Porter, GIS Coordinator, who shared with him the work that he is doing on road ownership. The Town's GIS map was renewed by a contractor in 2017 and all streets new since the previous version were added to the main map. Name and location were included but, with no information on ownership, this element was not included. Nathan Porter has a sequence of individual maps that allow work on the main GIS map at a convenient scale. From these maps, he has created a spread sheet with 2993 road items: name, ownership (public, private, unknown), and construction (paved, gravel, unpaved). Of these listings, 312 have unknown ownership, of which 133 are named but without ownership information.

Phil Smith went on to say that 46 of these map segments describe the periphery of the Island and show all public access points. A close examination of these maps would identify ways to the water and land ownership under these ways. He offered to send a sequence of West End maps to committee members for their review.

Allen Reinhard complimented Phil Smith on his work and added that, in 1975, a major project added over 70 ways to the Town's street list. Nat Lowell told Phil Smith that he had done, "a great job." He then reviewed the history of some notable public-access features such as the compromise that led to Steps Beach access and the development of the One Big Beach agreement. He noted that we still have both paper Streets, which are delineated on deeds and some maps, and ghost streets, which are not. He asked if we know how many more historic beach access points exist that are not truly open to the public and could be taken. Allen Reinhard returned to the Surfside access disputes that led to the development of the One Big Beach program.

Bill Grieder reminded the committee that knowledge and action can preserve ways. A citizen's article at a previous Annual Town Meeting to take an undeveloped portion of Washington Avenue for private purposes was withdrawn after public resistance to it became known.

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

There were no additional comments.

6. Adjourn.

Adjourn: The meeting was adjourned at 5:17 pm by consensus. The next meeting will be held at 4:00 pm on **Tuesday, June 15, 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?

E-Mail from Allen Reinhard to Roads and Right of Way Committee members, May 18, 2021

“Roads & ROW Members,

I spoke with Dawn Holdgate about securing Chapter 91 license information. She suggested I copy her on an email to Jeff Carlson regarding our request. Attached is a copy of the email. More information this afternoon.

Allen

----- Forwarded message -----

From: Allen Reinhard <allenreinhard@yahoo.com>

To: Jeff Carlson <jcarlson@nantucket-ma.gov>

Cc: Dawn Hill Holdgate <dhillholdgate@nantucket-ma.gov>; Lee W. Saperstein <saperste@mst.edu>; Allen Reinhard <allenreinhard@yahoo.com>

Sent: Tuesday, 18 May 2021, 10:48:05 AM GMT-4

Subject: Chapter 91 License Information

Jeff,

As part of our mission, the Roads & ROW Committee is seeking information on current Chapter 91 licenses throughout the island. Our broad goal is to identify access ways to the harbor and beaches. To do this, the Committee needs to identify lands that hold a license and those that need one. 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. We would also like to find out those properties with licenses that are about to expire.

We have attempted to gain this information over the past several years so as to assist the town by clarifying where public access to the waters of Nantucket exists. Can you be of assistance in providing this information?

Allen Reinhard, Chairman, Nantucket Roads and Right of Way Committee”