

Town and County of Nantucket
ROADS AND RIGHT OF WAY COMMITTEE

Posted Meeting of
September 21, 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 4:00 pm. In attendance were Committee Members Rick Atherton, Nelson (Snookie) Eldridge, Ed Gillum, Bill Grieder, Nat Lowell (4:16 pm), Allen Reinhard, Lee Saperstein and Phil Smith; there was a quorum at all times. Ken Beaugrand, Real Estate Specialist, attended until 4:56 pm. 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.

None.

D. Minutes. Approval of the minutes from August 17, 2021, was moved by Phil Smith, seconded by Ed Gillum, and approved by roll-call vote, all who voted, voted aye, with Rob Ranney, new member, abstaining because he was not present at the previous meeting. Phil Smith noted that, while he did not have any formal amendment to the minutes, he wanted the committee to know that he was willing to coordinate the project to map access points to the water but he needed all committee members to assist him (Item 7. Old Business, paragraph 2)

E. Introduction of New Member: Rob Ranney.

Chair Allen Reinhard introduced new member Rob Ranney, Nantucket Assessor and Nantucket Representative to the Board of Directors of the Steamship Authority. He asked Rob Ranney if he had been born on Nantucket and the reply was no but had come here when he was ten years old. Rob Ranney indicated that he was pleased to serve and, to be hoped, contribute to the work of the committee.

2. Update: Road Projects, Lovers Lane, Wyatt Drive, Okorwaw, Monohansett, Etc.

Allen Reinhard said that the committee was well aware that the listed projects had been approved at Annual Town Meeting and the subsequent town election. The Select Board is anxious to see work begin on them and, given the turmoil in the DPW, is meeting to set priorities for these projects. He has heard from Mark Willett, Wannacomet Water Company, and David Gray,

Sewer Department, that they will coordinate their respective projects so as to disturb any particular street only once and, furthermore, coordinate repaving with the DPW. This coordination is intended to reduce the number of delayed street projects.

Although, Allen Reinhard has no further news on the projects. He asked Ken Beaugrand if he could add anything more to this report. Ken Beaugrand said that the Town has been working with consultants on Lovers Lane; particularly, to get easements on private property for drainage installations that will, necessarily, precede road construction. They are working also with representatives from the state to obtain permission for a walking path through the State Forest.

Lee Saperstein asked about progress on reconstruction of the Sparks Avenue footpath to which Ken Beaugrand said that he had seen some plans and surveys but does not know about a starting date. At this point, Ken Beaugrand moved to the next agenda item, sidewalks.

4. Sidewalk Projects: Missing Sidewalks and Downtown Sidewalk Repairs.

As part of his report to the Committee, Ken Beaugrand noted that the Community Preservation Committee, CPC, had received an application from the Nantucket Historical Commission, NHC, for \$85,000.00 to engage a consultant to review the condition of the sidewalks on upper Main Street. He would like the committee's advice on this application and, to assist in the giving of this advice, will forward a copy of the application to the committee. Mickey Rowland, NHC member, asked Allen Reinhard the same question and Allen Reinhard said that he was personally in favor but was not speaking for the committee.

Ken Beaugrand asked specifically if the committee thought that this money would be well spent. An extended conversation concluded that this committee was interested in pedestrian safety foremost, which was the reason it undertook the sidewalk survey several years ago. There was discomfort at being asked to judge the advisability of this project, which appears to be more interested in historical preservation than pedestrian safety. At the very least, the committee should review the application before rendering judgment. Several members said that they were not enthusiastic about the proposed project. Ken Beaugrand summarized that the application was not something that the Roads and Right of Way Committee should have input on. If, however, the grant is funded, then this committee might wish to review the findings. All agreed with his summary.

Allen Reinhard asked, on behalf of the Roads and Right of Way Committee, whether or not it would be appropriate for the committee to apply to the CPC for project funds. Ken Beaugrand's reply was that the CPC will not fund projects that it perceives to be the Town's responsibility but that it could fund planning and research projects.

Allen Reinhard then turned to the subject of committee recommendations for those ways badly in need of sidewalks and public footpaths. He reminded the committee that we had sent a memorandum (attached) to the Town specifying four ways that are ready for sidewalks and several more that should be worked on next. He noted also that we have had no response to the

memorandum. Phil Smith asked if we had assigned a priority to the suggested projects and Allen Reinhard said that, based on potential safety improvements, we had: 1) Prospect Street sidewalk to Vestal Street; 2) Mill Hill multi-use path; 3) missing sidewalks on Pleasant Street by number 57, and 4) Lovers Lane. Allen Reinhard had met with the property owner on Pleasant Street along with several Town officials and reports that the owner is amenable to a sidewalk on his property that is located such as to protect the existing trees. Allen Reinhard will continue to follow up on the memorandum. [Action: Allen Reinhard to ask Town Administration about the sidewalk memorandum.]

Bill Grieder asked again about his concern for a tree that might have been taken down by the Town on the land of 57 Pleasant Street. The tree in question is on the southeastern edge of the property opposite Kimberley Way and 78 Pleasant Street. Lee Saperstein has submitted a question to the DPW about this tree and will forward the response when it is received.

5. Public Access to Ponds, Harbors, Tidelands, and Ocean: Map Needed?

Allen Reinhard reminded the committee that access to the water was a significant part of our mission statement. Phil Smith added that he wants to create a map of access points and will need the support of all committee members. He has a sequence of individual maps of waterfront properties that he received from Nathan Porter, GIS coordinator, and he needs help in converting them into a table or spreadsheet of access points as well as an island-wide map. Allen Reinhard noted that, where possible, ways are defined as private or public but that many are marked as “undetermined.” Frankly, it may take a search of individual deeds to change that designation and that may be more than a volunteer committee is able to do. He also noted that the signs designating beach access points are for first responders and do not define public access. Ed Gillum added that a map is a good idea and that we should specifically identify those ways to the water that belong to the quasi-public charities such as the Nantucket Island Land Bank, the Nantucket Conservation Foundation, and Mass Audubon because, legally, even though the public is invited to use them, they are private ways.

Bill Grieder pointed out that the Island’s legislative representatives, Senator Cyr and Representative Fernandes, have introduced a bill (attached) to amend MGL Chapter 91, to add the word “recreation” to the list of permissible activities on intertidal lands. He suggested that the committee might wish to endorse this bill. Allen Reinhard noted that the original activities of fishing, fowling, and navigation go back to the colonial statutes of the 17th century. Rick Atherton suggested that this was such an important measure for the Cape and Islands that we should read the bill and have a draft of a letter before us so that we know upon what we are voting. Phil Smith added that the Nantucket Civic League forum on chapter 91 was useful but that he was disappointed that the presentation from state officials did not include important information on the application of Chapter 91 to Nantucket. [Action: Bill is attached to these minutes; Allen Reinhard and Lee Saperstein will draft a letter to the Select Board.]

Rick Atherton thought that it might be useful to list all authorizations for taking of ways to the water and their status. These are generally along Baxter Road and Hulbert Avenue; an example

is the way between 71 and 73 Baxter Road. Allen Reinhard noted that this way is beyond the northern end of the 'Sconset Bluff Walk and, although a public way, is not a candidate for a monument.

Allen Reinhard said that we have un-used public way monuments and that we could mark any ways that we identify as being in public ownership,

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

Lee Saperstein asked if there was any news about recruiting a transportation planner and Allen Reinhard said that he had heard nothing new.

7. Adjourn.

Adjourn: The meeting was adjourned at 5:21 pm by consensus. The next meeting will be held at 4:00 pm on **Tuesday, October 19, 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?

Attachment One: re sidewalks

MEMORANDUM:

FROM: Nantucket Committee on Roads and Right of Way, Allen Reinhard, Chair

TO: Libby Gibson, Town Manager, for the Select Board

Copy: Art Gasbarro, Chair, Traffic Safety Work Group, Stephen Welch, Chair, Capital Program Committee, Andrew Vorce, Planning Director, and Rob McNeil, Director, DPW

Date: December 4, 2020

The Roads and Right of Way Committee has undertaken a project to identify critical missing sidewalks and to make recommendations for sidewalks on Town properties where no sidewalk currently exists. This creates situations where pedestrians are forced to walk in the trafficked roadway. We have identified six specific areas in or leading to the downtown area:

- Prospect Street from the end of the multi-use path past the hospital to Joy Street, (then repairing the sidewalk from Joy Street to Upper Vestal Street).
- The bicycle path/sidewalk connector to the Miacomet bike path beginning at the North Mill Street entrance to Mill Hill Park, thence to Old Farm Rd.
- Pleasant Street from Gardner Perry Lane to Williams Lane.
- Cliff Road from the end of the multi-use path to connect with the sidewalk opposite Coffin Park.
- North Liberty Street from Derrymore Road to Cliff Road.
- Lovers Lane bike path.

A discussion among Art Gasbarro, Andrew Vorce, Allen Reinhard and Lee Saperstein, with suggestions from Rob McNeil, considered which of these areas had a plan and survey showing a solution to create sidewalks or bike paths. We found that there are plans on file for three of these areas: 1. Prospect Street to Joy Street; 2. The Mill Hill bike path; and 3. The Lovers Lane bike path and road reconstruction, which was narrowly defeated at ATM. We also are aware of a plan to connect the historic downtown area with mid-town via Pleasant Street and Sparks Avenue.

Based on this information, especially as plans currently exist for each of these four areas, we felt the priority order of these projects should be as follows:

1. Pleasant Street and Sparks Avenue sidewalks including the missing section from Gardner

Perry Lane to Williams Lane.

2. Prospect Street/Mill Hill multi-use path through Mill Hill to Joy Street (the approved Bracken Plan).
3. Prospect Street sidewalk from the end of bike path to Joy Street and possible reconstruction of sidewalks to Upper Vestal Street.
4. The multi-use path on Lovers Lane connecting Old South Road and Boulevarde.

Each of these areas has an existing survey plan available. Each of these connections would greatly improve the safety of pedestrians and bicycles and traffic flow in these key areas.

We urge the Select Board to consider these plans positively and to develop funding resources to implement these plans.

Allen B. Reinhard, Chairman

Attachment Two: A Bill to amend Chapter 91

SENATE DOCKET, NO. 1381 FILED ON: 2/16/2021

SENATE No. 511

The Commonwealth of Massachusetts

PRESENTED BY:

Julian Cyr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:
An Act relative to recreation on private tidelands.

PETITION OF:

NAME: DISTRICT/ADDRESS:

Julian Cyr Cape and Islands

Dylan A. Fernandes Barnstable, Dukes and Nantucket

SENATE No. 511

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 511) of Julian Cyr and Dylan A. Fernandes relative to recreation on private tidelands. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to recreation on private tidelands.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 91 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by inserting after the words “for the purposes of”, in line 36, the following words:- recreation and.

SECTION 2. Said section 1 of said chapter 91, as so appearing, is hereby further amended by inserting after the definition of “Private tidelands” the following definition:- “Recreation”, the use of land for relaxation, exercise, watersports or other enjoyable pastimes.