

Town and County of Nantucket
ROADS AND RIGHT OF WAY COMMITTEE

Posted Meeting of
October 19, 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, Ed Gillum (4:04 pm), Nat Lowell (4:22 pm), Allen Reinhard, Rob Ranney, Lee Saperstein and Phil Smith; there was a quorum at all times. Ken Beaugrand, Real Estate Specialist, attended for a portion of the meeting. All responded to an attendance roll call. The meeting was recorded and can be viewed on You Tube.

Absent: Nelson (Snookie) Eldridge and Bill Grieder.

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

C. Public Comments.

None.

D. Minutes. Approval of the minutes from September 21, 2021, was moved by Rick Atherton and seconded by Ed Gillum. Lee Saperstein explained that Rick Atherton had suggested editorial changes to items 4 and 5; the amended minutes have been distributed and it is they upon which the vote will be taken. Rick Atherton said that he was happy with the amended version. Phil Smith noted a misspelling of Monohansett Road; it was corrected and then the minutes were approved unanimously by roll-call vote.

2. Agenda Modification to Accommodate Ken Beaugrand's schedule: Move Agenda Item 5 to This Place. Accepted by all.

5. Update: Road and Sidewalk Progress.

Ken Beaugrand noted that the sidewalk re-building project is making good progress. The sidewalk in front of the Town Building is being worked on now. With respect to major road projects, he explained that personnel shortages have led to delays. Where a project may be moved forward, it is. For example, the re-building of Lovers Lane has seen some progress with respect to obtaining consent from abutters for easements.

He noted also that the Community Preservation Committee, CPC, had denied the Nantucket Historical Commission's application to include their study grant in the CPC warrant article to be submitted to the Annual Town Meeting. This action by the CPC lays to rest any concerns about this study grant that were voiced at last month's meeting.

Before leaving the meeting, Ken Beaugrand provided a segue to agenda item 3.

3. Discussion: Chapter 91 Amendment to Add the Word "Recreation" to the Act.

At the last meeting, the committee discussed the proposal by the Island's legislative delegation, Senator Julian Cyr and Representative Dylan Fernandes, to add the word "recreation" to the section of Chapter 91 that permits fishing, fowling, and navigation in the intertidal zone. Ken Beaugrand noted that the word has an ambiguous meaning and its inclusion in the act could lead to substantial landowner concerns and a raft of litigation and enforcement issues. If recreation includes swimming, does it also include peripheral activities such as picnics and sand castles? In response to Lee Saperstein's question about what the committee should do next, he feels that more information is needed. The amendment needs a clear definition of the word "recreation" and should be subject to open hearings. A post-meeting search on Senate Bill 511 found that it was referred to the Joint Committee on Environment, Natural Resources and Agriculture.

Rick Atherton and Allen Reinhard both reported that they had seen the word "strolling" on Chapter 91 material: licenses (Rick Atherton) and signage (Allen Reinhard). Phil Smith noted that the intertidal zone is the wetted sand between low and high tide and is not conducive to any additional recreational activity except for walking or "strolling." Rick Atherton said that he had asked Charity Grace Mofsen, Nantucket Liaison for Representative Fernandes, for a report on the bill's status and she replied that she would get back to him as soon as she could find out its status.

Despite last meeting's enthusiasm for the bill, it now appeared, as summarized by Lee Saperstein, that the committee should postpone activity on it until it received more information about its status. There was consensus for postponement.

Before moving to item 4, Public Access, there were several additional comments about Chapter 91 and the proposed amendment. Ed Gillum said that he had found a definition that described recreation as activities done for enjoyment when not working. He also thought that a non-discriminatory word for crossing the wetted zone was "passage" instead of strolling or any other word that applies only to people with full physical function. Rick Atherton said that he had seen references to the State of Maine's approach to use of the waterfront and would share them with the committee.

4. Public Access to Ponds, Harbors, tidelands, and Ocean: Map Project

Allen Reinhard reminded the committee members that they have a long-standing commitment to providing the public accurate information about access to the water: Harbor, Nantucket Sound,

Atlantic Ocean, and the Great Ponds. The committee has undertaken to provide a map of access points, which Phil Smith volunteered to coordinate. Allen Reinhard related that the Town's emergency services have a list of access points that can be used for rescue purposes. Each of the points has a physical sign that provides contact information and location for people in need. He emphasized, though, that these access points are not all on public land and do not necessarily permit public access. He also noted that many access points are on lands controlled by charitable groups (Mass Audubon, Nantucket Conservation Foundation, Nantucket Island Land Bank and several local land trusts) and these also are not public ways although the charities usually afford permission to the public to cross to the water.

Allen Reinhard noted that Phil Smith has made contact with Nathan Porter, the Town's GIS Coordinator, and has received a number, approximately 25, of detailed maps of the Island's west end that show the known ownership of ways to the water. All land ownerships are also shown. Unfortunately, in addition to "private" and "public," there is a number of ways that are designated as "unknown." If these individual maps can be consolidated into one Island-wide map, then there would be information for the public on access ways and for Rick Atherton's earlier question on ways to the water that have not been identified well and might need further study.

The GIS database of water access points should be coordinated with other databases, according to Phil Smith. Lee Saperstein noted that the work to create a database may be more than can be done by the committee as a whole and certainly more than can be done by one committee member. He suggested that we ask Town officials to sanction a project to create such a database and map, perhaps in conjunction with a project to bring up to date the Town's road ownership map. If deed research on ownership of abutting ways is needed, committee members could be asked to help. Phil Smith said that Nathan Porter, GIS Coordinator, is key to this work. Ed Gillum showed a copy of the Town's beach map (attached) and suggested that the access points could build on it. Phil Smith suggested that we invite Nathan Porter to one of our meetings. When it was pointed out that he lives off Island and leaves each day at 4:00 pm, Lee Saperstein suggested that we could hold a special, one-topic meeting at 3:00 pm on a meeting day.

Allen Reinhard believed that this was a multi-step process: one, create a map of access points; two, resolve ownership of roads that lead to these access points; and three, as contributed by Ed Gillum, make sure that these ways are free from encroachments. Allen Reinhard said that he would take this project up with Andrew Vorce to see if we could get action. [Action: Allen Reinhard to ask Andrew Vorce to advise on setting up an access-point project.]

6. Further Discussion Regarding Roundabouts and Rotaries.

Allen Reinhard suggested that, no matter how interested is the committee on the issue of roundabouts and rotaries, we need to wait until there is a planner on board charged with transportation issues with whom we can discuss issues and concerns. A potential candidate for the job of transportation planner has decided not to come to Nantucket so it may be some time before this issue can be put onto a committee agenda. Rick Atherton said that he was struggling

with the committee's role in planning for road intersections. It was agreed that road layout was part of our advisory mission and that it would be important for any report that we generate to be shared with the Traffic Safety Work Group as well as the DPW. Nat Lowell added that any discussion of road intersections should include a review of truck routes and impediments to the free flow of truck traffic.

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

Lee Saperstein noted that the project list, see below, still included former committee member, Leslie Forbes, as part of the Chapter 91 work. He asked Rick Atherton if he would consent to take her place and the response was "gladly."

8. Adjourn.

Adjourn: The meeting was adjourned at 5:08 pm by consensus. The next meeting will be held at 4:00 pm on **Tuesday, November 16, 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: (Lee and Rick)

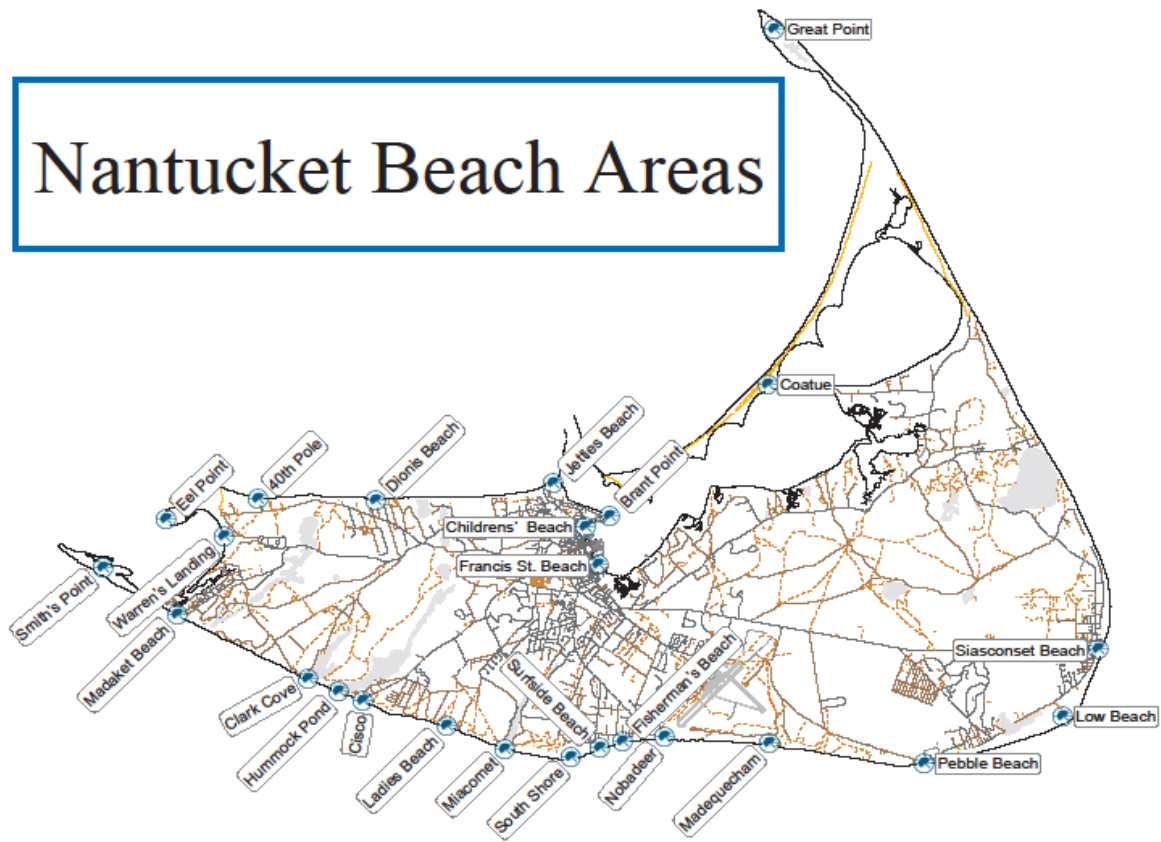
- Define goals for project

- 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?

Nantucket Beach Areas



June 2003



See <https://www.nantucket-ma.gov/DocumentCenter/View/19531/2021-Beach-Driving-Map-PDF?bidId=>.