

Town and County of Nantucket
ROADS AND RIGHT OF WAY COMMITTEE

Posted Meeting of
November 16, 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 4:01 pm. In attendance were Committee Members Rick Atherton, Ed Gillum, Nat Lowell, 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.

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

C. Public Comments.

None.

D. Minutes. Approval of the minutes from October 19, 2021, was moved by Nat Lowell and seconded by Rick Atherton; the minutes were approved unanimously by roll-call vote.

2. Chapter 91 Discussion: Roads and Right of Way Public Access Role.

Remarking that the committee had an useful discussion at its last meeting on Chapter 91 Licenses and the requirement for them on waterfront structures, Allen Reinhard said that he would like to spend some meeting time discussing the committee's role with respect to these licenses. He said, in clarification, that the historic right of the public to access intertidal lands is protected by Chapter 91 (MGL) and that he saw the committee's interest is in ensuring the public's access to the water. In this respect, it will be of use to determine the licensed status of properties that could impede access.

Rick Atherton added that, separately, he has met with Jeff Carlson, Natural Resources Director, and Lee Saperstein, committee member, to discuss Nantucket's record keeping for these licenses. He has learned that the State, through the Mass DEP Waterways Regulation Program, notifies Nantucket, specifically the Conservation Commission, ConComm, when a License is required for any property seeking ConComm action or approval. Rick Atherton noted that Jeff Carlson had proposed that a copy of this notification go also to the Roads and Right of Way Committee

through a mail box, to be established. He said, also, that Jeff Carlson would be willing to attend a committee meeting to discuss this proposal and Chapter 91 in general. The question of when would be the next meeting brought up the acceptability of Christmas week but most members said that they would be available on December 21st, the committee's scheduled date.

As an example of a key property that could block access to the water and Brant Point, Allen Reinhard mentioned 46 Easton Street, which is in the process of conveyance. It has a small beach behind it, i.e., between the house and the water, which, to his knowledge, is inaccessible from the walkway at the White Elephant Hotel. He is uncertain if the property has a Chapter 91 License. A follow-up for this property would be worthwhile.

3. Map Project: Public Access to Ponds, Harbors, Tidelands, and Ocean.

The issue of public access to the harbor led naturally to a continued discussion of the map project. Ken Beaugrand added that he was interested in this project, particularly where it involved identification of publicly owned ways to the water. He noted that not all of the Town's access points, which are placed to help emergency responders get quickly to people in need, are available to the public. Some of the privately owned points, however, belong to charitable organizations such as the Conservation Foundation and the Land Bank and these groups have granted the public permission to cross their lands to the water. He noted that we are set to work with Nathan Porter, the Town's GIS Coordinator. Phil Smith said that he would invite Nathan Porter to a future meeting, probably after we meet with Jeff Carlson.

Rick Atherton reported that he had a productive meeting with Nathan Porter and Lee Saperstein during which Nathan Porter agreed to create a public-access map as a layer in the Town's GIS system. Phil Smith noted that this access project will be of value to the larger issue of bringing the private/public ownership list and map up to date. Because many of the public ways that have been marked with monuments lead to the water, they will need to go onto the map as well. Phil Smith said that he would report to the committee and Ken Beaugrand on progress in creating this map.

At this point, discussion blended items 2. and 3. Rick Atherton reported that he had learned from Representative Fernandes and Senator Cyr that their proposal to include the word "recreation" within the definition of accepted uses of the intertidal waterfront was meant to be a longer-term effort to impact and expand public policy. They would be receptive to a statement of support from Nantucket. Lee Saperstein suggested that a draft statement that can be read and reviewed before the next meeting of the committee would be useful. Rick Atherton agreed to create a draft that we can recommend to the Select Board for their submission to the State legislature.

Bill Grieder reflected that our committee's mission is to advise the Select Board; he supports Rick Atherton's move as being directly in keeping with our mission. Allen Reinhard agreed that we make recommendations not policy. Ed Gillum added that this rationality would help in many ways and, in particular, completing the Harbor Walk from Brant Point to Monomoy. Allen

Reinhard said that, in addition to the new bicycle path on the railroad grade around the Goose Pond, there is now a mowed path alongside South Shore Road that follows the original route of the Nantucket Railroad to Surfside. This route was abandoned in favor of the one that crosses the moors to Tom Nevers and 'Sconset after the Surfside Hotel collapsed from neglect. He noted also that the new park on Easy Street has a short section of track and an explanatory sign about the railroad. In response to a question about the route of the railroad, Lee Saperstein reported that it went from Town alongside Washington Street, across Orange Street at Hatch's, over what is now the Sparks Avenue Rotary, behind Land Bank property on Old South Road and Naushop, thence across the airport lands, the middle moors, Tom Nevers, and 'Sconset. Hinsdale Road was established to be a maintenance way for the railroad.

4. Project List Update: Goals and Next Steps for Each Project Area.

Allen Reinhard said that the project list was his effort to keep track of the committee's major initiatives and to note progress in their achievement. To this end, he has reviewed the list and brought it up to date. The revised list was on the agenda and will be at the end of these minutes. As a point of history, these projects began in 2008 with recommendations to the Select Board on the use of open space.

As part of the update, he said that there are new monuments, six uprights and several flat ones, that could go in the ground. Once we identify where, the DPW has agreed to help emplace them. Allen Reinhard noted that, during the past few years, five ways to the water from Hulbert Avenue have been taken by the Town on a motion crafted by Rick Atherton and that the land side of four of them have been marked with a monument. He is open to suggestions on how best to mark the water side of these ways. Lee Saperstein asked about the missing monuments at either end of the new bike path on the Goose Pond railroad grade; should they be replaced. Allen Reinhard thought that there was no need to do so, given how well the path is marked.

He noted, also, that the Land Bank is working on an Island-wide map of trails and paths. This would bring substance to the Committee's long-standing interest in a Greenway System across Nantucket.

Bill Grieder asked if the DPW was following the committee's recommendations on projects; are their priorities consistent with those of the committee. Allen Reinhard replied that he meets regularly with Stephen Arceneaux, DPW Director, and Richard, "Mo," Moore, DPW Operations Manager, to discuss our interests in things that can be done now such as maintenance of walking paths such as on 'Sconset Bluff. The bigger projects, such as new sidewalks and multi-use paths, require completed designs from the Planning Department and Select Board approval.

Ed Gillum said that he liked the project lists. He also suggested that we integrate the Public Way monument project with the Nantucket Historical Association, NHA, so that appropriate signage, including QR codes, can be placed at historic ways and paths.

5. Further Discussion Regarding Roundabouts and Rotaries.

Allen Reinhard introduced the topic of rotaries by saying that we had discussed this topic at earlier meetings but that he wished to keep up the committee's interest in the topic. He did recognize that real progress on deciding what is best for Nantucket with respect to busy intersections will depend upon having a transportation planner. Lee Saperstein said that he had a firm opinion on the topic that he would share with the committee. Nat Lowell reminded us that Nantucket has had a history of fiercely opposing traffic innovations and, yet, over time coming around to an acceptance of change, particularly when the benefits become clear and understood. He said that we should consider rotaries in light of all possibilities for intersection control and what is in character for Nantucket. Lee Saperstein did a bit of post-meeting homework and came up with the following list that might stimulate discussion at the next meeting.

- Uncontrolled intersections, including the principle of priority to the right:
https://en.wikipedia.org/wiki/Priority_to_the_right.
- Use of stop and yield signs; assignment of priority.
- Dedicated turn lanes.
- Rotaries (roundabouts).
- Traffic Lights; currently forbidden on Nantucket.

Ed Gillum said that we can serve as the "squeaky wheel." Also, that anything that we do must be done in concert with the Traffic Safety Work Group. Allen Reinhard noted that our success has come from constant pushing.

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

None.

7. Adjourn.

Adjourn: The meeting was adjourned at 5:15 pm by consensus. The next meeting will be held at 4:00 pm on **Tuesday, December 21, 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., and other locations
- Update file of existing monuments
- Move monuments at Westchester St. Ext. & Crooked Lane

Sidewalk Projects: (Lee & Allen)

- Prospect St. (sidewalk 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.
- Lovers Lane Bike path and road reconstruction: follow progress
- Follow implementation of downtown sidewalk improvements
- Bike/Pedestrian connection from Surfside to Hummock Pond to Madaket paths

Chapter 91 Monitor Project: (Lee, Rick, Phil)

- Make local license information available online
- Harbor Walk Project, list of permits and approvals, Identify route
- Chapter 91 licenses along route for the Harbor Walk
- Locate other locations on waterfronts requiring licenses

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

- Nantucket Central Railroad trail map of route
- Island Trail Map with all walking trails