

Town and County of Nantucket
ROADS AND RIGHT OF WAY COMMITTEE

Posted Meeting of
August 15, 2023, at 4:00 pm
Held by Zoom Videoconferencing and Live in the 131 Pleasant Street Conference Room

FINAL AND APPROVED MINUTES

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

A. Chair Bill Grieder called the meeting to order at 4:00 pm; he read the public notice about attendance at remote meetings. In attendance were Committee Members Rick Atherton, Nelson “Snookie” Eldridge, Ed Gillum, Bill Grieder, Nat Lowell (4:14 pm), Allen Reinhard, and Phil Smith; there was a quorum at all times. Participants were established by voice roll call. Mike Burns, Transportation Program Manager, was a guest participant.

Absent: Rob Ranney and Lee Saperstein.

The meeting was recorded and can be viewed on the Town’s You Tube site (on Town’s main web page as “Watch Meetings Live”, select “Playlists” then look for “Roads and Right of Way”),

https://www.youtube.com/watch?v=diTb7kusWHE&list=PL49sKqpy7VAi_AAArzhvnU4I5DTnh_iVDj1&index=37.

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

C. Public Comments.

There was none. Bill Grieder reported that Erika Mooney, Operations Administrator, had brought the committee membership list up to date but needed to know the slate of officers for 2023-24. Rick Atherton promptly moved re-election of the current slate and all agreed, with Allen Reinhard officially seconding the motion, which was approved unanimously: Bill Grieder, Chair, Allen Reinhard, Vice-Chair, and Lee Saperstein, Secretary.

D. Approval of the minutes of the meeting of June 20, and July 18, 2023.

Because approval of the June 20th meeting was deferred to this meeting, a motion to approve the minutes of June 20 and July 18, 2023, was made by Allen Reinhard and seconded by Ed Gillum. Approval was given unanimously by voice vote. Rick Atherton asked about a comment made by Phil Smith with respect to the interest held by the Harbor Plan Update Committee in Chapter 91. Phil Smith suggested an editorial change to the sentence on Page 3 about Chapter 91 priority for the committee to “As for Chapter 91 interest on behalf of the Harbor Plan Update Committee, he noted that this was not a high priority for them.” It was noted also that the Projects List may be mis-leading with respect to an on-line access to Chapter 91 licenses. Bill Grieder will review this line and make it consistent with the effort Nate Porter has expended to identify Chapter 91 access

points on the GIS map.

This concern was expanded to the on-going call by the Roads and Right of Way Committee for links to the Chapter 91 database in the Department of Natural Resources and to its request for notification of all Chapter 91 applications and approvals. Bill Grieder then suggested that the committee move to the next agenda item; Rick Atherton asked that we modify the agenda so that the guest speaker could go next; all agreed.

2. Guest Speaker.

Mike Burns, Transportation Program Manager, began by saying that the federally required long-range transportation plan, which describes transportation planning for a 20-year span, must be brought up to date every four years, hence the current up-date will be for 2024 to 2044. Over the past year, the Town has drafted a Long-Range Transportation Plan, LRTP, for 2024-2044, with its final public-comment phase ending on August 21st. The next step will be Select Board approval of the plan.

He shared his screen with a presentation on the LRTP, attached, that was given originally to the Nantucket Planning & Economic Development Commission, NP&EDC. All of this material, the LRTP and a video of the earlier presentation, are on the Transportation Planning web site under the rubric of Long-Range Transportation Plan (found in a picture box): <https://nantucket-ma.civilspace.io/en/projects/long-range-transportation-plan>. He went through each slide, pointing out significant information for population and land-use patterns, public survey results on what is liked about Island transportation and what causes concerns, priorities for support for projects, and then a thorough review of the status of all potential projects including their position on the trail toward funding. He ended his presentation with a fervent plea for comments before August 21st.

He then took questions and comments; Phil Smith was first with a strong plea for the sidewalk or sidepath addition needed between Back and Cherry Streets along Pleasant Street. He also noted that most of the significant projects were low-down on the funding priority scale ('D' to 'F') and hoped that they could be moved up swiftly. Nat Lowell said that he was pleased to see a listing for turning lanes at busy intersections. He noted that the improvements on the Old South Road corridor due to the private investments made in front of the Richmond properties were a great help. He added that the call for a rotary at the intersection of Nobadeer Farm Road and the Milestone Road was significant and should be backed. Many of Nantucket's bike paths are narrower than they should be and that vegetative encroachment narrows many of them even further. He also noted that older pavements do not have berms and shoulders and many have suffered from washouts and deterioration of the roadway edges. He hopes that new road work will include appropriate berms and drainage controls. Allen Reinhard asked if there were paper copies of the LRTP and the reply was that an individual copy is available in the Town Building and the Atheneum. He also said that he has created a consolidated plan for improved readability.

With respect to the citizen survey that was conducted earlier, Bill Grieder was surprised that the category with the highest response was from people whose family income was greater than \$200,000. Mike Burns said that the Town needs to reach out to younger and less wealthy

citizens to get their input as well. Rick Atherton noted that the draft plan had substantial funding needs for the enumerated projects. How should the Town prioritize these needs? The answer, according to Mike Burns is that good data will support project needs.

In wrapping up, Nat Lowell added that good water management on new road surfaces is needed to prevent wash outs and Bill Grieder mentioned that a stop sign at the intersection of Joy Street and Mount Vernon Street was missing. This ended Mike Burns's presentation and he elected to attend the rest of the meeting.

3. New Business.

Bill Grieder showed the revised Master List of Public Way Markers and said that it will be sent to the Town for posting on the committee's web page. He next showed the 'Sconset Civic League brochure on the 'Sconset Bluffpath and noted that the wording for the public signs has been approved by HDC Sign Advisory Board. Allen Reinhard complimented the work that was done on the signage and all members agreed that the Committee should continue its support for its placement on the entrances to the path. Attached to these minutes is a court finding from 1930 that validated the public nature of the Bluffpath (begins on page 64). With respect to the discussion on Jefferson Avenue at the previous meeting, Bill Grieder has learned that Jefferson Avenue is a public way all the way to the water.

4. Old Business.

Ed Gillum noted that encroachments, both vegetative and man-made are increasing across the Island as home owners attempt to prevent parking on the un-paved portion of the road layout in front of their properties. Enforcement of the encroachment policy is dependent entirely on complaints and needs to become more positive. If homeowners wish for their properties to be designated as no parking, they need to petition the Traffic Advisory Work Group for this. Bill Grieder shared a picture of a property on South Beach Street, close to Oak Street, that had planters on the sidewalk. Nat Lowell said that this was not an encroachment because the property bound is at the roadway and they own the sidewalk.

Snookie Eldridge brought up New Street in 'Sconset and property developments at its intersection with Main Street. He said that the latter was a State highway and, as such, land around the intersection was protected from development. 45 and 49 Main Street, which are in the triangle between Main and New Streets, belong to the 'Sconset Trust. Bill Grieder said that issues around Bunker Hill Road will be taken up at the next meeting.

5. Adjournment.

At this point, Bill Grieder asked for an adjournment motion and Allen Reinhard made it, Snookie Eldridge seconded, and the voice vote in favor was unanimous.

Adjournment came at 5:22 pm.

Next meeting: 4:00 pm, September 19, 2023.

Roads & ROW Ongoing Projects List

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

Update file of existing monuments

- In progress as of 7/25/2023

Install remaining monuments at Sconset Footpath, Hulbert Ave., and other locations

- Need scheduling with DPW as of 7/25/2023

Land Bank to install monuments at Westchester St. Ext. & Crooked Lane

- Land Bank to install monuments when they complete their access project as of 7/25/2023

Public Way Access Maintenance

- DPW work orders have been issued for the maintenance of the public path between 51 and 55 Nobadeer Ave, including brush cutting, and also to restore access to the public access path at 18 Nobadeer Avenue. Need assistance in determining the exact location of the Hawthorne Street beach public access to avoid any encroachment on private property. as of 7/25/2023

- Reestablish access at 18 Nobadeer Avenue

o To be completed during homeowner construction project as of 7/25/2023

Sidewalk Projects: *(Lee & Allen)*

Wauwinet Road Sidepath

- This project is being managed by FHWA's Eastern Federal Lands-Highway Division. An agreement with the Town describes the survey and preliminary design process on-going from April 2023 to May 2024. This will identify resources that may be impacted and the design options to minimize impacts. Staff has met with the homeowner groups for Pocomo and Polpis to discuss the status and potential elements of the project that could be funding with private donations. as of 7/25/2023

Tom Nevers Sidepath

- This project is being reviewed by the Bicycle and Pedestrian Advisory Committee (BPAC). BPAC is reviewing options at the head of the path at the intersection with Milestone Road, which includes a rest area and design features that inform users of the history of Tom Nevers. Other design options include a boardwalk option on Land Bank property, options for crossing Old Tom Nevers Road, and alignment options for the end of the path to the fields that minimize right-of-way impacts. as of 7/25/2023

Cliff Road Coffin Park to bike path at Sherburne Turnpike

- Request sent to Selectboard to add to future sidewalk list. as of 7/25/2023
- Pleasant St. Gardner Perry Lane to Williams St.
- This segment of the larger project for Complete Street improvements along Pleasant Street is being reviewed with the Williams Lane sidewalk by BPAC. The Committee is reviewing options for both bicycle and pedestrian accommodations. A one-way traffic flow option would be an optimal accommodation for bicyclists with a sidepath while retaining a two-way option would only accommodate pedestrians with a five foot sidewalk. Options for Pleasant Street and Williams Lane are being reviewed with associated benefits and impacts to right-of-way, traffic flow, and safety for all users. as of 7/25/2023

Lovers Lane Bike path/ road reconstruction

This project is being managed by Town Administration and DPW. Staff meets each week with the engineer, GPI, to discuss steps to advance the design from preliminary to final design now that funding for permitting and construction has been approved. as of 7/25/2023

Follow implementation of downtown sidewalk improvements

- DPW set to resume work on the center street sidewalk between Quince and Gay Street this fall. as of 7/25/2023
- DPW will proceed with the renovation of the sidewalk between Center Street and India Street on the oddnumbered side of the center focus on repairing the sidewalk on S. Water St., between Main Street and Cambridge Street on the even-numbered side. The remainder of S. Water St. on the even-numbered side was already addressed last fall.

Bike/Pedestrian connection from Surfside to Hummock Pond to Madaket paths

- Land takings completed – needs Town Meeting funding as of 7/25/2023

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Prospect Street sidewalk from Milk Street to Madaket bike path

- Unfeasible to complete past Quaker Cemetery footprint. Need to develop alternative route, possible down Vestal St to Wynn Street to Madaket Road. as of 7/25/2023

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

GIS department head Nathan Porter making available online (Phil Smith reviewing) as of 7/25/2023

Chapter 91 Licenses

- Requested ConCom to copy RROW on any received applications or notices as of 7/25/2023

- Nantucket and Madaket Harbors Action Plan Update Committee Identify licenses along route for the Harbor

Walk

- o Committee conducting public survey (Phil Smith reviewing) as of 7/25/2023

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

Nantucket Central Railroad trail map of existing portions of route

- Locations identified at Easy Street, Washington Street extension, Naushop development and Bayberry

Commons to Surfside as of 7/25/2023

Island Trail Map with all walking trails

- Land Bank and Conservation Foundation have publications as of 7/25/2023

Sconset Bluff Walk Subcommittee Review: *(Allen, Ed, Nat)*

- Reviewed sign verbiage and locations, maintenance, encroachments

o Need to address encroachments on walkway as of 7/25/2023

- Sign Advisory Council Meeting

o Sconset Civic Association – approved new signage application as of 7/25/2023

interest in the land conveyed by the original owner to them in trust. At the hearing of a petition filed in 1925 by the town for registration of the title to such land, the woman as respondent contended that she had acquired a title by adverse possession. The judge found that she had not acquired title by adverse possession against the petitioner and its predecessor in title, and ordered a decree for the petitioner. The respondent alleged exceptions. Held, that

- (1) The circumstance that the respondent entered upon the disputed parcel under color of title by virtue of the second deed to her from the original owner did not affect the rule of law that the question, whether she had acquired title by adverse possession, was one of fact;
- (2) The second deed to the respondent from the original owner was of no avail in proof of the character or of the fact of possession by her, because it bore on its face as a part of the "interest" attempted to be released and quitclaimed the assertion that it was "subject" to the grantor's earlier deed to the Proprietors: it at most was a piece of evidence to be weighed by the trial judge together with all the other evidence in deciding the vital issue between the parties;
- (3) No act of the respondent in pursuance of her alleged possession was inconsistent with the trust for the maintenance of the way or foot path; and an inference of permission by the Proprietors for the incidental and subsidiary purposes for which the respondent used the land could not as matter of law be pronounced impossible or inconsistent with the acts done by the

. respondent;

- (4) The facts taken together did not require the further finding of actual disseisin or ouster of the Proprietors as the owners of the record title, which was a finding essential to the establishment of title by adverse possession;
- (5) The nature of the respondent's occupation being consistent with the condition in her second deed from the original owner, a presumption arose that it was under and in pursuance of that condition and not adverse to it, notwithstanding that her entry was under color of title;
- (6) No error of law appeared in the judge's finding and final order.

PETITION, filed in the Land Court on December 22, 1925, for registration of the title to certain land in Nantucket.

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The petition was heard in the Land Court by Davis, J. Material evidence and findings and rulings by the judge are stated in the opinion. The respondent alleged exceptions.

N. B. Vanderhoof, for the respondent.

J.M. Swift, (A. P. Curran with him,) for the petitioner.

RUGG, C.J. This is a petition to register title to a strip of land in that part of the petitioning town known as Siasconset. The petitioner claims title ultimately through one Flagg and immediately under deed from the Proprietors of the Common and Undivided Land of the Island of Nantucket, hereafter called Proprietors, subject to trusts therein declared. In 1873 Flagg owned a large tract of land including a part, if not the whole, of the locus. So far as concerns the present controversy, it was (as found by the trial judge) bounded easterly by a line substantially at the foot of a high bank or bluff, between which and the Atlantic Ocean at mean high water is an expanse of beach upland owned by the Proprietors. Flagg had plans made dividing his tract into lots, the easterly line of which was at a reasonably safe distance westerly of the edge of the bluff. A foot path ran along the top of the bluff. By deed dated September 1, 1892, Flagg conveyed to Mrs. Mitchell, hereafter called the respondent, a tract composed of three of the most easterly tier of his lots bounded

easterly by a foot path along the bank. By deed dated September 21, 1892, Flagg conveyed to the Proprietors the tract of land (with exceptions not here material) lying between the easterly boundary lines of the most easterly tier of *said* lots, being in part the easterly boundary of the respondent's tract, on the west, and the beach upland belonging to the Proprietors, on the east, the strip so conveyed to be held by the Proprietors in trust for the purpose of a way or foot path along the bank and for no other purposes, with authority to convey said tract to the petitioner for the same purposes. By instrument dated the following day, Flagg gave to the respondent a quitclaim deed of all his interest in the land lying eastward of and between the extension of the northern and southern lines of the tract theretofore conveyed by him to her with the

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condition that all of the land lying between the east line of the tract previously conveyed to her and the edge of the bank be kept open for the purpose of a way or foot path along the bank, and reciting further: "this deed being subject to my deed of September 21, 1892, conveying the same premises to the Proprietors ... in trust for uses and" purposes therein specified." All these deeds were recorded in the order of their respective dates. The trial judge states: "Flagg conveyed many, if not all, of his front lots in a similar way. Just what interest he thought he had, or was conveying by the quit claim deeds, does not appear. The respondent and other purchasers obviously thought they were acquiring some interest in the bank or bluff, subject to the foot path. The respondent Mitchell in 1922 filed a petition for registration of title to her land, claiming easterly to the ocean. In that case, as in other cases out of this same tract, I ruled that title to the strip between the easterly line of the tier of lots on the west, and the line at the foot of the bank on the east, passed to the Proprietors under said deed of September 21, and not to the respondent under tier deed of September 22."

Other relevant facts found by the trial judge are these: "The respondent built a house on her lots to the west of the foot path, and in 1893 secured the edge of the bank from crumbling by a sort of bulkhead of boards, filled in between her house and the edge of the bank with soil, and made the space into a lawn, leaving a well defined foot path over it as a part of the continuous foot path from Sankaty Head Lighthouse southerly along the top of the bluff; planted rose bushes and broom on the face of the bluff, both ornamentation and to secure it from washing; built a flight of about one hundred steps down the bluff from in front of her house; built two bath-houses, each containing three compartments, at the foot of the bluff, but to the west of the boundary line of the strip conveyed to the Proprietors in 1892; and a few years later erected on *said* strip at the foot of the bluff a small engine house used in connection with a gas plant for her house. For a period of over twenty years she has cut the lawn, cared for the bushes, replaced the soil

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and maintained said structures on *said* strip. She has occupied her property each year from June to October. She claims title acquired by adverse possession to the portion of the strip conveyed to the town in 1925 between her northerly and southerly boundary lines extended. I find that she has acted as above stated under a claim of right, and she supposed, until the decision in her registration case in 1926, that she owned some interest in *said* strip. The Sankaty Path is in constant use, and is a matter of importance to all lot owners along the bluff. It is a well defined path, but owing to inroads by the sea, needs care and repair. It is in good condition in front of the respondent's house, and her lawn has in no way interfered with the path. There has been nothing in her care of the bluff that has been in any way adverse to the rights of the Proprietors, or of the Town as their successor in title, nor in any of the said acts of the respondent has there been anything adverse to the purpose of the trust under which title to the strip of land has been held, namely, the maintenance of the path. That portions of it have been used by the respondent for access to the beach and for bathing purposes, or for the housing of her gas engine for lighting her summer residence, has not been inconsistent with a reasonable inference of permission on the part of the Proprietors. The Proprietors are the original body of land owners, holding as tenants in common and incorporated

or purposes of management and division of the common lands. They are one of the last remaining bodies of Proprietors in the Commonwealth, and have little land remaining undivided. They peculiarly represent the common interests of the land owners as a collective body. They have no particular means, however, of protecting or carrying out the trust established by the Flagg deed of September 21, and that deed expressly provided for their transferring the title, together with the trust as to this strip of bluff on which is located the path, to the town. That they should permit an owner of lots abutting on the path to adorn and care for the adjoining strip of bluff and beach upland at its foot, and to use it in any way beneficial to the house lots and in no way detrimental to the Proprietors for

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the maintenance of the path, seems to me reasonable and natural. There is a decided difference between a user of open tracts of seashore property and similar user in a settled community." Apparently as a finding of fact commingled with views of the law he further stated: "Title acquired by adverse possession rests practically on estoppel as a matter of public policy. When an owner has permitted himself to be ousted and another to be in open, notorious and exclusive occupation of his land under a claim of right for a period of twenty years, he has lost the right to assert his title. He does not lose it by a reasonable allowance of the use of a portion thereof by a neighbor, beneficial to the neighbor and on the whole to himself, which does not in any way interfere with *his* own control of the property for the purposes for which he himself uses it. In such a case permission is to be inferred; and the more so where title to the land is in a public body like the Proprietors."

The trial judge granted the request of the respondent for a ruling to the effect that she entered upon the disputed premises under claim of title based on her deed of September 22, 1892, from Flagg and thereafter her occupation and possession. Nevertheless, on the question of title, denied certain other requests for rulings, found that she had not acquired title by adverse possession against the petitioner and its predecessor in title, and ordered a decree for the petitioner. Exceptions by the respondent bring the case here.

The respondent states expressly that she does not rely on the deed from Flagg dated September 22, 1892, except so far as it may give color of title to her entry upon the disputed premises. She contends that she has acquired title to the disputed premises by adverse possession subject to the rights of the public to use the foot path.

The judge before rendering his decision took a view of the premises. He also knew the situation of the property of the respondent and surrounding properties and the use by the public and by adjacent owners of the foot path from prior proceedings before him, and it was agreed that he might use this knowledge in deciding the present case. He also made *his* findings of fact adverse to the respondent upon

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testimony and evidence which is not reported. The general order for registration of the title of the petitioner imports a finding of every primary and subsidiary fact necessary to that conclusion. *Adams v. Dick*, 226 Mass. 46, 52. *Prentiss v.*

Gloucester, 236 Mass. 36, 52. *Gattman v. Jeffrey-Nichols Co.* 268 Mass. 10, 12. Confessedly the record title to the locus is in the petitioner. The respondent disputes the validity of that title by the contention that she has acquired a superior title by adverse possession. That is an affirmative proposition. The burden of proof rested upon her. Title of that nature can be sustained only by proof of open, adverse, exclusive, continuous and uninterrupted possession under claim of title for the requisite period of twenty years. *Proprietors of Kennebeck Purchase v. Call*, 1 Mass. 482, 488. *McDonough v. Everett*, 237 Mass. 378. Whether there is proof of these matters is a pure question of fact. Findings of fact by the trial judge upon unreported evidence and a view cannot be reversed, but must be accepted as final. *Curtis v. Brown*, 219 Mass. 157, 15. *Bessey v. Ollman*, 242 Mass. 89, 91.

Webber v. Cox, 256 Mass. 595, 597. *Erickson v. Ames*, 264 Mass. 436, 441. The circumstance that the respondent entered upon the disputed parcel under color of title by virtue of the deed to her from Flagg does not affect in any degree the rule of law that title by adverse possession is wholly a question of fact. Entry made

under color of title might be evidence or even proof as to the extent of possession if and when the requisite possession is shown. Actual possession of a part of a large tract, when proved, is not limited to the part so possessed but gives constructive possession of the entire parcel when the entry was made under color of title. *Dow v. Dow*, 243 Mass. 587, 590. Ordinarily and in the case at bar that factor has no further effect. That deed from Flagg to the respondent *is* of no avail in proof of the character or of the fact of possession by her, because it bore on its face as a part of the "interest" attempted to be released and quitclaimed the assertion that it was "subject" to the grantor's earlier deed to the Proprietors. At most that deed was a piece of evidence to be weighed by the trial judge together with all the

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other evidence *in* deciding the vital issue between the parties. It was different from a merely void deed apparently good on its face. It declared its own limitations in express terms. There is nothing in decisions like *Higbee v. Rice*, 5 Mass. 343, 352; *Parker v. Proprietors of Locks & Canals on Merrimack River*, 3 Met. 91, 100-101; *Warren v. Bowdran*, 156 Mass. 280, 282; which aid the respondent on the facts here disclosed.

.,_rte poj_nt open to the respondent for argument *is* that the findings of special facts made by the trial judge are of such nature, or so contradictory and incompatible, that as matter of law the order for the decree in favor of the petitioner is not warranted.

When the respondent entered upon the disputed tract under the Flagg deed, by its terms she had express notice of the deed from Flagg to the Proprietors and of the trust thereby created. That trust was "for the purpose of a way or foot path along the bank." There is no finding that any act done by the respondent was incompatible with that trust. No act of the respondent in pursuance of her alleged possession was inconsistent with the trust for the maintenance of the way or foot path. The construction by the respondent of the bulkhead, and the other means taken to support the bluff, were not adverse to the trust but were in truth in aid of it although not designed to that end. The building of the steps and the erection of the two small buildings *did* not in any degree interfere with the title of the Proprietors or with the public trust .for which they held title. The inference of permission by the Proprietors for these incidental and subsidiary purposes cannot as matter of law be pronounced impossible or inconsistent with the acts done by the respondent. Notwithstanding the acts of the respondent, given their collective weight, the trust was at all times in force and the Proprietors were under no obligation at their peril to put a stop to comparatively trifling trespasses on the land in no way impairing the trust estate or preventing them from doing whatever might, be required with the lapse of time for the active support of the purposes of the trust. The facts taken together _do not require the further finding of actual disseisin or ouster of

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the Proprietors as the owners of the record title, a finding essential to the establishment of title by adverse possession. *Boston Mill Corp. v. Bulfinch*, 6 Mass. 229, 233. *Melvin v. Proprietors of Locks & Canals on Merrimack River*, 5 Met. 151 26,

32. Barker v. Kennard, 226 Mass. 586, 589, 590. Dead River Fishing & Hunting Club v. Stovall, 147 Miss. 385, 399. The inference of permission by the Proprietors for all the things done by the respondent upon the disputed premises was justified. Arnold v. Stevens, 24 Pick. 106, 110-111. The nature of the occupation by the respondent, as found by the trial judge, was consistent with the condition in her deed that her title was subject to Flagg's prior deed of the same premises to the Proprietors upon the trusts there declared. Hence the presumption is that it was under and in pursuance of that condition and not adverse to it, notwithstanding that her entry was under color of title. Atkins v. Bordman, 20 Pick. 291, 302. The findings of facts made are not inharmonious one with another, and they are consonant with the ruling to the effect that the respondent entered under claim of title and that thereafter her occupation and possession, such as shown by the findings, were under color of title. It is not necessary to review one by one the

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Social Law Library <http://sociallaw.gvpi.net/sWlpextdll/sll/sicapp/sicapp-1498600?f=temp...>

·requests for rulings, which were denied. It is enough to say that no error of law is disclosed, either in the facts found or in the refusals in view of those facts to grant requested rulings.

Exceptions overruled.

End Of Decision



Long-Range Transportation Plan Update: Public Review Phase

Nantucket Planning
& Economic



Transportation
Planning
Organization

Phase 3:

Phase 2:

Phase 3:

June - July 2023 Y July 21 -August 21

Prioritization Phase

Public

Assessment Phase

Public Input using the ZenCity Outreach Platform

Nantucket Planning
& Economic
Development
Commission
Nantucket
Transportation
Planning
Organization

Schedule



Long-Range Transportation Plan Update: Public Review Phase

NANTUCKET

www.nantucket-ma.gov/lrtp

Recorded Presentations

- Draft Report and Appendices

Long-Range Plan

Transportation

TRANSPORTATION

The Long-Range Transportation Plan (LRTP) for Nantucket is a year multi-look for

21

Nantucket Planning
& Economic
Development
Commission
Nantucket
Transportation
Planning
Organization

Comments accepted until August

transcowtation in theregim everyfour years, and isrequired to rem funding CRTPIrchides an assessment trends. identificationOf projects and p toachieve Vision and Goals. and establish prioritiessto implement

withanticipated fundinw This must in August 2023 effortstoset micvitiesfor the multivral transporta system that is sensitive to the character of tr•æ island. The Draft Visim for

Development

OPEN

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IMPORTANT DOCUMENTS

Leave your comments on the DRAFT Long Range Transportation Plan

Closes: August 21, 2023 at 5:00 PM

The Long-Range Transportation Plan (LRTP) for Nantucket is a 20+ year outlook for transportation in the region, updated every four years, and is required to remain eligible for federal funding. The LRTP includes an assessment of demographic trends, identification of

projects and programs to achieve the Vision and Goals, and establish priorities to implement with anticipated funding. This updating must be completed in August 2023 and builds on previous planning efforts to set investment priorities for the multi-modal transportation system that is sensitive to the character of the island.

Participate Now

Approximate time 4 minutes

Nantucket Planning
& Economic
Development
Commission
Nantucket
Transportation
Planning
Organization

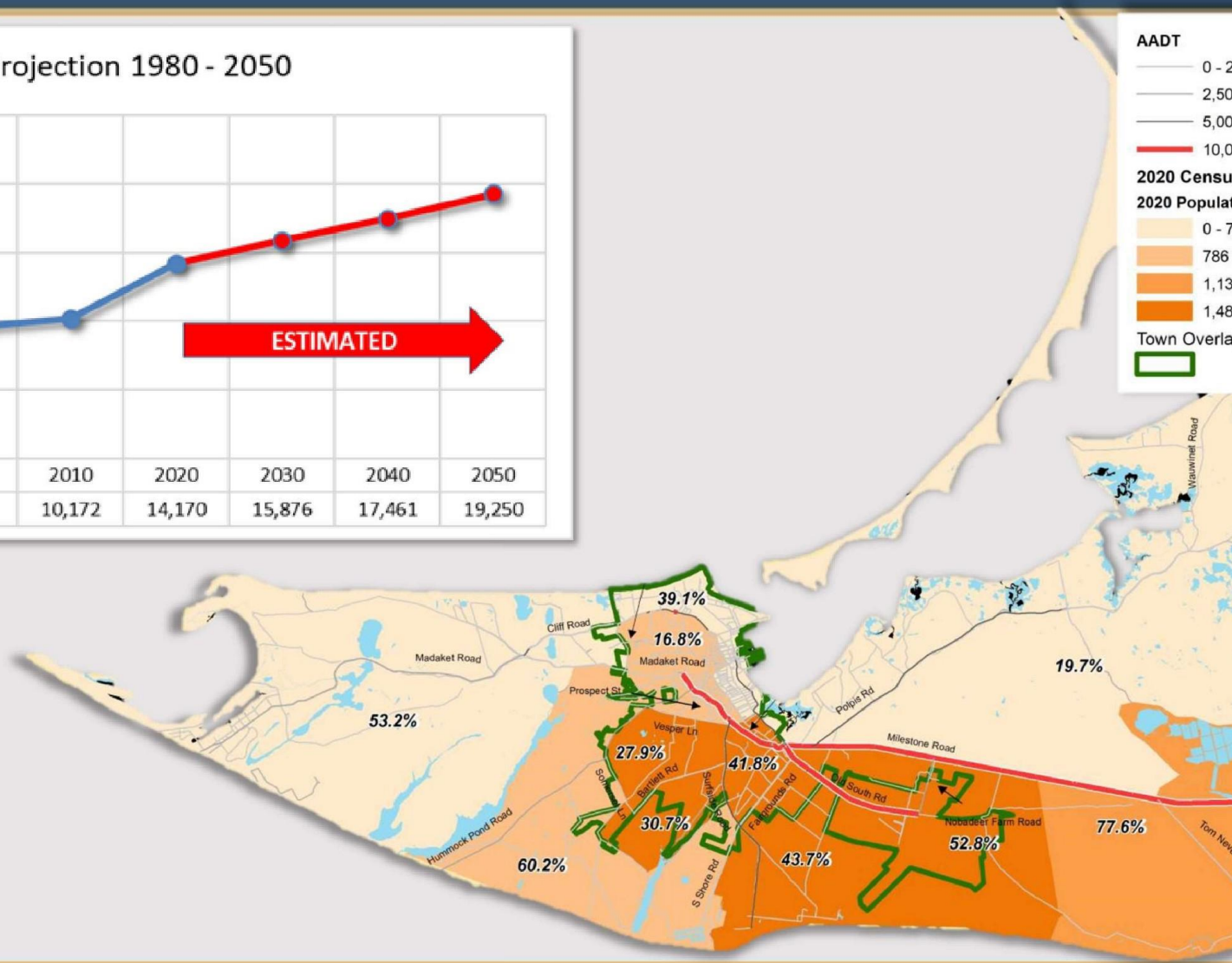
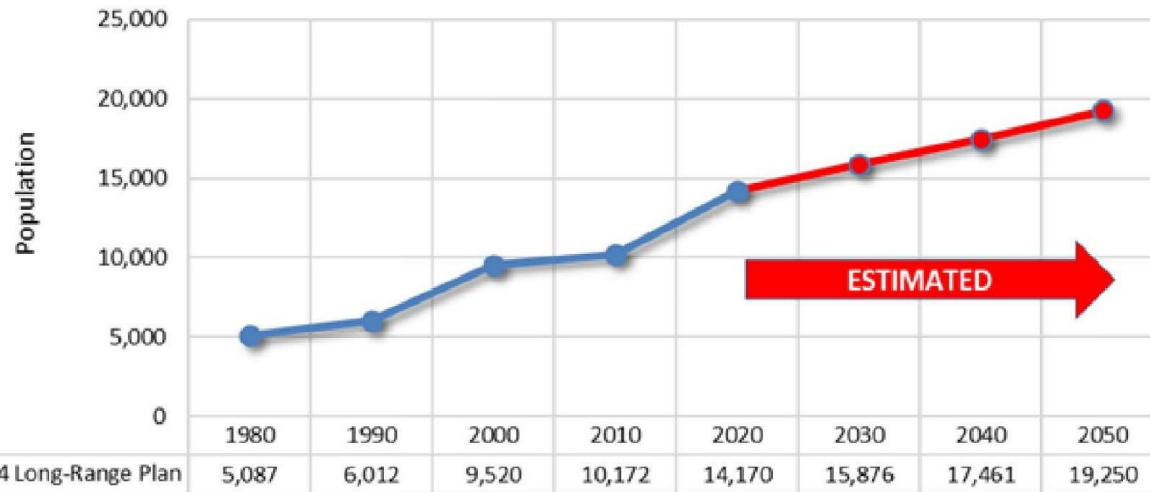


**Nantucket Planning & Economic Development Commission
Nantucket Transportation Planning Organization**

Long-Range Transportation Plan Existing Conditions

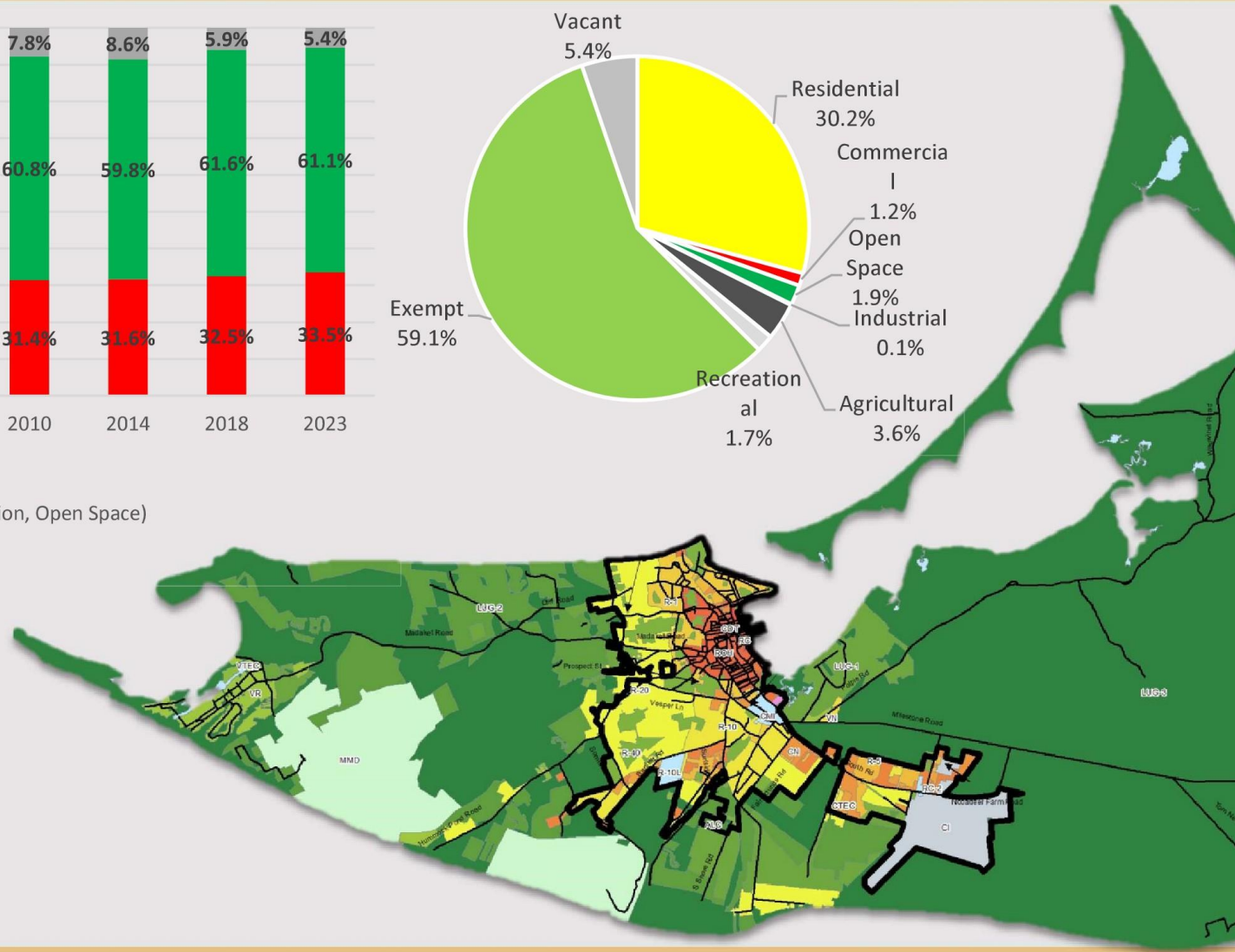
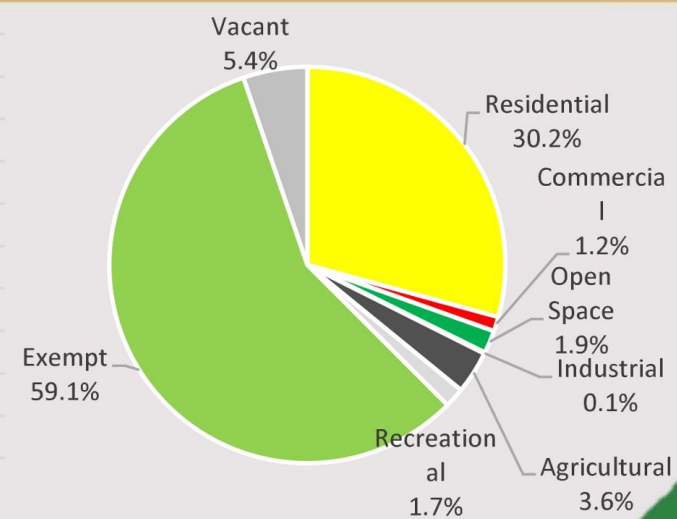
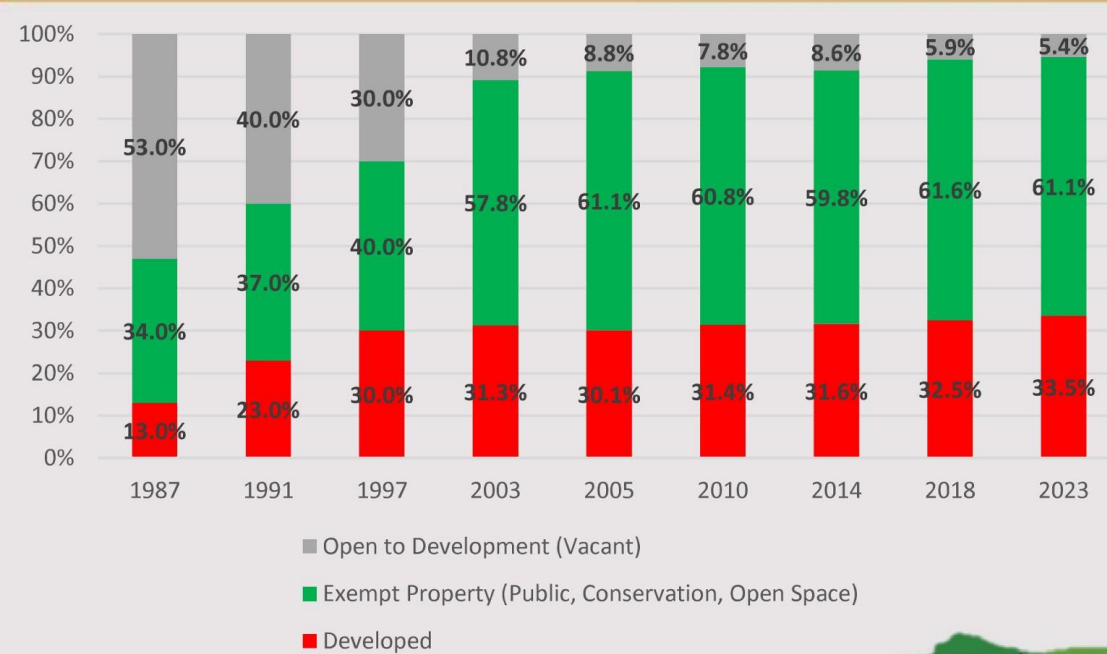
Nantucket Planning
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Commission
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Organization

Year-Round Population

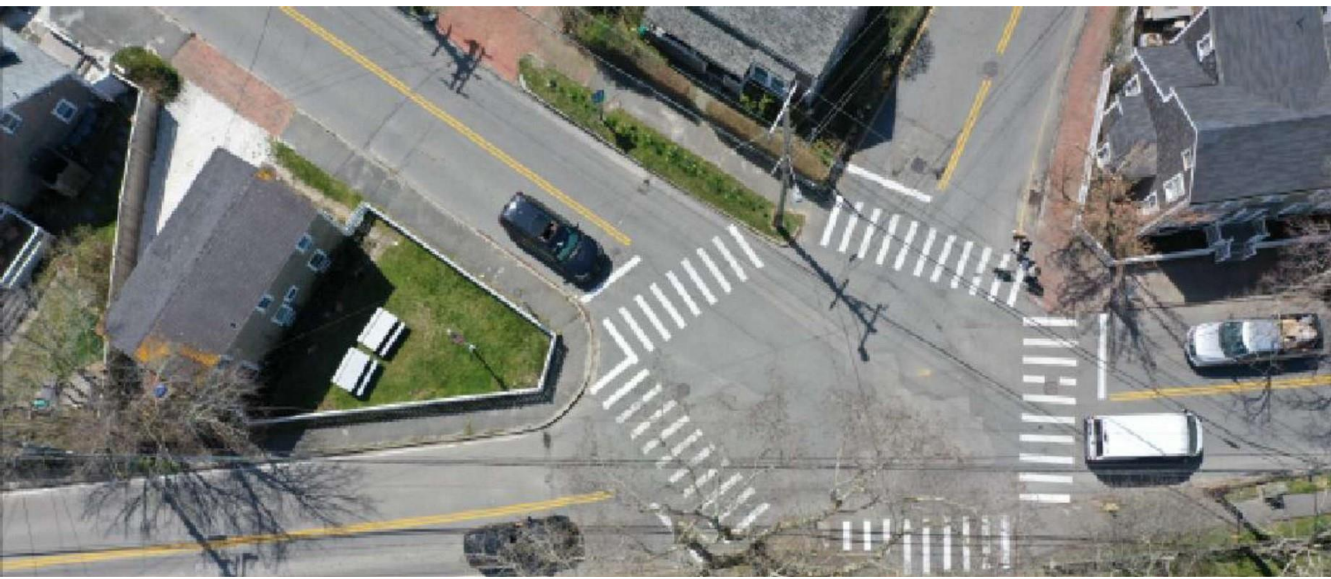


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Nantucket Transportation Planning Organization

Land Use Patterns



Nantucket Planning & Economic Development Commission
Nantucket Transportation Planning Organization



Long-Range Transportation Plan Visioning and Prioritization Survey



Nantucket Planning & Economic Development Commission
Nantucket Transportation Planning Organization

Survey Results – Who Responded?



@TownofNantucket
REMINDER: Make your voice count! We are looking for feedback from the community on island transportation plan and priorities. Visit nantucketma.gov/lrtp to take a 3 min. survey in English, Spanish, or Portuguese.
#LocalGov #Nantucket #TownofNantucket #NantucketIsland

- Stop scrolling! Now's your chance to tell us what you think the transportation priorities should be on Nantucket. Take our 3-5 minute survey today. Surveys also avail. in Spanish and Portuguese: nantucket-ma.gov/LRTP.

1,400 respondents. Most answered all questions

- 2020 LRTP Survey — 460 responses • About 1,400 total unique respondents • h of responses were year-round residents

Higher rate of responses from the following categories:

- Race — White (14% preferred not to say)
- Income — Greater than \$200,000 household income
- Age — Over 64 years old

•

- Housing — Homeowner (more renters responded this time)



9:19 AM • Jul 6, 2023 • 453 Views

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Nantucket Transportation Planning Organization



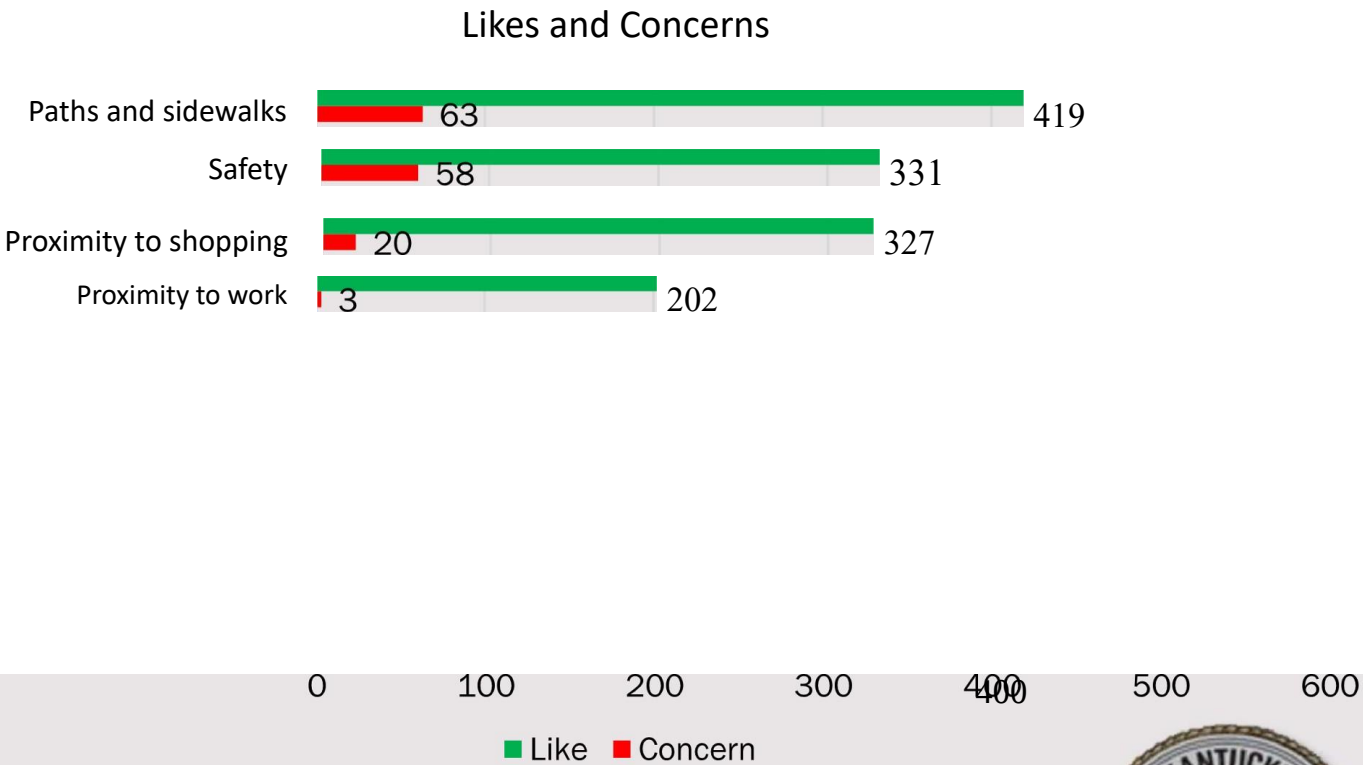
Survey Results – What We Heard

Heard

Respondents predominantly drive alone or walk
Respondents LIKE:

- Paths and sidewalks
- Safe travel

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Survey

Results –

What We Heard

- Proximity to things

Cost of travel and parking



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Survey Results – What We Heard

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Survey

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Pavement conditions



Survey Results – What We Heard

- Congestion

Travel between the mainland



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Survey Results – What We Heard

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Other

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Survey Results – What We Heard

- Pavement conditions

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Congestion



Survey Results – What We Heard

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Survey

Results –

What We

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● Travel to/from the island

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Survey Results – What We Heard cont'd



- Respondents SUPPORT Planning Priorities
 - Complete Streets (94%), Safety (93%), and Vehicle Limitations (82%)
- Respondents SUPPORT free/more affordable:
 - Bus service
 - Passenger / Vehicle travel between the mainland
- Respondents' SUPPORT:
 - Prioritized space on vehicle ferry for residents
 - Vehicle permits
 - Restricted vehicles from some streets (pedestrian only)



Survey Results – What We Heard cont'd

■ Respondents SUPPORT:

- More investment and space available for biking, walking, using Bus service
- Roundabouts
- Turning lanes

■ Residents SUPPORT:

- Evaluate impacts to Natural and Cultural Resources
- Improvements that reduce Greenhouse Gas emissions
- Improvements that improve Resiliency and Reliability

■ Residents had minimal SUPPORT for:

- Dedicated bus lanes
- Signalized intersections
- Additional travel lanes





Long-Range Transportation Plan Update: Vision, Goals, and Planning Priorities

A safe, reliable, accessible, and affordable transportation system, with vehicle limitations, that is sensitive to the island

Goals

Improvement to Safety

Accessibility

Improvement to Reliability

Planning Priorities

Sensitivity to the Island

Utilize Complete Streets Policy to accommodate all users with investments

Improve and expand multi-modal network of public transportation, sidewalks, and paths

Institute a Parking Management system with revenues to fund public transportation, etc.

Affordability

Evaluate impact to natural and cultural resources in project selection

Transportation improvements that reduce Greenhouse Gas emissions

Prioritize projects that contribute to Resiliency and Reliability (PROTECT Grant)

Affordable fares for Nantucket Residents traveling between the mainland

Reduce reliance on automobile through land use policy, infrastructure, and disincentives Free fares to use public transportation
Options for affordable / free remote parking to

access downtown and airport

Consider degree of a project's safety improvement during evaluation Safe Streets and Roads for All Action Plan - utilize a Safe System Approach

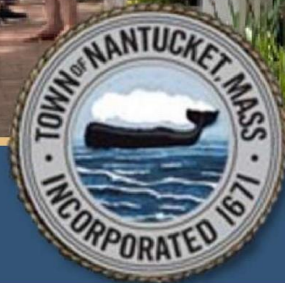
Regulate the number of vehicles on island

Update Optimal Vehicle Capacity Study

Develop a Travel Demand Forecasting Model

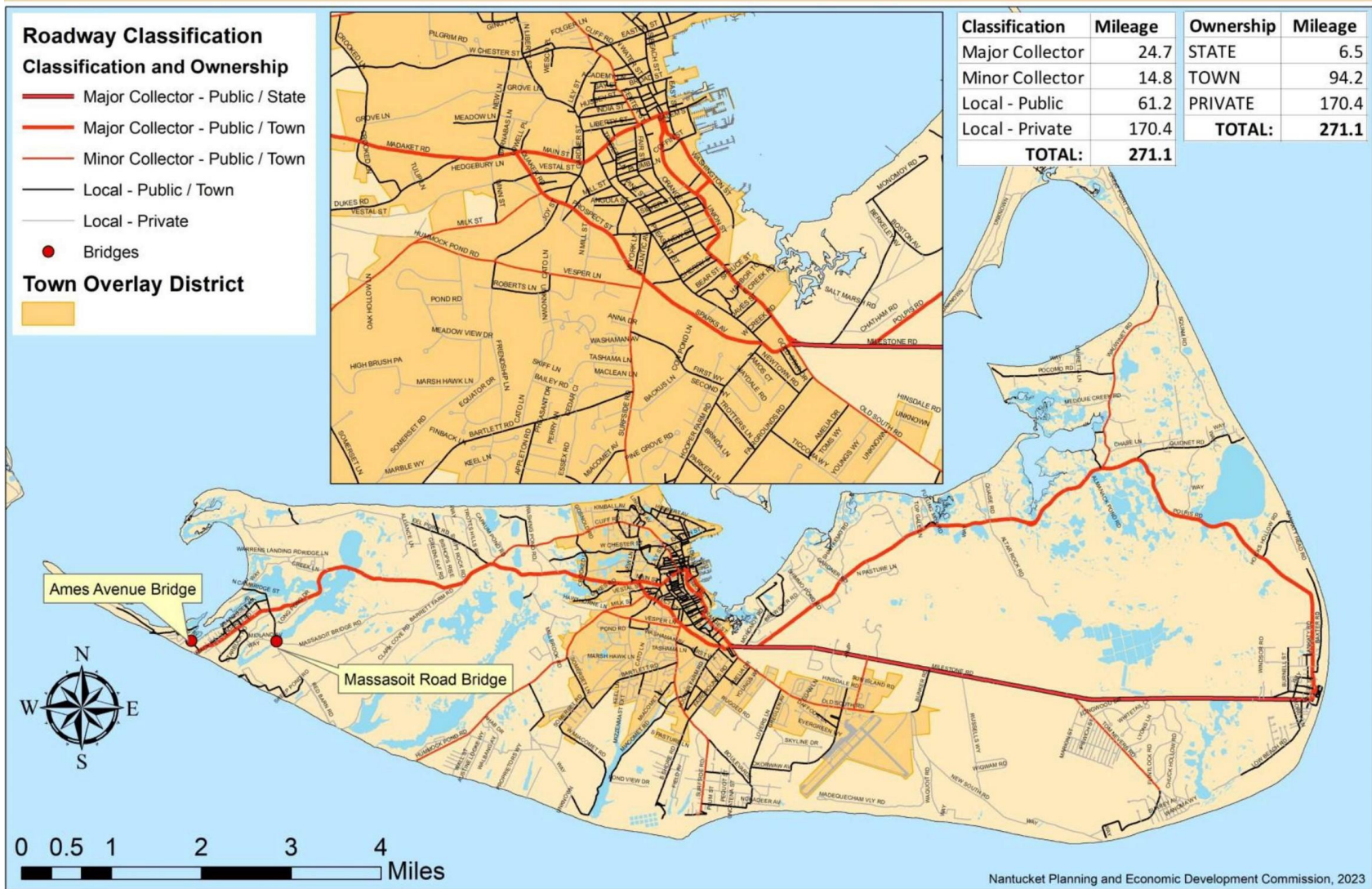
Guaranteed year-round access to the Steamship Authority for Nantucket residents

Improve reliability Operations at priority. intersections to accommodate all users



Long-Range Transportation Plan Update: Capital Project Priorities

Roadways and Bridges



- Public Roadways
 - 80.83 miles of asphalt pavement
 - Complete Streets Policy
 - Safety System Approach
- Bridges
 - Millie's and Massasoit condition
- Pavement Management
 - 2023 RSR rating – 81.13
 - 2018 RSR rating – 87.16
 - \$13M annually recommended
- Resiliency
 - 9 miles of roadway will flood by 2070
 - Madaket and Polpis evaluation routes



2024 LRTP – Highway Investment Strategy



Project Type	2024-28	2029-33	2034-38	2039-44
Intersection	\$1,190,522	\$1,421,774	\$1,571,369	\$2,104,747
Complete Streets	\$1,190,522	\$1,421,774	\$1,571,369	\$2,104,747
Bicycle and Pedestrian	\$1,190,522	\$1,421,774	\$1,571,369	\$2,104,747
Total Programmed	\$3,571,566	\$4,265,322	\$4,714,107	\$6,314,241
Anticipated Funding	\$3,571,568	\$4,265,324	\$4,714,109	\$6,314,242



2024 LRTP – Transit Investment Strategy

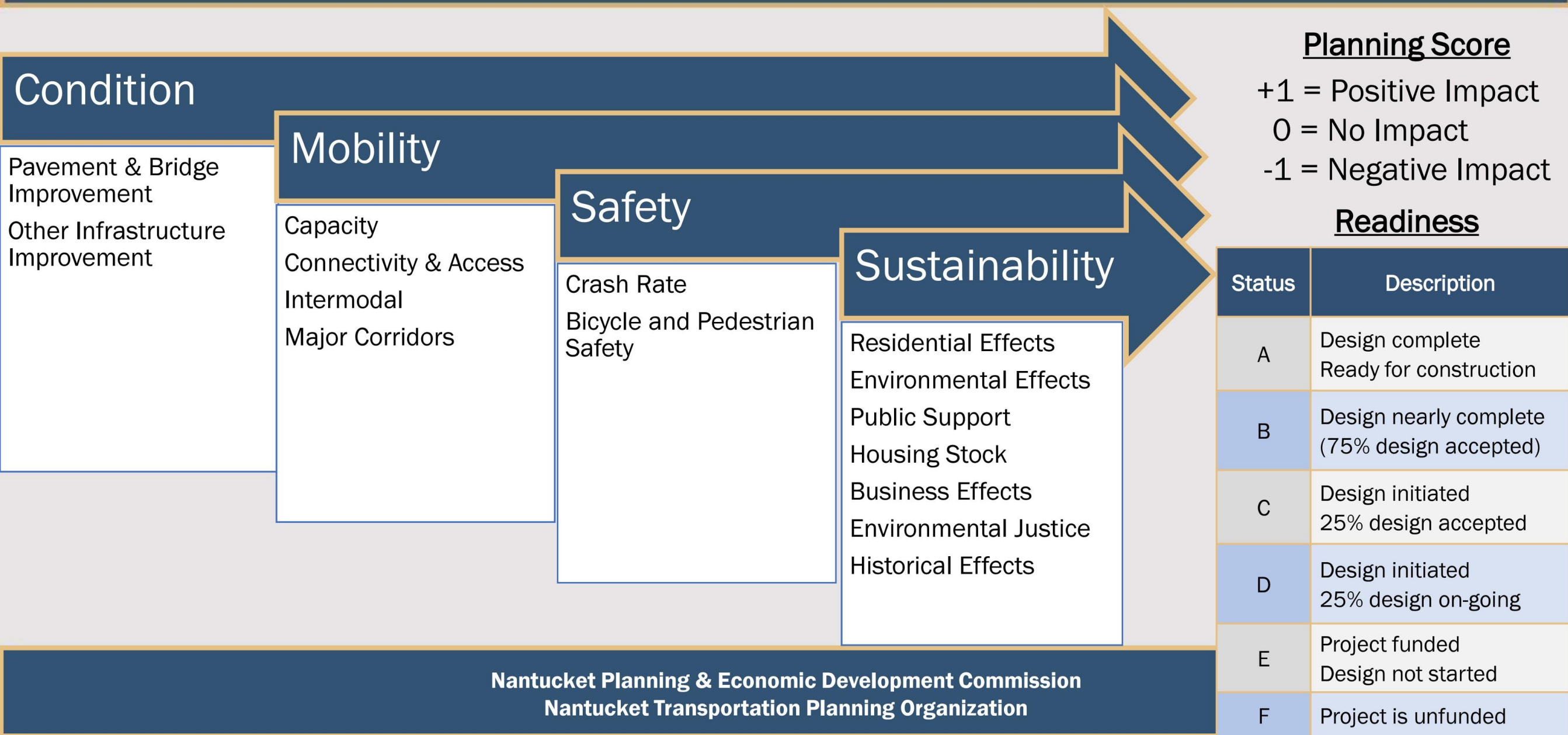


Description	2024-28	2029-33	2034-38	2039-44
5311 Funding (Rural transit funding)	\$46,463,052 (\$1,855,860 in Nantucket TIP)	TBD	TBD	TBD

Description	2024-28	2029-33	2034-38	2039-44
State-funded Transit Capital	\$2,575,000	TBD	TBD	TBD



Highway Program Project Selection





2024

LRTP -

Project

Evaluation - Roadways



Project	Type	Status	Planning Score
Four Corners	Intersection	D	13
Newtown Road Path/Traffic Calming Lovers, Okorwaw, Monohansett	Complete Street	D	9
Pleasant Streetscape	Complete Street	D	5
Pleasant @ Williams	Complete Street	E	8
Old South Road - Rotary/Amelia	Complete Street	E	8
Old South Road - Amelia/NFR	Complete Street	F	15
Fairgrounds @ Old South Road	Complete Street	F	14
Milestone Rotary	Intersection	F	13
Old South Road at Amelia - 3 - Mini Circle	Intersection	F	12
Surfside, Fairgrounds, S Shore - Roundabout	Intersection	F	11
Surfside @ Bartlett	Intersection	F	11
Milestone @ Polpis - Roundabout	Intersection	F	10
Milestone at Nobadeer Farm Road – Roundabout	Intersection	F	9
Milestone Shoulder Reconstruction P1	Intersection	F	7
Winn St	Complete Street	F	6
Friendship Lane	Complete Street	F	6
Surfside at Miacomet Rd	Complete Street	F	5
	Intersection	F	TBD

2024 LRTP -

Project

Evaluation

- Bike &

Pedestrian

	Project	Type	Status	Planning Score
	Mill Hill Path	Path	B	9
	Sparks Ave Path	Path	D	11
	Tom Nevers Road	Path	D	10
	Wauwinet Road	Path	D	8
	Surfside School Crossing	SRTS	D	8
	In-Town P2 (Orange)	Bike Lanes	E	13
	In-Town P3 (Washington)	Bike Lanes	F	13
	Bartlett Farm Road	Path	F	10
	Somerset Lane	Path	F	10
	Hummock Pond to Vesper	Path	F	9
	Bear Street	Path	F	8
	Quidnet Road	Path	F	8
	Monomoy Road	Path	F	5
	Eel Point Path Ext	Path	F	5



Planning _____ Priorities - Public Transportation





- The Comprehensive Regional Transit Plan describes improvements
- Improvement areas include:
 - Airport Route – expand frequency and time of day
 - Hummock Pond Rd – add to service area
 - Your Island Ride – weekend and evening service
 - Alternative fuel fleet
 - Improve bus stop accessibility
 - Downtown Intermodal Hub – sufficient and centralized space for operations
 - Utilize paid-parking revenues for service expansion
 - Data-informed process and technology to improve user experience



Long-Range Transportation Plan Update: Public Review Phase

NANTUCKET

www.nantucket-ma.gov/lrtp

Recorded Presentations

- Draft Report and Appendices

Long-Range Plan

Transportation Leave your comments on the DRAFT Long
Range Transportation Plan

Closes: August 21, 2023 at 5:00 PM

The Long-Range Transportation Plan (LRTP) for Nantucket is a 20+ year outlook for transportation in the region, updated every four years, and is required to remain eligible for federal funding. The LRTP includes an assessment of demographic trends, identification of

projects and programs to achieve the Vision and Goals, and establish priorities to implement with anticipated funding. This updating must be completed in August 2023 and builds on

previous planning efforts to set investment priorities for the multi-modal transportation system that is sensitive to the character of the island.

DRAFT Long Range Tran
2024 - 2044
2024 - 2044

Draft Long Range Transp
Appendices
2020 - 2024

Lgng Range Transportation P
2040
2020 - 2024

Participate Now

Approximate time 4 minutes

Nantucket Planning & Economic
Development Commission Nantucket
Transportation Planning Organization

Comments accepted until August

TRANSPORTATION

The Long-Range Transportation Plan (LRTP) for Nantucket is a year-round look for

transportation in the region every four years, and is required to remain relevant. The LRTP provides an assessment of trends, identifies projects and programs to achieve Vision and Goals, and establishes priorities to implement

with anticipated funding. This effort must be completed by August 2023 and must be updated for the multi-modal transportation system that is sensitive to the character of the island. The Draft Vision for

Development

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Questions?



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