

Town and County of Nantucket
ROADS AND RIGHT OF WAY COMMITTEE

Posted Meeting of
October 4, 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 (Zoom; left at 5:30 pm), Nelson “Snookie” Eldridge, Ed Gillum, Bill Grieder, Allen Reinhard, Rob Ranney (Zoom), Lee Saperstein, and Phil Smith (4:14 pm); there was a quorum at all times. Participants were established by voice roll call. He reminded attendees that the September meeting had been canceled for lack of a proper notice.

Absent: Nat Lowell.

Guests: Karel Greenberg, President, and Susan Whitney, member (both by Zoom), ‘Sconset Civic Association (left at 4:32 pm).

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=goTF7CbIsZI&list=PL49sKqpy7VAi_AAzhvnU4I5DTnhiVDj1&index=38.

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

C. Public Comments on Matters Not on the Agenda.

There was none.

D. Approval of the minutes of the meeting of August 15, 2023.

A motion to approve the minutes of August 15, 2023, was made by Snookie Eldridge and seconded by Ed Gillum. Approval was given by uniformly positive voice votes with only Rob Ranney abstaining because he was not present at the meeting.

2. Review Roadways and Bike Path-Sidewalk 2024 Status.

Bill Grieder noted that the agenda had copies of the project charts from the Long-Range Transportation Plan discussed at the August meeting by Mike Burns, Manager of Transportation Projects. They are attached to the minutes of that meeting.

3. September 12, 20123 Bluff Walk Report.

Bluff Walk subcommittee members, Bill Grieder, Allen Reinhard, Snookie Eldridge, and Karel Greenberg, President of the ‘Sconset Civic Association, inspected the walk on September 12, 2023 and their report led to an extensive discussion of the path and its future.

The first part of their report was a straightforward review of the need to install monuments, upright, at Nosegay and Baxter Road and at 13 Baxter Road on the north side of the driveway. Bill Grieder will open a work order at the DPW for their installation. [Action: Work Order for placement of monuments.]

The second part, on encroachments, led to the discussion. First, Bill Grieder reported that the homeowner at 27 Broadway had found, through a land survey, that the path had encroached on her property. Susan Whitney, the owner, agreed with the assessment of the encroachment and noted that she will extend her landscaping to the property boundary. She said that she had looked at a 2016 Google Earth image to compare with a current one and could see how much the path had migrated. Ed Gillum said that owners' encroachments onto the path were equally troubling. One case that he mentioned included private fencing of an area on the water side of the path, which is public. Both visitors spoke of increased incivility of path users and bemoaned that limitations on security accompanied this spike in rude behavior.

Bill Grieder mentioned that there is a reference to licensed beach stairs in a 2015 report from the Department of Natural Resources (attached; contained in the Select Board Packet for August 5, 2015: https://www.nantucket-ma.gov/AgendaCenter/ViewFile/Agenda/_08052015-2791). He then went on to say that path meanderings outside of its legal boundary need to be identified and corrected. This includes landowner encroachments into the path. Karel Greenberg said that the Civic Association has been urging owners to get up-to-date land surveys that identify their boundaries correctly. Conversational introduction of the beach stairs, many of which are licensed by the Town and are public, reminded Lee Saperstein that the Sconset Footpath Public Access Subcommittee report of November 16, 2010, contains a thorough listing of beach stairs and their license status at that time ([Microsoft Word - 11.21 FINAL REPORTw/oMap.doc \(nantucket-ma.gov\)](#)). Karel Greenberg felt that caution should be used in identifying stairs open to the public to keep the public away from unguarded beaches. Allen Reinhard and Ed Gillum both spoke about enforcement of good behavior. Does the Town have the resources to add a Community Service Officer to the path?

Karel Greenberg and Susan Whitney asked about the next steps that could be taken. Bill Grieder said that the committee is advisory to the Select Board but nonetheless there could be another inspection of the Bluffpath, identification of the properties with encroachments, and the filing of a notice of encroachment with the DPW that could lead to a work order to clear them. [Action: Identify the specific properties with encroachments and ask the DPW to take steps to clear them.]

4. Cato Lane.

Bill Grieder reported that he had been contacted by Michael Angelastro about Cato Lane and why it was not paved along its entire length. Allen Reinhard said that it was his understanding that the unpaved portion was not public. Lee Saperstein added that it had been considered some time ago for a recommendation to the Select Board for a taking but that lack of support for it led to its removal from the potential takings list. Rick Atherton suggested that we share specifics with Michael Angelastro; a GIS snapshot is attached to the minutes. A post-meeting review of the GIS Ownership map suggests that the entire way is private. [Action: Bill Grieder to inform Michael Angelastro of our findings on the status of Cato Lane.]

5. DEP Chapter 91 Hearing Regarding 15 Commercial Street.

Rick Atherton and Allen Reinhard both said that they had attended the DEP public hearing, held on Zoom on September 18, 2022 (Notice pursuant to M.G.L. Chapter 91 Waterways License Amendment Application Number 23 WW03 0003 AMD) implications of the request to move the structure at 15 Commercial Street to 29 Commercial Wharf. The Land Bank has purchased 15 Commercial Street, which it would like to develop into a park, hence necessitating removal of the building. An abutter's

objection led to the hearing. Rick Atherton reported that, speaking only for himself, he told the hearing official that he was in favor of the move. Opening up Petrel's Landing, which is the park, would make it easier to walk along the harbor in front of Washington Street. Allen Reinhard said that the Land Bank reported its favorable view of the move. A short discussion of how the Committee might respond, led to a motion by Ed Gillum that the Committee is not opposed to the move of the structure. This was seconded by Lee Saperstein and approved unanimously.

6. Madaket and Nantucket Harbor Plan Committee.

Phil Smith reported that the Madaket and Nantucket Harbor Plan Committee has been meeting regularly. It has established the boundaries of the two harbors, although some Madaket residents have asked that the Madaket boundary be extended substantially to include a large area of wetlands. Rick Atherton asked the reason for this request and Phil Smith said that he believed it to be a concern for coastal resilience. The Committee will vote on the request at its next meeting.

Kristin Uiterwyk of the UMass-Boston Urban Harbors Institute, who is assisting the Committee, asked if the committee would recommend uniform signage to be placed on all structures and pathways licensed by Chapter 91: for example, "Public Access Provided Under MGL Chapter 91 License #xxxx." Lee Saperstein said that, he for one, was in favor of such a sign.

Talking about Chapter 91 Licensers reminded Bill Grieder that one of the Committee's stated goals was to create an active and up-to-date file of all Nantucket Chapter 91 Licenses. Phil Smith suggested that a committee representative meet with Jeff Carlson, Director of Natural Resources, to learn what is available in his office. If, as suggested by Lee Saperstein and others, his file is physically on paper and not in digital format, we ought to volunteer to have the files scanned and filed digitally. Rick Atherton said that we should start to build the file with what we have and not to wait until all the information is available. Once we have a basis for a file, we can go and discuss it with Jeff Carlson. Ed Gillum moved that the Committee begin to build a Chapter 91 License file which Rick Atherton seconded, and everyone approved unanimously. Allen Reinhard suggested that the Land Bank may have a readily accessible file of licenses for their properties. [Action: Create a spread sheet file of Chapter 91 Licenses.]

7. Crosswalk Relocation without Public Notice.

Bill Grieder reminded committee members of his earlier concern for the absence of a cut curb at the crosswalk between Center and Broad Streets that led to his correspondence with Mike Burns, Manager of Transportation Programs. It was learned later that the DPW intended to move the crosswalk, hence the absence of a curb cut when the relevant sidewalks were being rebuilt. His concern, though, was for the lack of public notification or invitation to comment. He feels that this is an example of why there should be a connection between our committee and the Traffic Safety Work Group. Unfortunately, he was advised by the Town Manager that traffic safety was not in our purview. Phil Smith suggested that we explore this opinion with the Town Manager. Lee Saperstein reminded the committee members that our two committees cooperated on a letter to the Town that asked for the installation of missing sidewalks on a number of Town streets (Select Board Memorandum, November 20, 2020). [Action: Bill Grieder and Allen Reinhard to ask for a meeting with the Town Manager to discuss liaison between the two committees.]

8. Other Business and Member Comments.

Ed Gillum shared two pictures of a proposed beach and park along Washington Street. Allen Reinhard added that this was an exciting cooperative plan between the Land Bank and the Town for a coastal-resilient structure that also provided a public amenity.

Bill Grieder asked about timing for our next meeting. Consideration was given to Thanksgiving and Halloween and the tentative conclusion was that October 31st was a date on which most could attend.

Phil Smith, returning to news of the Harbor Plan Committee, reported that the public meeting had approximately 60 attendees and that there had been 550 to 560 responses to their survey. On a recent Zoom call there had been an extended discussion in favor of a harbor walk.

9. Adjournment.

At this point, with no other business before it, Bill Grieder asked for an adjournment motion and Snookie Eldridge made it, Phil Smith seconded, and the voice vote in favor was unanimous.

Adjournment came at 5:41 pm.

Next meeting: 4:00 pm, October 31, 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

- 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
- 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

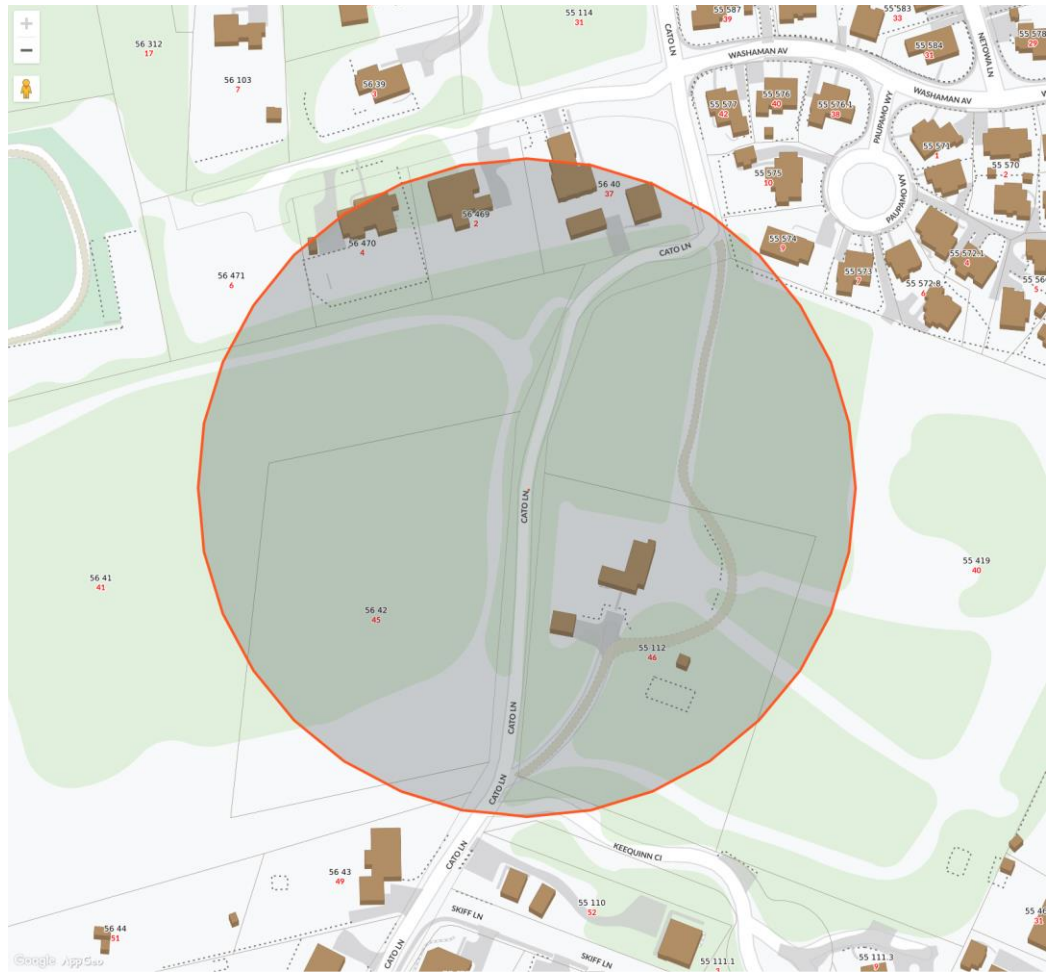
- Land Bank and Conservation Foundation have publications as of 7/25/2023

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

- Reviewed sign verbiage and locations, maintenance, encroachments
- Need to address encroachments on walkway as of 9/20/2023
- Identified (2) locations for monument installation
- Sign Advisory Council Meeting
 - Sconset Civic Association – approved new signage application as of 7/25/2023

Baxter Road Private Structure on Town Property Inventory

Map	Parcel	Street Number	Structure	License	Town Map/Pcl	DEP #	Status
49.2.3	6	35	Stairs	None	49-9	SE48-1097	Expired
49	10	39	Stairs	None	49-9	SE48-685	Expired
49	11	41	Stairs	None	49-9	None found	Expired
49	14	47	Stairs	None	49-9	SE48-819	Expired
49	18	55	Stairs	None	48-8	SE48-1161	Expired
49	20	59	Stairs	None	48-8	None found	Expired
49	22	63	Stairs	None	48-8	None found	Expired
49	24	67	Stairs	None	48-8	NAN-049	Expired
49	30	75	Coir logs	Exp. 12/22/2010	48-8	SE48-1602	Expired
49	31	77	Coir logs	Exp. 2/13/2010	48-8	SE48-1659	Expired
49	32	79	Coir logs	Exp. 2/13/2010	48-8	SE48-1659	Expired
49	33	81	Coir logs	Exp. 2/13/2010	48-8	SE48-1659	Expired
49	34	83	Coir logs	Exp. 2/13/2010	48-8	SE48-1659	Expired



Cato Lane, the unpaved portion, from Nantucket GIS.