

Town and County of Nantucket
ROADS AND RIGHT OF WAY COMMITTEE

Posted Meeting of
October 31, 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 4:01 pm; he read the public notice about attendance at remote meetings. In attendance were Committee Members Rick Atherton, Nelson “Snookie” Eldridge, Ed Gillum (Zoom, left at 4:20 pm), Bill Grieder, Nat Lowell (4:11 pm), Allen Reinhard, Lee Saperstein. and Phil Smith; there was a quorum at all times. Participants were established by voice roll call.

Absent: Rob Ranney.

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=-wyjBTeXKd0&list=PL49sKqpy7VAi_AAzhvnU4I5DTnhiVDj1&index=39.

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

C. Public Comments on Matters Not on the Agenda.

With no members of the public present, there were no public comments. Lee Saperstein offered, with respect to the destruction of the fountain on Main Street, that a large concrete planter, placed below it, would protect it and, at the same time, provide another place for floral plantings. It would rest in place and require no foundation or mooring.

D. Approval of the minutes of the meeting of October 4, 2023.

A motion to approve the minutes of October 4, 2023, was made by Snookie Eldridge and seconded by Allen Reinhard. Approval was given by an uniformly positive roll-call vote.

2. Follow-up on DEP Chapter 91 Petrel’s Landing Letter from the Committee on Roads and Right of Way to the DEP.

It was agreed at the last meeting to send a letter to the DEP for their hearing on moving a structure onto Commercial Wharf from Commercial Street saying that the committee had no objection to the move. Because the deadline for submission of letters was the very next day, Chair Grieder composed the attached letter and sent it to the DEP. He reported that the Town

Manager had sent him an e-mail requesting that communications with outside offices be reviewed first by the Town.

3. Follow-up of Roads and Right of Way Request for Liaison Appointment with the Traffic Safety Work Group.

In that same e-mail from the Town Manager was a note that our committee's request for a formal liaison arrangement with the Traffic Safety Work Group had been denied. It was pointed out that the work group membership was established by ex officio appointments and was appointed by the Town Manager.

Phil Smith reminded Bill Grieder and Allen Reinhard that they had agreed at the previous meeting to ask for a meeting with the Town Manager to explain how our committee hoped to contribute. While Roads and Right of Way has public access as its primary mission, it is advisory to the Select Board and will render opinions on many related issues when asked. It was noted that the committee had been asked some years ago to review the Town's encroachment policy and that its report had led to amendments in that policy (See DPW web page: <https://www.nantucket-ma.gov/DocumentCenter/View/18808/Encroachment-Policy-PDF>.) The sidewalk survey conducted by the committee was preliminary to a major Town effort to renew downtown sidewalks. Lee Saperstein suggested that our role be marked by collaboration and cooperation. [Action: Seek an appointment with the Town Manager.]

4. October 27th Bluff Walk Report.

Bluff Walk subcommittee members, Snookie Eldridge, Ed Gillum, Bill Grieder, and Allen Reinhard, visited the Bluff Walk on October 27th with the intention of carefully observing and logging encroachments and other maintenance needs. Each problem was located carefully and identified with the street address of its lot. They hope that a written report will be ready for the next meeting.

Bill Grieder added that they had been asked to look carefully at 27 Baxter Road, where construction activity had blocked temporarily the access foot path from Baxter Road to the Bluff Path. It is opposite Emily Street. His conclusion was that safety was assured by blocking the way during construction. Once it is completed, we should check to see that the way has been re-opened.

This discussion led to a related item – not on the agenda -- on the status of 'Sconset roads. Erika Mooney, Operations Administrator, had asked Bill Grieder if there was a list of potential road takings specifically in 'Sconset. He had told her that no 'Sconset way was on the committee's potential taking list. There had been, however, a number of takings of the lateral ways to the Bluff Path and it might be a very good idea to put them into a table along with their current status. Rick Atherton recalled that the way, opposite to Anns Lane, ran between 45 and 47 Baxter Road, which are in common ownership, and that there may have some delay in taking it. He suggested that the list of "Baxter Road Private Structure on Town Property Inventory," which had been given to the Select Board in 2015 and copied into the committee's minutes of last month, be put into a spread sheet and brought up to date. He volunteered to create a first draft.

Bill Grieder also mentioned 71 Baxter Road, where a hedge had been planted across the way opposite Bayberry Lane. At one time, this lateral way would have led to the Bluff Path but erosion closed the path at this point; it ends at 67 Baxter. He wondered if this was an encroachment. Snookie Eldridge suggested that the hedge may have been planted intentionally to protect waterworks infrastructure in that way. Rick Atherton suggested that, if it was a public way, a viewing point could be built at its end. It was acknowledged that there was no need for action here.

5. Chapter 91 Notification for 46 Easton Street.

Bill Grieder reported that there had been a legal notice in the paper about a Chapter 91 license modification for 46 Easton Street. The modification was for a five-foot way to the harbor at the edge of the property. There is a small beach below this and adjacent properties and the way will provide access to it. It was not clear from the legal notice just how the way would be identified on Easton Street. He will continue to monitor this. Rick Atherton added that, while it was nice to see the legal notice in the newspaper, it would be better if Roads and Right of Way were to receive all such notices when they are received by the Town.

6. Other Business and Member Comments.

Nat Lowell, as part of the agenda item on other business, said that he was concerned by the number of ways that have boulders along the road edges placed there by the home owners. His example was Warrens Landing Road between Fishers Landing and the intersection with Eel Point Road. Even though this is a private road, the encroachments limit the road's utility and can be dangerous when two cars have to move toward the road's edge so as to pass each other. They also are a hazard to the passage of emergency vehicles. He asked that we send a letter to the DPW reporting these encroachments.

7. Adjournment.

While the agenda had been completed, Bill Grieder asked about the committee's next meeting. The schedule says Tuesday, November 21st but that is just before the Thanksgiving holiday. December dates were discussed; December 19th was the best choice for those present. Bill Grieder then asked for an adjournment motion and Rick Atherton made it, Allen Reinhard seconded, and the voice vote in favor was unanimous.

Adjournment came at 5:20 pm.

Next meeting: 4:00 pm, December 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 odd-numbered 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

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
- 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
 - Identified (2) locations for monument installation
 - Sign Advisory Council Meeting approved new signage application

as of 10/25/2023

The Nantucket Roads and Right of Way Committee
16 Broad St.
Nantucket, MA 02554

October 10, 2023

Department of Environmental Protection
Attn Susan You
Regional Planner
Waterways Regulation Program
100 Cambridge Street 9th Floor
Boston MA 02114

RE: Notice of License Application pursuant to M.G.L. Chapter 91 Waterways License Amendment Application Number 23WW030003AMD; 15 Commercial Street and 29 Commercial Wharf, Old North Wharf, Filled and Flowed Tidelands of Nantucket Harbor, Nantucket, Nantucket County

Dear Susan You

The Nantucket Roads and Right of Way Committee (RROW) is appointed by the Nantucket Select Board to preserve access to Nantucket's public and private lands, including our harbors, coastline, ponds, moors, conservation lands and historical sites. At the October 4th RROW meeting, The committee reviewed the application to remove the building at 15 Commercial Street next to the Petrel Landing. Opening up Petrel's Landing, which is a park, would make it easier for the public to walk along the harbor in front of Washington Street. The RROW Committee is not opposed to the move of the structure.

Respectfully,

Bill Grieder

Bill Grieder
RROW Chairperson