

Town and County of Nantucket
ROADS AND RIGHT OF WAY COMMITTEE

Posted Meeting of
February 20, 2024, at 4:00 pm
Held by Zoom Videoconferencing @

<https://us06web.zoom.us/j/84313022156?pwd=wOzqJgLLYqM5QFBO3jvhHhbFkNU1fk.1>

FINAL AND APPROVED MINUTES

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

Chair Bill Grieder called the meeting to order at 4:02 pm; he read the public notice about attendance at remote meetings. In attendance were committee members Rick Atherton, Ed Gillum, Bill Grieder, Allen Reinhard, Lee Saperstein, and Phil Smith; there was a quorum at all times. Participants were established by voice roll call.

Guest: David Bailey, Treasurer, 'Sconset Civic Association.

Absent: Nelson "Snookie" Eldridge, Nat Lowell, Rob Ranney.

The meeting was recorded and can be viewed on the Town's You Tube site (on Town's main web page at "Watch Meetings Live", select "Playlists" then look for "Roads and Right of Way"), https://www.youtube.com/watch?v=uW3-LwOIwdE&list=PL49sKqpy7VAi_AAArzhvnU4I5DTnhiVDj1&index=42.

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

C. Public Comments on Matters Not on the Agenda.

There were no public comments.

D. Approval of the minutes of the meeting of January 15, 2024.

Ed Gillum moved approval of an amendment to the January 15, 2024, minutes and Lee Saperstein seconded the motion. Ed Gillum explained that there was a small but significant amendment to his statement in item 5. about security along the 'Sconset Bluff Footpath, namely, that he had learned of the proposal from a member of the 'Sconset Civic Association that abutters to the footpath were willing to pay for a security guard on the path, much as has been done on Lincoln Circle, but that issues of housing were delaying action. The vote to amend was unanimous by roll-call vote (Rick Atherton, aye, Ed Gillum, aye, Bill Grieder, aye, Allen Reinhard, aye, Lee Saperstein, aye, and Phil Smith, aye.). The main motion to approve these minutes was made by Rick Atherton, seconded by Allen Reinhard, and approved unanimously by roll-call vote (Rick Atherton, aye, Ed Gillum, aye, Bill Grieder, aye, Allen Reinhard, aye, Lee Saperstein, aye, and Phil Smith, aye.).

2. Review Web Site Content Improvements.

Bill Grieder noted that he believed that the Committee was interested in bringing the material on its web site up to date. He had distributed a draft revision of the site and received input from several committee members. He included the suggestions and the revised proposal, which was attached on the “share screen,” is attached to these minutes. He would like to use an amendable file for each major heading. He asked that committee members continue to review the proposal while he, meanwhile, talks with Maureen Coleman, Public Records Compliance Officer, about what changes to the site will be permitted.

Phil Smith and several other committee members asked if it would be appropriate to have a file for Chapter 91 material, which led to a segue to the next agenda item.

3. Chap 91 Correspondence with RROW

Archival filing of recent correspondence to and from the Department of Environmental Protection, DEP, over recent Chapter 91-license hearings, opened the question of having a link to all Chapter 91 licenses on Nantucket. Phil Smith reported that he had spoken with Jeff Carlson, Director, Natural Resources, about coming to a future meeting of the committee to apprise it of the current status of Chapter 91-license files. Lee Saperstein suggested that, if a web link to such a file was available, Roads and Right of Way would need only provide a hot link to it and archive only that correspondence specific to the committee. Bill Grieder will invite Jeff Carlson to a future meeting. [Action: Invite Jeff Carlson to a future meeting.]

Ed Gillum said that he learned in a Conservation Commission meeting that there is an application from 39 Quaise Road to license a bulkhead replacement and steps to the beach.

4. Sconset Bluff Walk Update.

Bill Grieder introduced the topic of the status of the ‘Sconset Bluff Footpath study by recounting that several walks along the path found that it meanders, occasionally crossing into private land, and that several landowners had allowed their landscaping to encroach on the path. He said that the subcommittee is working on a detailed survey of the path that will link deviations from the property lines by individual lot numbers and street addresses. Ed Gillum is assembling this report and described its progress. Eventually, there will be a detailed table of observations and licenses attached to individual properties. He is hopeful that Jeff Carlson’s data gathering would be helpful and pointed to Jeff Carlson’s memorandum of July 15, 2015, which was displayed on the screen, as a potential starting point (text of the memorandum is attached).

Bill Grieder also mentioned a committee document from 2010, “Bluff Walk, Next Steps,” that proposed a management plan for the footpath. He has been asked by ‘Sconset residents whether such a plan was written. To the best of the recollection of those committee members who were there then, such a plan has not been written. It was thought that attention brought to the footpath and the licensed stairs to the beach would bring more visitors, which was an undesirable

outcome. Phil Smith suggested that the committee should start afresh with Ed Gillum's report, which could be submitted to the Select Board when ready.

Rick Atherton, at this point, added that he recalled a conversation that said that identification of unlicensed stairs, in the appendix of the Bluff Path report, was sufficient: a management plan might oversell the walk. Bill Grieder agreed with the thought and suggested that future corrective actions would be low key. When asked, David Bailey said that the conversation was helpful and that he had nothing more to add to it.

5. Discuss Hawthorne Road (Street) Access Status.

The next agenda item was to discuss recent communications from the DPW on mowing a path on Town-owned land between 51 and 55 Nobadeer Avenue, a paper way named Hawthorne Street, which is marked by older public-way monuments. The committee asked if a path could be mowed and Drew Patnode, DPW Director, replied with a detailed explanation of the steps that would be needed before it could be so mowed. Because it is on land controlled by conservation regulations, the ConComm would need to review the request. Also, coastal erosion has left a precipitous bluff that could be dangerous if it were too accessible. He felt also that Hawthorne Street may be a paper road whose ownership is unclear and might well be a candidate for a yard sale. The existence of the older markers suggests that, at one time, it was considered to be Town-owned property. Allen Reinhard reported that he had had a conversation with a member of the Surfside Association who indicated that, while its status is unclear, there is local interest in opening up the way.

Closing out this segment of the agenda, Bill Grieder said that, even if the path did not provide access to the beach, it could lead to an ocean-side viewing area. Ed Gillum explained that Hawthorne Street, on the other side of Nobadeer Avenue, had been conveyed through a yard sale. He added that the need for ConComm approval was real.

6. Discuss adding Bunker Hill Road in 'Sconset + Alliance Lane on the Potential Takings list

In earlier discussions, Snookie Eldridge proposed that Bunker Hill Road in 'Sconset be taken as a public way. Similarly, Rick Atherton has asked about the ownership status of Alliance Lane on Eel Point; it runs parallel to Ranger Way north to Eel Point Road. Because Snookie Eldridge was not present, that part of this agenda item will be deferred. Rick Atherton said that he would keep monitoring the situation on Alliance Lane because, at the moment, it does meet the taking criteria listed on the attached "matrix." Bill Grieder had projected the "RROW Matrix for Recommended Taking by the Town", attached, and asked committee members to review it and the attached spread sheet of proposed takings to see if there were any other ways whose ownership needed to be examined. He said that he would separate the "Comments" column to show current "Status" in a separate column and would remove dated information in Column K.

At this point, Allen Reinhard reviewed the contents of the list to explain the importance of each yet-to-be-taken way. Lee Saperstein said that the request for Bunker Hill Road made sense in light of the criteria and we should await Snookie's report and then put the item back on the agenda.

Responding to the request for the committee to consider additional ways, Ed Gillum suggested that Pilgrim Road was one such way. Phil Smith asked if there had been any requests from abutters for a taking and the response was negative.

7. Other Business and Member Comments.

Lee Saperstein mentioned that a joint meeting of the Select Board and the Planning and Economic Development Commission was scheduled for 6:00 pm this evening and would include a presentation by Mike Burns on the proposed alternatives for sidepaths along Pleasant Street. He intended to attend.

8. Adjournment.

Adjournment came at 5:31pm by motion of Allen Reinhard, seconded by Rick Atherton, and approved unanimously (Rick Atherton, aye, Ed Gillum, aye, Bill Grieder, aye, Allen Reinhard, aye, Lee Saperstein, aye, and Phil Smith, aye).

Next meeting: 4:00 pm, March 19, 2024.

Roads & ROW Ongoing Projects List as of 1/11/24

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. Allen Reinhart to assist DPW the exact to avoid any encroachment on private property. as of 1/16/2024
- Reestablish access at 18 Nobadeer Avenue To be completed by homeowner as of 7/25/2023

Sidewalk Projects: *(Lee & Allen)*

Wauwinet Road Side Path

- This project under way by DPW as of 1/16/2024

Tom Nevers Side Path

- This project is being reviewed by the Bicycle and Pedestrian Advisory Committee (BPAC) and DPW 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.

- Project back for additional possible redesign as of 12/19/2023

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 continuing to reset bricks and curbing in the downtown area as of 12/19/2023

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 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

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

- Identified (2) locations for monument installation as of 7/25/2023
- Identifying encroachments as of 12/19/2023

Current Listing	Title	Note	Status	Suggested Listing	Update Source
1	2006 ROW Vote	origins of One Big Beach Program	retained with title like One Big Beach		
2	HDC COA	for public way markers	for public way markers should be removed.		
3	History of Roads		Definitely keep	Roads Folder	
4	Master Chart		Definitely keep	high on the list	
5	Road Ownership Worksheet	Outdated Information	Definitely keep		https://nantucket-ma.gov/DocumentCenter/View/40044/Road-Ownership-05-2022?bidId=.
6	Trail Map		Definitely keep		https://nantucket-ma.gov/DocumentCenter/View/40044/Road-Ownership-05-2022?bidId=.
7	Rededication of Founders	Give both history/kudos to RROW	Definitely keep	Bottom of list	
8	Improvement Plan	Outdated Information	removed but archived	Archive Folder	
9	Annual Reports		all of them or only the latest	Annual Report Folder	
10	Encroachment Policy	Outdated Information	Encroachment Policy	Encroachment Folder	https://www.nantucket-ma.gov/DocumentCenter/View/18808/Encroachment-Policy-PDF
11	Sconset Bluff	Outdated Information	replace it with the RROW subcommittee repor	Sconset Bluff Folder	
	Nantucket Public Ways				
1	Public Ways	use PLUS/Town Clerk latest version	Definitely keep		
2	1975 Roads		check on accuracy.	Roads Folder	
3	1799 Roads		check on accuracy.	Roads Folder	
4	Map of Trails	Outdated Information	link to the new map of trails under development by the Land Bank		
	Nantucket Rail Road		Definitely keep		https://www.nantucket-ma.gov/DocumentCenter/View/45496/The-Nantucket-Railroad-to-Surfside-and-Sconset-1878-1918-PDF

Proposed Web Site Revisions, B. Grieder, Jan 20, 2024

POTENTIAL ROAD TAKINGS LIST, As of November 2022

Order	Road	Road Status, Public (pub) or Private (pvt)	Public Use of this Road	Road links Two Public Roads	Public Safety Concerns	Traversable by Emergency Vehicles	Abutters' Requests	Access to Public Property Including Beaches	Traffic Circulation Patterns	Other Benefits to the General Public; Comments
1	Winn Street	pvt/pub	Yes	Yes	Moderate	Difficult	Yes	No	Moderate	Taking private portion and rebuilding will provide public access around Quaker Cemetery to beach bike paths, which is a high priority. Private portion of Winn St. is narrow and this may affect ability to rebuild it.
2	Somerset Road/Friendship Lane complex	pvt	Yes	Yes	Moderate	Difficult	Yes, %age	No	Light	Drainage and maintenance problems; input from abutters; DPW concerns that drainage fixes should be comprehensive to be effective.
3	Franklin Street	pvt	Yes	Yes	No	Yes	Yes, Ceme	Yes	Light	A taking will provide public access to New North Cemetery including control of parking alongside entry point. Ken Beaugrand reports that a confidential issue must be resolved before he may report to the committee.
4	Warren's Landing Road	pvt	Yes	Yes	Slight	Moderate	Yes, FLA	Yes	Light to moderate	Access to Warren's Landing and Eel Point; Fisher's Landing Assn Letter; proof of Town's commitment needed.
5	Amelia Drive and Ticcoma Way	pvt/pub	Yes	Yes	Moderate	Moderate	Yes	No	Heavy	Amelia was private but has been taken; Ticcoma (to Fairgrounds) is public. Expanding commercial developments and narrow roadways limit two-way traffic and suggest that improvements to these roads is appropriate. The committee may wish to advise on parking, trafice flow, and even road widening.
6	Stone Alley	pvt	Yes	Yes	Yes	No	Yes	No	heavy	Stone Alley is an historic pedestrian way captured in many historic paintings. It is used by residents on the alley and by visitors to the island. Town maintenance would improve the look of the alley and increase its safe use. The Select Board is reviewing a taking action. Ken Beaugrand reports on this date that an encroachment issue is under review and that, once resolved, a recommendation will be made on taking. Maintenance and liability remain as issues to be considered.
7	Independent Way	pvt	Yes	Yes	limited	Yes	Yes	no	light	Independent Way, formerly Coon Street, is an historic street that, somehow, was left off the 1799 listing of streets. Although a private way, the Town has maintained it and now suggests strongly that it should be taken as a public way

Potential Road Takings List, L. Saperstein, November 16, 2022

RROW Matrix For Recommending Taking by Town
Bill Grieder, January 21, 2023

- Priority Order
- Road Name
- Road Status, Public (pub) or Private (pvt)
- Public Use of this Road
- Road links Two Public Roads
- Public Safety Concerns
- Traversable by Emergency Vehicles
- Abutters' Requests
- Access to Public Property Including Beaches
- Traffic Circulation Patterns
- Other Benefits to the General Public; Comments

TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

JEFF CARLSON, NATURAL RESOURCES COORDINATOR
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MEMO

7/15/2015

To: Libby Gibson, Town Manager
Gregg Tivnan, Assistant Town Manager

From: Jeff Carlson, Natural Resources

CoordinatorRe: Baxter Road Structures on

Town Owned Land

Per your request attached find a short matrix and map of any coastal structure on town owned land along Baxter Road. I focused solely on Map 48 Parcel 8 and Map 49 parcel 9 only for this analysis. In conducting this review any structure not currently built or a structure not under a regular Order of Conditions was included. The Geotube project which is under an Emergency Certification was excluded at this time. There area number of previously approved projects no longer constructed or never built that wereexcluded. Examples of those projects excluded include the duneguard fencing centeredat 67 Baxter, the de-watering project which has been abandoned and removed and someof the coir terracing covered under SE48-1659. Most of the structures are stairs down the Coastal Bank. All of the stairs projects cross town-owned land without benefit of the town signing the Notice of Intent or granting a license for the use of town owned land. These were installed prior to 2005 in all cases with some not even holding an Order of Conditions from the Conservation Commission. The Coir logs from 75-83 Baxter Road are the only active coastal engineering project excluding the geotubes.

They do require a license renewal and it appears that the beach stairs should require some sort of license/permission as well. To conduct this analysis we pulled each filingfor every property along Baxter Road from the ConCom files and then pulled all relevant information from the Registry of Deeds for any recorded license, recorded Order of Conditions, or other type of agreement. I apologize for the delay but I wantedto be as through as possible and not miss a license or agreement that may have not be filed with the Conservation Commission. There are no open Orders of Conditions but structures previously permitted and in existence currently are allowed to be maintainedin accordance with their permits. I would be happy to answer any further questions or provide further information if needed.

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