

Town and County of Nantucket
ROADS AND RIGHT OF WAY COMMITTEE

Posted Meeting of
March 19, 2024, at 4:00 pm
Held by Zoom Videoconferencing @

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

FINAL AND APPROVED MINUTES

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

A. Call to Order.

Chair Bill Grieder called the meeting to order at 4:14 pm, after the fifth member joined the Zoom call, thus creating a quorum. In attendance, confirmed by roll-call vote, were committee members Ed Gillum, Bill Grieder, Allen Reinhard, Lee Saperstein, and Phil Smith; there was a quorum at all times. He read the official script about the meeting recording and participation by guests to the meeting.

Guest: Didi Coyle, Surfside Civic Association.

Absent: Rick Atherton, 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://youtu.be/4oeVX9xEs2Q?si=2rk-cK24BGXh2cxu>

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

C. Approval of the minutes of the meeting of February 20, 2024.

A motion to approve the minutes of February 20, 2024, was made by Allen Reinhard, seconded by Ed Gillum, and approved unanimously by roll-call vote (Ed Gillum, aye, Bill Grieder, aye, Allen Reinhard, aye, Lee Saperstein, aye, and Phil Smith, aye.).

D. Public Comments on Matters Not on the Agenda. There were no public comments.

2. Surfside Association Letter Regarding Hawthorne Street.

Bill Grieder shared on the screen the letter from the Surfside Association urging the committee’s support for protective actions on the Town-owned land between Nobadeer Avenue and the beach named Hawthorne Street (attached). Lee Saperstein reminded the committee that, after it first discussed this way and whether or not it could be established as a public way, we had received a copy of an e-mail from Drew Patnode, Director, DPW, to Didi Coyle (also part of the attachment). See item 6. of last-month’s minutes. With respect to her concern that the Town

might sell the paper street, in a “yard sale”, to the abutters, he said that the Planning Department had visited the committee whenever it proposed a yard sale of a paper street to discuss use of the way as a pedestrian footpath. The practice was to take the way legally and then convey respective portions to the abutters while maintaining a legal easement for pedestrians. The committee has posted public way monuments on several of these. Ed Gillum confirmed Lee Saperstein’s comments.

Succinctly, the DPW was concerned about safety around an eroding bluff and, significantly, the prohibition in Chapter 136, Wetlands, of the Code of the Town of Nantucket, against disturbing lands adjacent to a coastal bluff. The Conservation Commission would need to be consulted to see if a path or a viewing area could receive permission for their construction. They will continue to work on the request for a path and the committee will monitor progress.

3. Discuss Status of Bunker Hill Road in ‘Sconset + Alliance Lane + Pilgrim Road

Last month, the committee took up Snookie Eldridge’s proposal that Bunker Hill Road in ‘Sconset be taken as a public way. Similarly, Rick Atherton had asked about the ownership status of Alliance Lane on Eel Point, which runs parallel to Ranger Way north to Eel Point Road. There is a loose supposition, not supported by the Town’s GIS map, that there is a paper way to the north-shore beach. Because Snookie Eldridge was not present, which was still the case, the committee will wait for his presentation on the need for this taking.

Rick Atherton had said that he would keep monitoring the situation on the privately owned Alliance Lane because, at the moment, it does meet the taking criteria listed on the attached “matrix.” This remains the case and the item may be brought back to a future agenda.

With respect to Pilgrim Road, Ed Gillum noted that it was heavily used and substantially meets the taking criteria in the matrix. A quick check by Bill Grieder of the GIS map showed that public utilities are under portions of the way. Lee Saperstein suggested that, in the past, the DPW had contributed to the committee’s proposed takings list. Had they, he asked, given any indication of their interest in Pilgrim Way. Ed Gillum said that he had asked the DPW but had not had a response. Lee Saperstein suggested that, if this item is returned to a future agenda, the DPW and the transportation planner should be invited to the meeting. Apparently, residents have not been surveyed as to their interest in a taking. Ed Gillum said that he would try to get more information on residents’ interest in a taking.

At this point, the committee returned to the perennial question on the most accurate listing of public versus private roads. Bill Grieder noted that both the Sewer Department and the DPW keep lists of Town-owned roads and that, according to David Gray, Director of the Sewer Department, they refer to the DPW list to keep theirs accurate. Drew Patnode, DPW Director told Bill Grieder that they strive to keep theirs accurate and up to date. Lee Saperstein remembered that Phil Smith had been working with Nathan Porter, GIS Coordinator, on revising the road ownership map on the GIS page (and that could be linked to the Committee’s “Helpful Information” list). Phil Smith volunteered to talk with Nathan Porter about a comparison of the DPW list with the map on the Town’s GIS Page.

4. Review RROW Web Site Content Improvements.

Continuing from last month's discussion of how best to improve the committee's main page on the Town's web site, Bill Grieder reported that he had been in discussion with Maureen Coleman, Public Records Compliance Officer (PRCO), on this topic. They explored the development of topical files to be stored under the rubric of "Archives", found in the uppermost left-hand corner of the main page (attached), that would house and make publicly available major committee reports. The items placed under "Helpful Information" would be concise and timely information pieces such as the current committee report, information on the Town's road network, and trail maps. The committee was strongly in favor of these developments and encouraged Bill Grieder to continue. The recommendation was supported by a motion made by Ed Gillum and seconded by Allen Reinhard to this effect. The motion was passed unanimously by roll-call vote (Ed Gillum, aye, Bill Grieder, aye, Allen Reinhard, aye, Lee Saperstein, aye, and Phil Smith, aye.); Allen Reinhard summarized by saying that this would be a "Great Project."

5. Other Business and Member Comments.

With concern for the number of Nantucket properties that encroach onto Town roads with boulders and landscaping, Ed Gillum asked if those ways could be marked with no parking signs and, then, a request to the owners to remove their encroachments. He observed that the boulders and landscaping were merely owners' ways to prevent parking in front of their properties. Perhaps, he added, if parking were not permitted, they might be persuaded to remove them. He volunteered to talk with Art Gasbarro, Chair of the Traffic Safety Work Group, about his idea.

6. Adjournment.

Adjournment came at 4:55 pm by motion of Allen Reinhard, seconded by Phil Smith, and approved unanimously (Ed Gillum, aye, Bill Grieder, aye, Allen Reinhard, aye, Lee Saperstein, aye, and Phil Smith, aye).

Next meeting: 4:00 pm, April 16, 2024.

Lee W. Saperstein, Secretary, March 22, 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

(Message from Andrew Patnode to Didi Coyle as copied to Bill Grieder, Chair, Roads and Right of Way Committee who includes the "FYI" comment on the first line.)

FYI

DPW response to query from resident about the status of Hawthorne Street.

From: Andrew Patnode <apatnode@nantucket-ma.gov>

Date: February 16, 2024 at 11:44:57 AM EST

To: Didi <didi.coyle@gmail.com>, Town Manager <townmanager@nantucket-ma.gov>, Bill

Grieder <bill.grieder@gmail.com>, Allen Reinhard <allenreinhard@yahoo.com>

Cc: Richard Moore <rmoore@nantucket-ma.gov>, DPW <dpw@nantucket-ma.gov>, Vincent Murphy <vmurphy@nantucket-ma.gov>

Subject: RE: 55 Nobadeer Ave public access

Hi Didi,

We have discussed this and while I suppose you could say its "in the queue" there is a lot more to be done before establishing a path/beach access.

I am working with Andrew Vorce to understand what, if any, "agreements" have been made between the Town and abutting property owners with respect to creating beach access within the paper street. Additionally, there is considerable permitting that would be required - we cannot simply go out and brush cut/excavate as we see fit within a coastal dune resource area. Lastly, with substantial and constant erosion along the south shore, we will have to evaluate whether safe access to the beach can even be achieved. See attached photos from the end of the paper street, taken at 11am today, showing the 15-foot drop off from the top of dune to the beach.

As far as I am concerned, this is far from a done deal.

Thanks,
Drew

Andrew B. Patnode
Director
Department of Public Works
188 Madaket Road
Nantucket, MA 02554
508-228-7200 ext. 7512

-----Original Message-----

From: Didi <didi.coyle@gmail.com>

Sent: Friday, February 16, 2024 9:27 AM

To: Andrew Patnode <apatnode@nantucket-ma.gov>; Town Manager <townmanager@nantucket-ma.gov>; Bill Grieder <bill.grieder@gmail.com>; Allen Reinhard

<allenreinhard@yahoo.com>

Subject: 55 Nobadeer Ave public access

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

I am a neighbor in Surfside and am interested in the opening of the public access path at 55 Nobadeer Ave. I have been informed that this is in the queue but that there is a dispute about where the path will go. Could I please find out what is happening here and when this will be open? It has been almost a year.

Respectfully,

Didi Coyle

61 Pochick Ave

Nantucket, MA 02554





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

Roads and Right of Way Committee

Mission

Our mission as the Nantucket Roads and Right of Way Committee is to review any issues concerning the status of access over public and private roads, rights of way, abutters ways, proprietors roads, footpaths, and any other ways throughout Nantucket town and county and to make recommendations to the Board of Selectmen / County Commissioners to ensure and improve public access over them.

Agendas & Minutes

Agendas are available prior to the meetings. Minutes are available following approval.

[Most Recent Agenda \(PDF\)](#) | [View All Agendas and Minutes](#)

Members

Bill Grieder, *Chair*

Term Expires: 2025

Allen Reinhard, *Vice Chair*

Term Expires: 2025

Lee W. Saperstein, *Secretary*

Term Expires: 2026

Nelson Eldridge

Term Expires: 2024

Edward Gillum

Term expires: 2024

Rob Ranney

Term Expires: 2024

Rick Atherton

Term Expires: 2025

Nathaniel Lowell

Term Expires: 2026

Phil Smith

Term Expires: 2026

VISION STATEMENT, Adopted October 20, 2009

The vision of the Roads and Right of Way Committee is to preserve access to Nantucket's public and private lands, including our harbors, coastline, ponds, moors, conservation lands and historical sites. Access is one of the greatest gifts the Town of Nantucket can protect for our current and future citizens.

Helpful Information

- [2006 ROW Vote and Recommendation to BOS - A Plan for Takings in Surfside \(PDF\)](#)
- [HDC Cert. of Appropriateness \(PDF\)](#)
- [History of Roads and Ways \(PDF\)](#)
- [Master Chart Locations of Public Way Markers \(PDF\)](#)
- [Nantucket Road Ownership](#)
- [Nantucket Trail Network Worksheet \(PDF\)](#)
- [Rededication of Founders Burial Grounds - July 12, 2009 \(PDF\)](#)
- [Right-of-Way Improvement Plan \(PDF\)](#)

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