

Town and County of Nantucket
ROADS AND RIGHT OF WAY COMMITTEE

Posted Meeting of
April 16, 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 4:00 pm; in attendance, confirmed by roll-call vote, were committee members Rick Atherton, Ed Gillum, Bill Grieder, Allen Reinhard, Lee Saperstein, and Phil Smith; there was a quorum at all times. The meeting was recorded and the video link is included above.

Guest: Jeff Carlson, Director, Natural Resources, and Karel Greenberg, President, 'Sconset Civic Association.

Absent: Nelson "Snookie" Eldridge, Nat Lowell, and 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=zxexidthw1g&list=PL49sKqpy7VAi_AAzhvnU4I5DTnhiVDj1&index=44.

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

C. Approval of the minutes of the meeting of March 19, 2024.

A motion to approve the minutes of March 19, 2024, was made by Allen Reinhard, seconded by Rick Atherton, 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.).

D. Public Comments on Matters Not on the Agenda.

Previously, Bill Grieder had distributed to committee members a letter (attached) from Sam and Ellen Phelan to Mike Burns, Transportation Programs Manager, about Pleasant Street and its possible re-construction. Copies of the letter had been sent to a number of people, including Bill Grieder, as Chair of Roads and Right of Way. While not on this month's agenda, it will likely be discussed soon.

Karel Greenberg, President of the 'Sconset Civic Association has written to Bill Grieder about

unsafe conditions on the ‘Sconset Bluff Footpath (attached), which Bill Grieder said would be taken up after the presentation by Jeff Carlson.

2. Chapter 91 Presentation by Jeff Carlson, Director, Natural Resources.

Jeff Carlson reminded the group that the protection of the intertidal zone and filled tidal zones, which is a portion of Chapter 91, Waterways, of the Massachusetts General Laws, includes the requirement for licensing any structure that might inhibit use of these zones. A successful application leads to a license to build the structure that also includes conditions on the license, such as pedestrian access over or under the structure, and that it must be recorded with the deed to the subject property. He said that the process is controlled by the Massachusetts Department of Environmental Protection in Boston, thus requiring Nantucket to comply with the law but not giving it local control.

He noted that the State-required Nantucket Harbor Plan, of which there are eleven in Massachusetts, does include a lot of information about Chapter 91 Licenses and also includes an appendix of licenses in force at the time that the plan was written. In that there is a committee – with Phil Smith as its co-Chair -- to re-write and bring up to date Nantucket’s Harbor Plan, there is an opportunity to also up-date the list of licenses. Because the Harbor Plan is approved by the State, requirements for structures on or over the intertidal zones may be written into the plan and will have some compliance standing.

Jeff Carlson expressed some frustration about enforcement procedures. Because it is the State’s responsibility to enforce Chapter 91, they must send an officer to Nantucket to examine alleged non-compliance. They ask that there be a large enough list of cases to make it worth their while to visit Nantucket. He noted that the Chapter 91 application is lengthy and takes a long time to complete and another lengthy time to be reviewed by the State, which can add up to more than a year’s time to obtain a license, not to mention the cost for assembling the application. Once the application is accepted and a permit issued, it must be recorded to become active. He indicated that he has access to a registry of recorded licenses but that to look at an individual license and its conditions requires a deed search on the property.

Prompted by Ed Gillum’s question about the committee’s hope for a continuous Harbor Walk from the Coast Guard Station to Consue and the Springs, Jeff Carlson said that Chapter 91 requirements can be used to foster this plan. The Land Bank’s acquisition of properties along Washington Street provides links for the plan and Chapter 91’s protection of walking along the water would be an important part of the proposed walk. He acknowledged, though, by the fact that licenses are term limited and that they take time to acquired, that the waterfront may have moved by the time a license comes into force. He posed the question of how we keep an existing license relevant. Ed Gillum continued this line of discussion by saying that the committee is interested in learning about locations where planned activities suggest that a license will be needed. How, he asked, can we identify properties and owners who should be advised of their need for a license. The amount of new construction and substantial reconstruction along Easton Street suggests that there should be a publicly available status report of Chapter 91

licenses along it. Jeff Carlson agreed, saying that he understands the committee's need to make Chapter 91 work for its interests.

Bill Grieder asked if there can be municipal enforcement of Chapter 91 license requirements. Jeff Carlson said that, yes, in some circumstances it may. Bill Grieder then asked about 44-46 Easton Street and the Chapter-91-required path. Because the property has a steep drop to the water, will steps be required? Jeff Carlson said that this was unclear but what is clear is that issues of maintenance and liability are not covered in the Chapter-91-license process.

When Phil Smith asked, "who ensures that a property owner knows that a license is required," Jeff Carlson said, "that would be me." Lee Saperstein asked if Chapter 91 issues are discussed broadly with Nantucket attorneys and realtors. Jeff Carlson said that he has talked with NAREB, the Nantucket Association of Real Estate Brokers. He admitted that the license application process is complicated, which is a deterrent to ready application. Rick Atherton noted that Chapter 91 licenses are linked to Nantucket's Conservation Commission, ConComm. Lee Saperstein hoped that there could be public access to a full list of licenses on Nantucket. They are publicly available but researching them is not easy, replied Jeff Carlson. Rick Atherton added that the committee is developing a series of files to be accessed from its home page; would a file of Chapter 91 licenses be supported, he asked. To which Jeff Carlson said, "in general, yes." He, also, is thinking about creating some sort of file; he also suggested that a conversation with Mike Alvarez, Chief Technology Officer, might get good advice on how to build these folders and to link to other access-oriented web sites. He said that this seems to wrap up the Chapter 91 License issue; if there are any other questions, do send them to him.

3. 'Sconset Bluff Footpath.

The committee then turned to issues of the 'Sconset Bluff Footpath, including encroachments, signage, and visitors' behavior. Jeff Carlson noted that the path had come up in a 'Sconset Civic Association meeting that he attended and was aware of many of the abutters' concerns. Short of having a uniformed security officer there at all times, he was unsure of how best to proceed to improve behavior on the path. With respect to signage, Phil Smith said that the committee as a whole should visit the path. Bill Grieder said that he would survey members' availability and set a date for a visit. As a field trip, without discussion or decision making, this trip would comply with the Open Meeting Law requirements.

Discussion centered on meanders in the physical path that have led to it encroaching on private property as well as the converse where homeowners have extended their landscaping onto the path. The status of stairs down to the beach was also a major concern. Jeff Carlson said that, if the stairs cross Town property, they need a license from the Town in addition to a Chapter 91 License. Ed Gillum will correlate the problems found on the path with specific property addresses and lot numbers. Again, issues of maintenance and liability arise that link to Bluff homeowners' concerns about mis-use of the path and the stairs. It was suggested that fixing the legal status of the stairs through Select Board action may, in turn, bring more publicity to them and generate a higher number of mis-behaving visitors to the path. Karel Greenberg, President

‘Sconset Civic Association, commented on the increase in behaviors that are contrary to the rules posted on the entry sign.

Separately, she commented on the flat Public Way markers at the intersections of the lateral connectors to the path and the path itself. Erosion along of the path has exposed several of these as tripping hazards. In correspondence with Drew Patnode, Director, DPW (attached), there is a suggestion that it be removed. Several committee members objected to removing them because they are there to indicate that the lateral paths to Baxter Road are public and accessible. Allen Reinhard said that, having installed them originally, he would take it upon himself to move the offending monument to a position off the path, thus removing the tripping hazard. Lee Saperstein wondered if erosion of the path would be checked if shredded pine, such as is used on the path at Tupancy, were spread along it.

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

At this point in the meeting, the committee turned to the continuing question of accurately listing the public versus private ownership of Island roads. Bill Grieder said that Pilgrim Way, which had been discussed at a previous meeting, was not public even though it had infrastructure under it. It does, however, meet the criteria for taking as a public way; in the absence of abutters’ pressure, they should be surveyed for their interest in a taking. Nathan Porter, GIS Coordinator, will be bringing the GIS ownership map on the Town’s web site up to date. Phil Smith spoke with Nathan Porter about reconciling the GIS map with the DPW listing of roads. Bill Grieder mentioned the spread sheet that he had circulated earlier to the committee as another listing that will be reconciled.

Without Snookie Eldridge present, the committee passed over a discussion of Bunker Hill Road. Alliance Lane was mentioned also. Allen Reinhard said that there is an older monument at its intersection with Eel Point Road but the Lane does not continue to the north shore. Rick Atherton volunteered to learn more about the warrant articles 102 and 103 on taking and conveying School Street in Surfside. In other business, Bill Grieder will ask Erika Mooney if the new real estate specialist, Tracy MacDonald, may attend committee meetings.

6. Adjournment.

Adjournment came at 5:37 pm 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, May 21, 2024.

Lee W. Saperstein, Secretary, April 20, 2024.

•	Identifying	encroachments	as	of	12/19/2023
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

137 Read Road
Red Hook, NY 12571
and
7 Williams Lane & 65
Pleasant St.
Nantucket, MA 02554

March 22, 2024

To: Mike Burns
Transportation Program Manager, NP&EDC mburns@nantucket-ma.gov

Mr. Burns:

I want to complement the Bicycle and Pedestrian Advisory Committee for the work that it has done to analyze the options for and repercussions of improving pedestrian and bicyclist safety on Williams Lane and Pleasant St. As frequent walkers to downtown from 7 Williams Lane and 65 Pleasant St our family can attest to the hazardous conditions for pedestrians on both streets. I also frequently bike on both roads. While I have never found Williams Lane hazardous, Pleasant St. clearly is dangerous due to speeding and traffic backups at Five Corners.

To date, the focus of the Committee's analysis has been to evaluate how installation of a walking path and/or bike lane would impact a) traffic volume, b) construction costs and c) the need to obtain property easements on Williams Lane and Pleasant St. I urge the Committee to also consider in its analysis the principles of Context Sensitive Design, as advocated by the FHWA (www.fhwa.dot.gov/planning/css/). Specifically, consider the impacts each of the potential traffic improvements would have on the historical integrity of Pleasant St. and Williams Lane.

Upper Pleasant St. and Williams Lane are in Nantucket's Old Historic District. This District is drastically different from the commercially oriented Pleasant St. area near Stop and Shop. The vast majority of houses between 5 Corners and Williams Lane are over 100 years old. 57, 61 and 65 Pleasant Street were recognized in 2013 and 2022 by the Nantucket Preservation Trust for their historic significance and the Phelans continue to carefully preserve the historic integrity of their buildings and properties along Pleasant St and Williams Lane.. While the area has changed over the years, it does retain many characteristics from 100-150 years ago. (See attached photos). Potential degradation of the area's historical context by planned street modernization should be a parameter included in the the Committee's Evaluation Matrix.

Below are suggestions for alternative construction techniques that we urge the Committee to adopt in order to retain Williams Lane and Pleasant Street's historic character.

Typical Construction Standard	Alternative Standard
-------------------------------	----------------------

Extensive use of bright white surface painted lines indicating crosswalks, center of road/path, buffers, directional arrows, etc.	Limit use of traffic improvement options that require use of pavement painting/markings. E.g. Restrict line painting on asphalt to stop lines and intersection crosswalks.
Install curbing at edge of all roads and pedestrian ways	Retain existing curbing, do not increase height or width. Retain soft edge areas along Pleasant and Williams Lane
Separation of bike and pedestrian ways from the roadway via painted lines or curbing.	Install split rail fence or 1-2' surface stone/brick to divide pathways from roads.
Install paved asphalt surfaces on all pathways and sidewalks	Pedestrian walkways can be ADA compliant when constructed using gravel hard pack. Bike paths may be surfaced with crushed stone or gravel.
Free-standing metal post directional or instructional signs	Limit use of free-standing signs to stop and speed limit signs. All signs should be on painted wooden 4x4 posts.
Remove trees, bushes and fences for roadway expansion and build up sloped areas to road level when expanding the town right of way	If expansion is unavoidable causing removal of fences etc., replace all existing fences, bushes and trees with like kind. Install historically sensitive fencing when preventing access to steep sloped areas

Nantucket town retains considerable charm due to preservation of its narrow and irregular streets and walkways. This is extensively documented in "Preserving Historic Pavement on Nantucket". At a minimum, the Bicycle and Pedestrian Advisory Committee should modify its Evaluation Matrix to include a fourth criteria - preservation of historic integrity. It would also be appropriate for the Town committees and boards reviewing plans for traffic improvements on Pleasant St. and Williams Lane to include input from a member of the Nantucket Historic Commission.

The Pleasant St and Williams Lane area continues to exemplify many aspects of its historical heritage as a locale on the edge of the more densely built up historic town district. Let's be sure preservation of its historical characteristics are considered in the committee's final selection of the best bike and pedestrian path alternatives .

Thank you for your time and consideration of these comments. Feel free to contact us to discuss them further.

Sincerely yours Sam and Ellen

Phelan e-mail:

sphe076600@yahoo.com, cell

phone: 914 466-8695

65 Pleasant St circa 1895.
Street abutting picket fence, no curb.



Circa 1900, Looking north up Pleasant St from approximately Kimberly St.
Note tree lined, wide road with white 5' fence going up to approximately Back St.



Circa 1940, Looking to Pleasant St from porch of 61 Pleasant
Note split rail fence replaced former solid white fence, trees continue to line street



Circa 1940, Corner of Pleasant St and Williams Lane looking NW
Note curbed sidewalk in front of 67 Pleasant St which stops in front of 65 Pleasant St.



Copies to:
C. Elizabeth Gibson, Town Manager - TownManager@nantucket-ma.gov

Matt Fee, Member Board of Selectmen - mfee@nantucket-ma.gov
Niles Parker, Executive Director, NHA – c/o ask@nha.org
Holly Backus, Preservation Planner, Planning & Land Use Services -
hbackus@nantucket-ma.gov
Mary Bergman - Executive Director, Nantucket Preservation Trust –
mbergman@nantucketpreservation.org
Raymond Pohl, Chair, Historic District Commission -
Dave Iverson, Chair, Planning Board – c/o plus@nantucket-ma.gov
Angus MacLeod, Chair, Nantucket Historical Commission
Acting Chair, NP&EDC – c/o lsnell@nantucket-ma.gov
Bill Grieder, Chair Roads & Rights of Way Committee, bill.grieder@gmail.com
Henry Terry, President, Nantucket Town Association, c/o
nantuckettownassociation@gmail.com

From: Karel Greenberg

Date: April 16, 2024 at 7:57:49 AM EDT

Dear Bill,

Hope all is well! Please see photo's below (last one in particular). One of our SCA board members tipped me off about the marker below. Drew Patnode went out to see it for himself as you will read below. We wanted to loop you in here as Drew feels best to remove the marker as fixing the eroding path will be a recurring issue.

Please give your blessing and I'll let Drew know unless you have another thought.

Karel

Begin forwarded message:

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

Subject: RE: Speed radar sign

Date: April 10, 2024 at 1:09:05 PM EDT

To: Karel Greenberg <karel.greenberg@gmail.com>

Hi Karel,

As far as the marker in the bluff walk off Baxter... I checked it out after you emailed me and it looks like the path has just worn down around it, but obviously the granite marker has not. So, it's now sticking up. This is a good reason to not place things like this where people walk, because the path will erode over time and creating a tripping hazard. I also question whether that marker is necessary? To read it, a pedestrian would have already walked the trail and be on their way out – or entered from Baxter using the same path they would be using to exit.

I feel like removing it could be best, and maybe install a sign to direct people to the exit?

Truthfully, the path is so worn and the fence behind the sign (see attached photos) both make it so that, in my opinion, the “way out” is already painfully obvious.

I suppose we could try to fill in the path to remove the tripping hazard – but if it reveals itself again we may want to remove the granite marker entirely for safety and maintenance's sake.

Thanks,

Drew

Andrew B. Patnode

Director

Department of Public Works

188 Madaket Road

Nantucket, MA 02554

508-228-7200 ext. 7512

From: Karel Greenberg <karel.greenberg@gmail.com>

Sent: Tuesday, April 9, 2024 3:01 PM

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

Subject: Re: Speed radar sign

Hi Drew,

I keep forgetting to ask about the stone marker on the Bluff path. Were you able to address that?

Was it the erosion or something else that caused it to pop up?

Look forward to seeing you! And again thank you, thank you, for all of your attention the Sconset.

Best regards,
Karel

From: Karel Greenberg <karel.greenberg@gmail.com>

Sent: Monday, March 18, 2024 4:27 PM

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

Subject: Re: Speed radar sign

Dear Andrew,

I agree with you that the winter weather will continue to erode the markers, tree roots and property lines on the Bluff path. I am in contact with Bill Grieder (Roads & Right of Way Chair) and together we will keep a watchful eye on the safety and care of the walk.

Thank you, Andrew.

Best regards,
Karel

On Mar 15, 2024, at 3:48 PM, Andrew Patnode <apatnode@nantucket-ma.gov> wrote:

Hi Karel,

Great to hear from you!

I will check out the Sconset bluff walk marker this weekend - love a good excuse to get out to Sconset and go for a walk! I'm fearful that the marker hasn't moved/lifted up, but rather the path has worn down and now left it exposed. Let me take a look and get back to you on what we might be able to do about it.

Drew

Andrew B. Patnode

Director

Department of Public Works

188 Madaket Road

Nantucket, MA 02554

508-228-7200 ext. 7512

