

Town and County of Nantucket
ROADS AND RIGHT OF WAY COMMITTEE

Posted Meeting of
February 15, 2022
Held by Zoom Videoconferencing

FINAL AND APPROVED MINUTES

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

A. Chair Allen Reinhard called the meeting to order at 4:00 pm. In attendance were Committee Members Rick Atherton, Ed Gillum, Bill Grieder, Allen Reinhard, Rob Ranney, and Lee Saperstein; there was a quorum at all times. Nelson (Snookie) Eldridge, Nat Lowell, and Phil Smith were absent. All present responded to an attendance roll call. The meeting was recorded and can be viewed on You Tube.

Supporter attending: Ken Beaugrand, Real Estate Specialist (4:10 pm).

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

C. Public Comments. None.

Allen Reinhard added a comment from the Chair: DPW has been busy since Stephen Arceneaux was appointed Director. They have met and Allen Reinhard has begun to review with him the Committee's concerns for maintenance and construction.

D. Minutes. Approval of the minutes from January 18, 2022, was moved by Bill Grieder, seconded by Rick Atherton, and approved unanimously by roll-call vote.

2. Ken Beaugrand Update on Road, Sidewalk, and Takings Projects.

Although slightly late to the meeting, Ken Beaugrand was able to give a brief but significant report. The Finance Committee, he noted, has given positive recommendation to all the real estate warrant articles offered by the Town and by private citizens: Articles 19 (10-12 Washington Street, the bus station), 76 (Home Rule Petition: Community Housing Bank Real Estate Transfer Fee), and 85 through 105 (various) have all received a positive recommendation from the Finance Committee. Articles 85 and 86 relate to ways to the coast from Eel Point Road and are germane to the discussion in item 5. of the agenda.

3. New Transportation Planner Hired to Replace Mike Burns.

Allen Reinhard reported that the Town has hired Patrick Reed as its new Transportation Planner. The Town has agreed to Patrick Reed's request to work remotely from his home in the Boston

area as long as he makes scheduled visits to Nantucket. Lee Saperstein suggested that we invite him to a meeting of the committee to discuss several key issues: the sidewalk memorandum, rotaries, and re-building sidewalks among others. Bill Grieder emphasized the need for a sidewalk at 57 Pleasant Street, which is in the memorandum on needed sidewalks sent previously to the Town on November 20, 2020 (attached). [Action: Allen Reinhard to ask Andrew Vorce, Director of Planning, to arrange for Patrick Reed to attend a future meeting of the Committee on Roads and Right of Way.]

4. Chapter 91 Recommendation to the Select Board.

Allen Reinhard said that he had discussed with Rick Atherton and Town Manager, Libby Gibson, his letter to the Select Board giving the Committee's general approval to the recommendation by Representative Fernandes and Senator Cyr to add the word "recreation" to the definition of permitted activities on intertidal lands. A copy of the letter has gone also to Jason Bridges, Select Board Chair, and Erika Mooney, Operations Administrator.

Ken Beaugrand brought up an important legal point, which has not been discussed openly, and that is the issue of damages for taking private rights from the citizen owners of the intertidal lands. Traditionally, their ownership goes to the water's edge and includes the wetted lands. The public's right to recreation would be a reduction in the owners' privileges for this land. Lee Saperstein said that he used to teach his students about takings resulting from environmental law and their legality. The Fifth Amendment to the Constitution (1791) says that "No person shall be ... (amongst other things) ... deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." Resolution of Ken Beaugrand's concern could lead to lengthy legal proceedings.

5. Map Project, Chapter 91: Public Access Map Locations.

In introducing this topic, Allen Reinhard said that the Committee's goal is to create a single map showing all access points to the beach: public ways, so marked; Chapter 91 access ways; "One Big Beach" easements that allow public access; and access ways on Nantucket's charitably owned lands (Land Bank, Conservation Foundation, Mass Audubon, etc.) that are open to the public. That map, he said, should be able to be condensed or expanded as needed to show details on the one hand and an overview on the other. He noted that Phil Smith has been working with Nathan Porter, GIS Coordinator, to assemble the needed pieces of this map.

Allen Reinhard told of trying unsuccessfully to search Town files for lists of access points. He spoke with Eleanor Antonietti, former real estate specialist with the Town, for her understanding of what exists in the files. She said that information appears in individual property deeds but that she was unaware of summary lists. He noted that a summary list of "One Big Beach" easements would give an indication of access points. Equally, a list of the 52 emergency access points would also help. Rick Atherton reminded the Committee that these easements give the right to enter designated beaches for the purposes of conservation or recreation but do not provide for

driving on them unless specifically so permitted. Also, they may not provide access over private, shore-front properties that abut these beaches. There followed an extended discussion of locations with easements: East Tristram Avenue, other places along the north shore, Hulbert Avenue and James Street, Surfside, and others. There was consensus that Nathan Porter should be asked to coalesce beach access information onto one map that can be reviewed at our next meeting. Ken Beaugrand seconded that by saying that he has asked Nathan Porter to mark all public access points and publicly available access on the lands owned by Nantucket charities onto a map. Allen Reinhard said that he would discuss this project with Jeff Carlson, Director, Natural Resources, and Andrew Vorce, Director, Planning. [Information from Secretary Saperstein. Nathan Porter has supplied us with an Excel Spreadsheet of Chapter 91 properties and a map showing the same, a spread sheet of “One Big Beach” properties; he has also given us a map of Public Way marked access points; and finally, he has provided us with unified maps of access points.] [Action: Allen Reinhard, Phil Smith, and Nathan Porter to confer on what is still needed to create an unified map. Allen Reinhard to confer with Jeff Carlson and Andrew Vorce and report on progress at the next committee meeting.]

6. Plan for Locating and Installing New Public Way Monuments. In a repeat of last month’s action, Allen Reinhard said that he has asked Lee Saperstein to join him in identifying places where new Public Way monuments should be installed. Lee Saperstein agreed to help and said that the master file of monuments would then be brought up to date. There are six upright stones and several flush stones still to be installed. The DPW did offer to help place them and Allen Reinhard will renew that agreement with Stephen Arceneaux.

Allen Reinhard said that he would like to create a list of ways taken by the Town for beach access in recent times and to supplement that list with one that shows ways to the water still to be taken. Articles 85 and 86 of the forthcoming Annual Town Meeting show two ways to the water on Eel Point that the Committee had not considered until now.

7. Old, New, and Other Business, and Member Comments,

Ed Gillum asked about Winn Street and its potential taking by the Town for use as a bicycle route or path connector between the Hummock and Madaket Roads bicycle paths. Allen Reinhard said that there has been no action on Winn Street and that he will re-send the memorandum on takings (memorandum and spread sheet are attached to these minutes). Because the DPW has been instrumental in selecting ways for taking, he will also inform Stephen Arceneaux of the committee’s actions. [Action: Allen Reinhard to re-send these items to the Select Board and Town Management, also to the DPW.]

Ed Gillum then asked Bill Grieder if there had been action in Madaket on the elimination of encroachments along Washington Avenue. No, was the response; there have been legal delays.

6. Adjourn.

Adjourn: The meeting was adjourned at 4:54 pm by consensus. The next meeting will be held at 4:00 pm on **Tuesday, March 15, 2022.**

Lee W. Saperstein, Secretary _____ Date _____

Roads and Right of Way Outstanding Projects List:

Public Way Monument Project: (Lee & Allen & Snookie).

- Install remaining monuments at Sconset Footpath, Hulbert Ave., and other locations.
- Update file of existing monuments.
- Move monuments at Westchester St. Ext. & Crooked Lane.

Sidewalk Projects: (Lee & Allen).

- Prospect St. (sidewalk to Upper Vestal St.) and on to Madaket bike path.
- Cliff Rd. Coffin Park to bike path at Sherburne Tpk.
- Pleasant St. Gardner Perry Lane to Williams St.
- Lovers Lane Bike path and road reconstruction: follow progress.
- Follow implementation of downtown sidewalk improvements.
- Bike/Pedestrian connection from Surfside to Hummock Pond to Madaket paths.

Chapter 91 Monitor Project: (Lee, Rick, Phil).

- Make local license information available online.
- Harbor Walk Project, list of permits and approvals, Identify route.
- Chapter 91 licenses along route for the Harbor Walk.
- Locate other locations on waterfronts requiring licenses.

Nantucket Greenway and Trail System Project: (Allen, Lee).

- Nantucket Central Railroad trail map of route.
- Island Trail Map with all walking trails.

MEMORANDUM:

FROM: Nantucket Committee on Roads and Right of Way, Allen Reinhard, Chair

TO: Libby Gibson, Town Manager, for the Select Board

Copy: Art Gasbarro, Chair, Traffic Safety Work Group, Stephen Welch, Chair, Capital Program Committee, Andrew Vorce, Planning Director, and Rob McNeil, Director, DPW

The Roads and Right of Way Committee has undertaken a project to identify critical missing sidewalks and to make recommendations for sidewalks on Town properties where no sidewalk currently exists. This creates situations where pedestrians are forced to walk in the trafficked roadway. We have identified six specific areas in or leading to the downtown area:

- Prospect Street from the end of the multi-use path past the hospital to Joy Street, (then repairing the sidewalk from Joy Street to Upper Vestal Street).
- The bicycle path/sidewalk connector to the Miacomet bike path beginning at the North Mill Street entrance to Mill Hill Park, thence to Old Farm Rd.
- Pleasant Street from Gardner Perry Lane to Williams Lane.
- Cliff Road from the end of the multi-use path to connect with the sidewalk opposite Coffin Park.
- North Liberty Street from Derrymore Road to Cliff Road.
- Lovers Lane bike path.

A discussion among Art Gasbarro, Andrew Vorce, Allen Reinhard and Lee Saperstein, with suggestions from Rob McNeil, considered which of these areas had a plan and survey showing a solution to create sidewalks or bike paths. We found that there are plans on file for three of these areas: 1. Prospect Street to Joy Street; 2. The Mill Hill bike path; and 3. The Lovers Lane bike path and road reconstruction, which was narrowly defeated at ATM. We also are aware of a plan to connect the historic downtown area with mid-town via Pleasant Street and Sparks Avenue.

Based on this information, especially as plans currently exist for each of these four areas, we felt the priority order of these projects should be as follows:

1. Pleasant Street and Sparks Avenue sidewalks including the missing section from Gardner Perry Lane to Williams Lane.
2. Prospect Street/Mill Hill multi-use path through Mill Hill to Joy Street (the approved Bracken Plan).

3. Prospect Street sidewalk from the end of bike path to Joy Street and possible reconstruction of sidewalks to Upper Vestal Street.
4. The multi-use path on Lovers Lane connecting Old South Road and Boulevarde.

Each of these areas has an existing survey plan available. Each of these connections would greatly improve the safety of pedestrians and bicycles and traffic flow in these key areas.

We urge the Select Board to consider these plans positively and to develop funding resources to implement these plans.

Allen B. Reinhard, Chairman

Town and County of Nantucket
Committee on Roads and Right of Way
September 4, 2019

Nantucket Select Board
Via Town Manager Libby Gibson
16 Broad Street
Nantucket, MA 02554

Dear Members of the Select Board:

At its regularly scheduled and posted meeting of August 20, 2019, the Roads and Right of Way Committee voted to add Stone Alley to its List of Potential Street Takings (Agenda Item 4.). The committee members agreed that this action should have high priority and would be eager to discuss it with the Board members.

Attached to this memorandum is a copy of the latest spreadsheet for the takings list and a copy of draft minutes for the August meeting.

Thank you for your consideration of our recommendation.

Yours sincerely,

Allen Reinhard, Chair

Separate Attachments: August 2019 ROW Minutes; ROW recommendations for potential road takings.

POTENTIAL ROAD TAKINGS LIST, As of November 2020

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	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.
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, traffic 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.
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