

Town and County of Nantucket  
**ROADS AND RIGHT OF WAY COMMITTEE**

Posted Meeting of 21 January 2020  
Conference Room of 2 Fairgrounds Road

**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 4:01 pm. In attendance were Rick Atherton, Nelson (Snookie) Eldridge, Leslie Forbes (4:04 pm), Ed Gillum, Bill Grieder, Allen Reinhard, Bert Ryder (4:52 pm), and Lee Saperstein; there was a quorum at all times.

Absent: Nat Lowell

Guests: Thomas Barada, Ken Beaugrand, Real Estate Specialist, Mike Burns, Transportation Planner, Andy Lowell, Member of Harbor and Shellfish Advisory Board, Rob McNeil, Director, DPW.

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

C. Public Comments:

Thomas Barada and Andy Lowell asked about the James Street conveyance that is proposed by the Planning Department. They are concerned about harbor access across the proposed five-foot-wide portion of the easement. James Street, between Hulbert Avenue and the Harbor, is one of five ways taken by the Town in 2013 (Articles 5 and 6, Special Town Meeting, Nov. 4, 2013); it is proposed to sell each half to the abutter in a yard sale while retaining an easement in the middle for pedestrian access to the water. According to Barada and Lowell, in a future climate emergency, this is the only ready access to the Harbor from Hulbert Avenue and they believe that the Town should retain rights to the entire way.

Allen Reinhard responded that the Roads and Right of Way Committee is constituted to advise the Select Board and this issue has been discussed here already. Rick Atherton inserted a piece of history; the taking and conveyance issue began with the Select Board not this committee and was a result of a blockage on James Street. Andy Lowell then asked, "Where does it stand now?" Rick Atherton added that, when a Member of the Select Board, he attended executive sessions on this issue in the past but is not up to date today. When it comes before the Board now, it will probably be a new agenda item. They have consent from the Special Town Meeting to convey the property. Thomas Barada then asked if the conveyance details would ever come back to the Committee on Roads and Right of Way. Rick Atherton interjected that this is not a typical yard sale. Thomas Barada also asked whether the Committee should advise on the nature of the easement. He asked that the Committee put the issue back on the agenda of a future meeting so

that it could be discussed and Allen Reinhard agreed to do so. Ed Gillum asked about scheduling of this issue before the Select Board; “Do we have enough time to meet on this?” [Action. Return James Street conveyance to a future agenda.]

D. Minutes. Approval of the minutes from December 17, 2019, was moved by Snookie Eldridge and seconded by Bill Grieder; approval was unanimous.

## **2. Encroachment Policy: List of Problem Areas of Pedestrian and Traffic Safety.**

In introducing the agenda item on encroachments, Allen Reinhard noted that Mike Burns, who is chair of the Traffic Safety Work Group, and Rob McNeil, Director, DPW, were present as guests. He suggested that we need to concentrate on “egregious” examples, i.e. worst case in terms of pedestrian and traffic safety. Snookie Eldridge interjected that the worst case in ‘Sconset is the corner of Clifton Street and Sankaty Road. He also noted that he submitted a seven-page spread sheet of encroachments in ‘Sconset.

Rob McNeil was introduced and said that the process of enforcing encroachments has been reviewed and accelerated particularly with the assistance of Ken Beaugrand. Each case takes time to research and pursue. Many of the encroachment issues are resolved after the first notice to the landowner. If, however, the landowner is non-compliant, then the Town uses a contract landscaper to remove the encroachment. Frequently, even then, the landowners or their caretakers will remove the encroachment before the contractor has to do so.

Ken Beaugrand said that we, jointly, are developing a data base so that all encroachment actions are archived. Washington Avenue has now been surveyed and the Town will be sending encroachment notices within the next month. They are working on identifying the most egregious to process first. He added that the Committee’s work will be helpful, especially if it includes map and parcel ID. Rob McNeil added that this is a big work item that comes on top of all the other things that they are doing and will take time but we are moving forward. Allen Reinhard pointed out that boulders placed in the road layout are an example of something severe.

Rick Atherton asked, if the Town incurs costs, even for surveying and legal fees, not to mention physical removal of the encroachment, may it ask for reimbursement from the landowner? Ken Beaugrand and Rob McNeil replied, “maybe.” They can demand payment but they are not able to place a lien on a non-compliant property. Rob McNeil added that many of the problems have arisen in newly developed sections of the Island and that we need to educate land developers and builders about road layouts. He does not know what the Building Inspection process looks at when they review for a certificate of occupancy and suggested that he will work to coordinate inspections of encroachments into the roadway with the Building Department.

Leslie Forbes reminded the group of how dangerous Washington Avenue has become and of the number of neighbors who came to us to ask for help. How do you decide the nature of egregiousness, she asked. Ken Beaugrand said that safety comes first. Jointly, they have created a standard operating procedure on encroachments to be consistent. Rob McNeil added that

intersection sight lines are important even, as Ken Beaugrand noted, sight blockage may be from landscaping on private land. Leslie Forbes then asked whom should concerned citizens call? The answer was the DPW.

Reflecting that some of the examples of encroachments were from hardscaping, Lee Saperstein asked if they had looked to see if the changes had been submitted to the Historic District Commission, HDC, for approval. They had not yet checked on this. He also asked if they had considered some positive public relations with, for example, the newspaper. Once they have a process worked out, they would consider it.

Bill Grieder asked about enforcement of the problems along Washington Avenue. The response was to give the process time to work.

[Action: Lee Saperstein will develop a spread sheet to record committee member submissions.]

### **3. Updated “Official” List of Public and Private Ways: Next Steps**

Allen Reinhard related that, with respect to next steps, he has talked with Nathan Porter, GIS Coordinator and Mike Burns, Traffic Planner, to get their advice. Nathan Porter will print out sections of the maps of the Island for committee members to research the ownership status of ways with uncertain status. This will involve research in the Registry of Deeds. Allen Reinhard will ask committee members to take a map and do the work.

Rob McNeil asked strongly that, when doing the research, please keep good records on material consulted, recorded plans, deeds, etc., making sure that file or book and page references are written down. If necessary, photocopy the plans and deeds. Anything recorded after approximately 1970 can be accessed digitally on line.

[Action. Allen Reinhard will provide detailed maps to committee members for review. Methods will be discussed in a future meeting,]

### **4. Takings List Review.**

The positive recommendation for taking Franklin Street has been handed to the Planning Department. They will prepare a submission for presentation to the Select Board.

### **5. Purpose of Outstanding Projects List.**

Because of questions raised at the previous meeting, Allen Reinhard told the group that he had initiated this practice of listing projects that the committee had undertaken and might need a follow-up review along with those that are under consideration. These latter listings are prompts to remind the committee to re-visit the issue to see if it has become timely. When a project is truly complete, such as some of the recent street takings, it comes off the list. Of course, the list gets a periodic review.

Lee Saperstein suggested that it was time to move the historic rail trails to active status. Allen Reinhard replied that he has been following the efforts of the Nantucket Conservation Foundation and the Nantucket Island Land Bank to clear and mark trails. The old railroad mostly crosses their lands. Jointly, they are producing an Island-wide map of trails. He would like to see the rail trails cleared and marked first before taking any additional action. Lee Saperstein suggested that we can monitor progress similarly to the way we are looking at landscaping between the hospital and the Historic Coloured Cemetery.

**6. Member comments, Old, New or Other Business: Historic Coloured Cemetery Access.**

There were none.

**7. Adjourn,**

Adjournment came by acclamation at 5:14 pm.

Next meeting: **4:00 p.m., Tuesday, February 18, 2020.** Because of scheduling conflicts, watch carefully for an announcement of the meeting location.

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.
- Update file of existing monuments
- Move monuments at Westchester St. Ext. & Crooked Lane

**Sidewalk Projects: (Allen)**

- Prospect St. (bike path 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.
- Follow implementation of downtown sidewalk improvements
- Bike/Pedestrian connection from Surfside to Hummock Pond to Madaket paths

**Harbor Walk Project: (Rick)**

- Identify route and identify sections needing constructed walkway
- Concept drawings of construction required
- List permits and approvals needed and process to obtain
- Funding

**Chapter 91 Monitor Project: (Leslie & Lee)**

- Define goals for project
- Make local license information available on line
- Chapter 91 licenses along route for the Harbor Walk
- Locate other locations on Nantucket and Madaket Harbors requiring licenses

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

- Nantucket Central Rail Road trail
- Map existing island trail and footpath systems and identify missing links
- How should maps and information be shared?