

Town and County of Nantucket
ROADS AND RIGHT OF WAY COMMITTEE

Posted Meeting of
November 15, 2022, at 4:00 pm
Held live in 131 Pleasant Street, Conference Room A, and by Zoom Videoconferencing

FINAL AND APPROVED MINUTES

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

A. Chair Bill Grieder called the meeting to order at 4:00 pm. In attendance were Committee Members Rick Atherton, Nelson, “Snookie”, Eldridge, Ed Gillum (left at 5:01 pm), Bill Grieder, Allen Reinhard, Rob Ranney (by Zoom call; left at 4:55 pm), Lee Saperstein, and Phil Smith; also, by Zoom, Stephen Arceneaux, Director, DPW, and Ken Beaugrand, Real Estate Specialist (left at 4:50 pm); there was a quorum at all times. All present responded to an attendance roll call. The meeting was recorded and can be viewed on the Town’s You Tube site (on Town’s main web page as “Watch Meetings Live”, select “Playlists” then look for “Roads and Right of Way”.):

https://www.youtube.com/watch?v=shIbFKymPII&list=PL49sKqpy7VAi_AAzhvnU4I5DTnhiVDj1&index=30.

Absent: Nat Lowell.

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

C. Public Comments.

None.

D. Approval of the minutes of the meeting of October 18, 2022.

Allen Reinhard moved approval of the minutes of the meeting of October 18, 2022, Snookie Eldridge seconded, and the committee voted positively by roll-call vote to approve them. Rob Ranney recused himself because he was not present at last month’s meeting; all other votes were positive.

2. Discussion of Possible Takings.

Bill Grieder reported that Ginger Andrews of 1 Stone Alley would have liked to be present for this discussion but would be at the Historic District Commission, HDC, meeting, which meets at the same time, to listen to an application for 2 Stone Alley. Instead, she gave him copies of the

history of her home as a basis for special treatment of Stone Alley (attached), which he read. He also projected the GIS map of Stone Alley onto the shared screen. It was noted that there is a sewer line running down the alley and he said that he would ask David Gray, Director, Sewer Department, for the accuracy of that location.

Ken Beaugrand then added that there were two issues with a potential taking of Stone Alley: the first was to resolve an encroachment at the bottom of the alley; the second was get a full measure of the maintenance requirements of the alley. For the first issue, a letter will go to the owners of 9 Union Street asking for a removal of the encroachment. When it is removed, a recommendation will be made. The second issue, maintenance, is concerned with the historic nature of the alley, its use of cobble stones, and its steepness making it non-compliant for the disabled. One possible outcome would be for it to remain private but with a strong request for maintenance by the abutters. He said that he and Andrew Vorce, Director of Planning, have been working for two years to devise a workable plan for the alley. Rick Atherton asked if the property owners have the resources to maintain the alley. Ken Beaugrand noted that ownership goes to the center of the alley and abutters should be responsible. In the discussion, Allen Reinhard added that, even though a private way, public access is important and it may not be blocked. Ed Gillum asked if the public has access, do the abutters have liability and Ken Beaugrand said, "yes." As a friendly suggestion, Lee Saperstein asked Stephen Arceneaux if he would visit Stone Alley in case there is future discussion of maintenance issues.

Lee Saperstein asked Ken Beaugrand if the way could be divided into two parts, namely the drivable portion up to the driveways into Numbers One and Two, and the historic walking part going down to Union Street. Ken Beaugrand said that this was a possibility.

Phil Smith asked what action does Ginger Andrews wish for the committee to take. Bill Grieder said that it was his understanding that she wanted the Town to take the way so that encroachments made in the alley by the owners of 12 Orange Street can be corrected. Phil Smith asked also, since parking in the alley has obstructed it, is parking this committee's responsibility. Lee Saperstein suggested that, as a private way, obstruction is a civil matter and the police may not enforce parking rules. Ken Beaugrand said that it can be considered to be trespass, which is a tort or civil wrong.

Phil Smith then asked if we need to maintain the committee's request for a taking, which brought up questions about the status of the Road Takings' Spread Sheet and when last did the committee ask for Stone Alley to be taken. Lee Saperstein found that the memorandum was sent to the Select Board on September 4, 2019 (attached) and that the spread sheet from that date was modified on November 17, 2020 (also attached). As suggested during this discussion, the comment portion of the spread sheet now includes the current status of this request, and the next one, as reported by Ken Beaugrand.

With respect to Franklin Street, Bill Grieder reported that the Cemetery Commission has asked Roads and Right of Way to continue its request for taking of that way. On behalf of the Cemetery Commission, Allen Reinhard said that New North Cemetery is an abutter to the street; its private status means that the Town may not enforce parking restrictions alongside the cemetery. Yet, this potential parking area is the only one available for both New and Old North Cemeteries. Ken Beaugrand reported that the Town is dealing with confidential issues arising from this request and will report back once they are resolved. The committee agreed to postpone this action until the report is received. [Action: Return the taking issues to the agenda once information is received from Ken Beaugrand and Stephen Arceneaux.]

Although not specifically listed in the agenda, the recommended taking of Winn Street was brought up by Phil Smith who wanted to know more about it. First, Bill Grieder asked Ken Beaugrand if he was examining the case for taking the private portion of Winn Street and the answer was “no.” Again, the GIS map of the way was projected and it was seen that both the private, namely the paved, portion of the way and the public, unpaved, had utilities under them. Bill Grieder asked if the DPW had done a survey of the way’s foundation, to which Stephen Arceneaux, DPW Director, said that they had not. He volunteered, however, to talk with David Gray, Sewer Department, and Mark Willett, Wannacomet Water Company, to see what information they have on buried utilities. He said that he would also get information from the planners, Andrew Vorce, Director, and Patrick Reed, Transportation Planner. He committed to relay this information to the committee as soon as he has it. [Action: Stephen Arceneaux to report on his findings from the Planning, Sewer, and Water departments.]

3. Patrick Reed: Any Updates on Road and Sidewalk Projects.

Patrick Reed, Transportation Planner, was unable to attend.

4. Review Public Way Monument Locations Ready to Install.

Bill Grieder said that the Committee was ready to submit work orders for placing additional “Public Way” monuments. He asked Allen Reinhard to explain the status of the spare monuments in the yard at 2 Fairgrounds Road. There are as many as eight upright monuments there but the six flush monuments seen six or so months ago were gone. There is a surveillance camera overlooking the yard but it is not known if the video recordings of that time are still available. Stephen Arceneaux said that he would investigate the disappearance. Allen Reinhard added that he took a photograph of them when last he was there and it should have the date on it. All of the monuments are engraved with the words “Public Way;” the uprights weigh 300 pounds or more while the flush monuments, which are about one cubic foot in size, weigh less than 100 pounds. [Action: Stephen Arceneaux will look for the flush monuments.]

Bill Grieder asked Stephen Arceneaux if it is timely for filing work orders for emplacing monuments, the uprights at least, and the answer was “yes.” There will be time this winter,

perhaps after Stroll to install them. Committee members asked that they be informed of the date of installation so that they could watch. Allen Reinhard volunteered to place flags at the specific locations. Stephen Arceneaux suggested that once they are installed, he will get their coordinates for the record. Part of the request will be to move existing monuments at the western end of West Chester Street, just before its termination at Wannacomet Road, to a more visible location. Allen Reinhard said that the Land Bank is creating a walking trail along there and will be doing a land swap with the Town. The new locations for the two monuments need to consider the relocation of the way. [Action: Bill Grieder to file work orders for monument installation.]

5. Harbor Plan Update Committee At Large Membership.

Referring to last month's discussion of the newly created Harbor Plan Committee, Bill Grieder said that the *ex officio* positions are set but that the at-large members have yet to be selected. Lee Saperstein moved quickly for the Committee to endorse the application of Phil Smith to be an at-large member of the committee. Lee Saperstein said that he had been a liaison member of the previous Harbor Plan Implementation Committee, HPIC, and that Carl Sjolund had joined Roads and Right of Way as a counter liaison. The HPIC took the 100-plus recommendations of the plan and suggested departments and committees that would take responsibility for them. Bill Grieder asked Phil Smith to comment and he responded that he had, indeed, put in his application for the new committee. He recounted his many experiences on the water and that he hoped that the Select Board would see the advantage of them. Rick Atherton seconded the motion and all present voted positively to endorse the application. [Action: Bill Grieder to write to the Select Board in support of Phil Smith's application to the new Harbor Plan Committee.]

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

None.

7. Adjourn.

A move to adjourn was made by Phil Smith, seconded by Allen Reinhard, and approved unanimously. Adjournment came at 5:18 pm. The next meeting is at **4:00 pm on December 20, 2022**, and will be in 131 Pleasant Street with optional Zoom attendance.

Lee W. Saperstein, Secretary _____ Date _____

Roads & ROW Ongoing Projects List:

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

Install remaining monuments at Sconset Footpath, Hulbert Ave., and other locations

- Need scheduling with DPW

Update file of existing monuments

- In progress

Move monuments at Westchester St. Ext. & Crooked Lane

- Need to coordinate with Land Bank

Sidewalk Projects: (Lee & Allen)

Prospect St. (sidewalk to Upper Vestal St.) to Madaket bike path

- Referred to Transportation Planner

Cliff Rd. Coffin Park to bike path at Sherburne Tpk.

- Request sent to Selectboard to add to future sidewalk list.

Pleasant St. Gardner Perry Lane to Williams St.

- Referred to Transportation Planner

Lovers Lane Bike path/ road reconstruction

- Bids received over budget – need additional funding

Follow implementation of downtown sidewalk improvements

- Updates provided by DPW representative to RROW

Bike/Pedestrian connection from Surfside to Hummock Pond to Madaket paths

- Land takings completed – needs Town Meeting funding

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

• GIS department head Nathan Porter working to make available online Harbor Walk Project, list of permits and approvals.

- Plan presented to Select Board – ReMain Nantucket providing assistance

Identify Chapter 91 licenses along route for the Harbor Walk

- In progress

Locate other locations on waterfronts requiring licenses

- Request sent to ConCom to copy RROW on any received applications or notices

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

Island Trail Map with all walking trails

- In progress

11/15/22

To The Roads and Rights of Way Committee

I understand you plan to discuss Stone Alley today, but as I plan to attend the HDC meeting that happens at the same time I thought I'd write.

I now live at 1 Stone Alley, and grew up in 3 Stone Alley until the family moved to the U. MA Field Station for my father's job. Although retaining separate utilities the address is now lumped as 1 Stone Alley for town taxes. It was one of the earliest buildings surveyed by the Historic American Buildings Survey (HABS) in the 1970's. It dates from 1720 when Solomon Gardner was given permission to set up his homestead in its current location. It is an 18th Century two-family house with a clay-mortared central chimney containing nine flues. 1 Stone Alley has six fireplaces, so presumably the other three were originally used by 3 Stone Alley. Some consultants have suggested the house or parts of it may have been moved from the original settlement of Sherburne. It predates the excavation of Quantity Bank. Fran Karttunen located a reference to Stone Alley being "opened" in 1803.

After the Great Fire of 1846 the Sanborn Maps consistently show Stone Alley substantially in its current form. Two possible exceptions: a sidewalk access to Eliza Codd's cottage (a barn converted circa 1910) at 2 Stone Alley, and more recently, the granite and schist curbing was removed and re-used for a planting of hydrangeas, creating a parking area for 12 Orange Street next to the side of the house. While 12 Orange was rented to the X Gallery, police were still ticketing cars parked in that spot.

Stone Alley currently contains Town Water lines, with three meters, serving 1, 2, and 3 Stone Alley. Our Sewer lines connect to a main in the Alley running down to Union Street. The Union St. Inn was originally connected to the Stone Alley sewer. But after a bad blockage under Union Street, which caused raw sewage to flow out of their washing machines, they made a new connection to the Union Street line. There are two utility poles within the layout of the Alley. One pole, located next to the retaining wall of 10 Orange Street, carries electric, phone and cable wires from Orange Street down to 2 and 3 Stone Alley. 1 Stone Alley receives electricity and cable up from Union St. via a pole located at the lower bend of the Alley. "Cat Alley," at right angles, was supposedly taken for a Utility corridor, but apparently never used. The old gas lines in the Alley appear to be abandoned. Overhead fire alarm lines for the old call-boxes have


been removed-with a bit of help from my tree branches, I'm sorry to say.

The lower portion of the Alley is constricted by a tree that grew up through my electric service on one side, and on the south side by the formerly vertical fence constructed by 9 Union St. owners in the 1970's. The top of the fence was pushed over the path during recent renovations of 9 Union St, although its feet are still in their 1970's location. Recent plantings on the south side removed a sizeable number of rocks. The cobbles in the center are coming unzipped due to water runoff. Sad. Undeniably risky. But still used and enjoyed by the public as a cut-through nonetheless.

Sincerely,

Ginger

Andrews.

A handwritten signature in cursive script that reads "Ginger".

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, Cem	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, 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. 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

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.