

Town and County of Nantucket
ROADS AND RIGHT OF WAY COMMITTEE

Posted Meeting of
April 19, 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 4:03 pm. In attendance were Committee Members Rick Atherton, Nelson (Snookie) Eldridge, Ed Gillum, Allen Reinhard, Rob Ranney, and Phil Smith; 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.

Supporters attending: TaKyra Netter, DPW staff, Charlie Polachi, Manager of Parks and Recreation and Cemetery Administrator, and Phyllis Rugaru, DPW Office Manager.

Absent: Bill Grieder, Nat Lowell, and Lee Saperstein

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

C. Public Comments. Allen Reinhard answered a question on when face-to-face meetings would resume by saying that it will be up to the Select Board although it is known that there is insufficient meeting space equipped for hybrid meetings, i.e., both in-person and by Zoom. It may be soon; look to meeting announcements and forthcoming agendas for more information.

D. Minutes. Approval of the minutes from March 15, 2022, was moved by Snookie Eldridge, seconded by Rick Atherton, and approved unanimously by roll-call vote.

2. Ken Beaugrand Possible Update on Projects.

Ken Beaugrand had sent a message saying that he had no news for any of the agenda items.

3. Map Project: Verification of existing Public Way Monuments.

Allen Reinhard reported that he and Lee Saperstein took a road tour of the island on March 23rd to verify the location of existing monuments and to seek places for new monuments, which will be detailed in the next agenda item. They began on Hulbert Avenue and then went to 'Sconset and looked at the newly taken ways from Baxter Road to the 'Sconset Bluff Footpath. They also looked at 65 Wanoma Way in Tom Nevers to see if the old railroad bed was accessible from the street. It did not appear to be and they will not recommend a monument at this location. He noted that we can install the flush monuments ourselves but the weight of the upright monuments

is such that help from the DPW will be needed. He reported that separately he had verified the monuments on Warrens Landing Road and Madequecham Valley Road. He asked Charlie Polachi to begin setting up a work order for installation of upright monuments. [Action: Charlie Polachi to establish monument-placement work order.]

On April 2nd, Lee Saperstein sent the committee members an updated master chart of the monuments that includes several of the recently placed monuments. He noted then that posting the new chart on the Committee's web site should wait until all new ones have been placed. He and Allen Reinhard took notes of locations where new monuments should be located.

4. Map Project: Plan for locating and installing new Public Way monuments.

Lee Saperstein's notes started on Hulbert Avenue. Because of shifting sands, it was decided not to place any monuments on the harbor end of the ways.

- Henry Street: needs an upright monument.
- James Street: the way to the harbor divides the two driveways; probably should have a flush monument.
- Johnson Street: needs a flush monument.
- Willard Street: needs an upright monument.

Proceeding to 'Sconset, the following ways and their monument needs were noted. The survey was done in geographic order south to north; the list is arrayed alphabetically.

- Anne's Lane. Check to see if it has been taken. No decision on monument placement.
- Emily Street: flush monuments in place, one on footpath and one by number 27 Baxter Road in road layout; none needed.
- Nosegay Lane: an upright is needed at Baxter Road on the north side of the Lane by the road sign; there is a flush monument at the footpath.
- Rosaly Lane: the original flush monument is missing and should be replaced; needs a second one at the footpath. An upright is needed at Baxter Road on the southside of the Lane by the garage for number 13 Baxter.
- 65 Baxter Road: the footpath through the hedge at number 65 is marked by flush monuments at both ends; thus, none is needed.

Upright monuments needed = 4

Flush monuments needed = 4

[Action: Install monuments. Allen Reinhard to ask the Planning Director about the status of Anne's Lane.]

Absent the above information, the discussion at the meeting focused on information needed for the ways to be marked. Allen Reinhard noted that, once the ways are marked and charted, one of the five types of access points to be put on the beach map will be complete. Rick Atherton asked if the information on ways from Baxter Road to the bluff footpath is complete. Further, he asked if there is a complete list of ways, particularly those going to the water, taken by the Town at various Annual Town Meetings that we can consult. Allen Reinhard offered to check with Erika Mooney and the Town Clerk to see if one exists or can be created relatively easily. He also offered to re-visit Nosegay Lane to locate an upright post. [Action: Allen Reinhard to research any listing of ways taken by the Town.]

With respect to the kinds of monuments, Phil Smith noted that the flush ones are not very visible to people in passing cars. Ed Gillum asked if there were other options for uprights, perhaps not as tall. Allen Reinhard replied that the granite ones were designed to match the older concrete ones; also, to be tall enough to contain the words, "Public Way." Although there was an extensive search, the mold for the concrete posts could not be found. Several of them have deteriorated because of rust expansion of the internal re-bar. Ed Gillum asked if Nosegay was a frequently used access point to the footpath and Snookie Eldridge said that it was.

5. Chapter 91 recommendation to Select Board, Con. Com. record of licenses.

The committee has a long-standing and oft-stated interest in Chapter 91 Licenses and Nantucketers' ability to research them. These licenses are for structures appurtenant to land-based structures but that reach out to the water. They are also needed for structures on filled-tidal lands. Recent permitting activity on Easton Street between the White Elephant Hotel and the Coast Guard station suggests that new licenses should have been sought for at least three properties. Ed Gillum reminded the group that one of these properties had a dispute over compliance that was publicly reported.

Allen Reinhard related that, in addition to Easton Street, there are other properties of Chapter-91 interest such as the condominiums at the beginning of the Washington Street Extension and on Commercial Street. Lee Saperstein sent a note saying that he and Leslie Forbes had researched these licenses and could not find one for the structures at 80 Washington Street. He also wrote that the on-line registry records allow one to search for all licenses granted by the Town of Nantucket in a particular year but that they are not broken down into specific types. When asked if this could be done for Chapter 91 licenses, the Registrar said no.

It was noted by Allen Reinhard that the Director of Natural Resources, Jeff Carlson, is also the staff support to the Conservation Commission, ConComm. Communications between the state office for Chapter 91 and the Town of Nantucket goes through the ConComm. Allen Reinhard has asked Jeff Carlson if there is a list of all Chapter 91 licenses on Nantucket and has not had a definitive answer. Jeff Carlson has participated in a Nantucket Civic League forum on issues surrounding intertidal lands (shore lands between low and high tides) and more recently had made a presentation to the combined Executive Committee of the Nantucket Civic League and Presidents of the local area associations. Allen Reinhard hopes for further communication from Jeff Carlson. He noted also that the Land Bank had been dutiful in placing signs on all of its waterfront properties advising the public of their right of access.

There were several questions from committee members that could become suggestions for improving the recording of Chapter 91 information. Phil Smith asked if the Building Department requires submission of Chapter 91 information before granting a permit. While not entirely certain, Allen Reinhard thought not. It is known that the ConComm list of conditions includes the requirement for any required Chapter 91 information to be listed on the deed along with their conditions. Jeff Carlson has indicated that his office has been collecting Chapter 91 license information for some years but that it may not have a complete list. Also, the information is not available on the office's web site. Phil Smith and Ed Gillum then pondered if the Planning Board required Chapter 91 information to be included in submissions to the Board. Again, while a worthy idea, the thought was that the Board does not require it. Allen Reinhard asked Ed Gillum to research Chapter 91 licenses in the web site of the Registry of Deeds. Lee Saperstein adds, after the fact, that he had volunteered to do this at an earlier meeting. [Action: Committee members to send to Lee Saperstein addresses of properties to be researched for Chapter 91 status. Lee Saperstein and Ed Gillum will research deeds.]

6. Sidewalk Projects update

Allen Reinhard reminded the committee members that the Town has committed a million dollars per year in its capital budget toward renewing in-Town sidewalks. Ed Gillum said that India Street between Center and Federal had work done on its sidewalks; he expects that this work will continue on South Water Street. He also noted that new trees have been planted on Main Street and the brickwork around them has been repaired. Allen Reinhard asked Charlie Polachi if he had anything more to report on sidewalks and the answer was no.

Ed Gillum asked about the missing sidewalk along Pleasant Street in front of number 57 to which Allen Reinhard replied that the owner's work on a new garden could include a sidewalk but that further sections of this portion of Pleasant Street will require a response from the Town and the Planning Office to the committee's memorandum on missing sidewalks. The forthcoming Annual Town Meeting has a capital budget item on repair of Pleasant Street and its sidewalks from Main Street to Silver Street (Article 13). It was noted that the Committee would like to meet with the new Transportation Planner, Patrick Reed, at his earliest opportunity.

[Action: Allen Reinhard to renew the request for the new Transportation Planner to meet with the committee.]

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

There was none and the committee prepared to adjourn.

6. Adjourn.

Adjourn: The meeting was adjourned at 5:00 pm by consensus. The next meeting will be held at 4:00 pm on **Tuesday, May 17, 2022**. At present, this is scheduled as a Zoom meeting.

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.