

**Nantucket Commission on Disability**  
**Minutes**  
**Open Session**  
**Friday April 29, 2022**

*Due to the current State of Emergency in the Commonwealth due to the Covid-19 virus outbreak, and pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law, this meeting was conducted remotely by video conference via Zoom and the meeting will be aired at a later time on the Town's Government TV YouTube Channel <https://www.youtube.com/channel/UC-sgxAlfdoxteLNzRAUHxA>*

**Present:**

Mickey Rowland, Jeanette Topham, Georgia Snell and Brenda McDonough.

**Absent:**

Maribeth Maloney and Augie Chotkowski

**Guests:**

Eleanor Antonietti, Land Bank Executive Assistant, and Cole Bateman, Engineer for Coastal Engineering

**Call to Order: 3:12 p.m.**

Mr. Rowland read the "Script for Remotely Conducted Open Meetings" and all members present via Zoom responded affirmatively as Mr. Rowland called their names.

**Agenda: 3:12**

Mr. Rowland stated, by unanimous consent we are adopting the agenda.

**Note:**

**Minutes: 3:45 p.m.**

The Commission approved the minutes at the end of the meeting.

Ms. Topham motioned to approve March 22, 2022 minutes, which Ms. Snell seconded, and all the present, eligible Commission members unanimously approved this motion by roll call:

Mr. Rowland- Aye

Ms. Topham- Aye

Ms. Snell- Aye

**Open Session: 3:15 p.m.**

**New Business:**

**Topics:**

**Variance Request for Easy Street Sidewalk Bordering the Land Bank's Park**

- The applicant is seeking relief from the following sections of the 521 CMR:
    1. **Section 22.3.1:** Nowhere shall the cross slope of walkways exceed one-in-50 (1:50) (2%).
    2. **Section 22.4:** Walkways shall have continuous common surfaces, not interrupted by steps or changes in level greater than ¼ inch (¼" = 6mm).
  
  - Ms. Antonietti read the variance request to the Commission while Mr. Rowland screen shared the site plans of Easy Street sidewalk. The following brief summary of the discussion:
    - The Land Bank is looking to close out this project and submitting this variance application will achieve this goal. 20% of the sidewalk does not completely comply with the 521 CMR.
    - There are areas of the sidewalk where the cross slope is slightly greater than 2% but is still very negotiable. This slightly greater slope does not prevent any hazards to anyone with an ambulatory disability.
    - There are areas of the sidewalk where the level changes in the brick sidewalk is greater than ¼ inch due to the nonconformities of the bricks that were required for this project, and the bricks' settlement caused by severe storms. Also, there is only one level of substructure and sand beneath that substructure. Sand settles, thus causing leveling variations in the brick sidewalk.
    - Mr. Bateman stated that the Land Bank is applying for this variance because they are looking for protection for the non-conformities in the sidewalk in the event that someone files a grievance about these non-conformities.
    - Mr. Rowland had concerns where the level change is greater than ¼ inch because of a potential tripping hazard.
    - Ms. Antonietti articulated that the Land Bank will inspect the sidewalks regularly, and will repair the sidewalk as needed to comply with the 521 CMR. Ms. Antonietti noted that there is nothing to be gained if the Land Bank does not properly maintain the sidewalk. She also stated that the sidewalk is vulnerable to irregularities, and the Land Bank promises to inspect the sidewalk regularly and make all the necessary repairs needed.
    - Ms. Topham motioned to support the Land Bank's variance request with the following conditions:
      - Land Bank must inspect the sidewalk quarterly and after any flooding in that area. Any discrepancy greater than ¼ inch, the Land Bank must repair those sections to comply with the 521 CMR.
- Ms. Snell seconded this motion with these conditions and Mr. Rowland voted in favor of this motion also.
- Mr. Rowland took a roll call on this motion with the conditions:
- Ms. Topham: Aye
  - Ms. Snell: Aye
  - Mr. Rowland: Aye
- Ms. Topham mentioned that she thought the Land Bank's benches in their Easy Street Park were low, therefore it is difficult to go from a sitting position to a standing position.
  - Ms. Antonietti confirmed that these were standard benches.

- **3:45 p.m.** Ms. Antoneitti and Mr. Bateman left the Commission's Zoom meeting.

**Old Business:** None

**Public Comment:** None

**Update:** None

**\*Topics Not Anticipated 48 Hours in Advance of Meeting:**

**Adjournment:**

Ms. Topham motioned to adjourn Open Session, which Ms. Snell seconded, and all voted in favor of this motion by the following roll call vote:

Mr. Rowland- Aye

Ms. Snell- Aye

Ms. Topham- Aye

Submitted by:

Brenda McDonough, Facilitator