

Town and County of Nantucket
ROADS AND RIGHT OF WAY COMMITTEE

Meeting of 19 January 2016
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 4:08 pm. In attendance were Dave Fredericks, Leslie Forbes, Nat Lowell, Allen Reinhard, Bert Ryder, Lee Saperstein (by telephone), and John Stackpole; there was a quorum at all times.

Absent were D. Anne Atherton and Joe Marcklinger

Guest: Mike Burns, Transportation Planner

The agenda as distributed was accepted.

B. Public Comment. There was no public comment.

C. Minutes. The minutes of the meeting of December 15 2015 were accepted by acclamation (Lee Saperstein identified himself before voting).

2. BOS Workshop Discussion.

Allen Reinhard said that the January 13th Workshop with the Board of Selectmen on current issues of pedestrian ways and sidewalks, bike routes and bike paths, and public access was an interesting one. He noted that several of the committee members were present. His presentation came after that of Mike Burns', Nantucket Transportation Planner, which was replete with maps and visuals. Allen Reinhard's report was based on a written submission, which was included in the Selectmen's packets, that recounted the history and achievements of the Committee on Roads and Right of Way and that concluded with a survey of current projects.

After the presentations, members of the Board had a number of questions for Mike Burns and Allen Reinhard; they also had a discussion amongst themselves about some of the issues that had been raised. Based on the work done on the sidewalk survey, they wanted to know if we had recommendations on parking on sidewalks on narrow streets and whether, if the practice were to be continued, sidewalks could be reinforced to carry the load of cars.

3. Projects Review.

Sidewalks. Because the presentation to the Board of Selectmen included a discussion of committee projects that are underway, agenda item 2 flowed into item 3. In particular, the

discussion on sidewalk repair and replacement led to a review of the budget status for this work in the DPW capital budget requests. Lee Saperstein reminded the group that our last report to the Board of Selectmen included a list of high-priority streets and of a second category of streets that are as much in need but with lower usage. Dave Fredericks, who is advising the Town on construction projects, said that the plan produced by Mike Burns for sidewalk restoration also listed streets that should be re-built. Both of these sets of recommendations are best estimates and not always supported by data. In addition is the reality that the requested annual budget will be, if approved, only enough for approximately ten percent of the work. Dave Fredericks suggested that our committee's continuing role would be to assist the planners with the specifics of each successive budget request. Existing inputs would be our current summary reports, the report of the WPI students on ADA accessibility of our sidewalks, and policy inputs such as the need to have ready access to harbor ferries and for mid-Island connections to downtown. We also could recommend where more information would be needed to make an optimal recommendation; these could include usage counts, citizen surveys, and public hearings.

Chapter 91 Licenses. The committee was charged in the "Nantucket and Madaket Harbors Action Plan" with reviewing issues of public access to the water as defined in the Massachusetts General Laws (MGL), Chapter 91, on Waterways. The committee has done a lot of work in this domain, in particular, by identifying and marking public ways to the water around the Island (see the next agenda item). We have found most of the apparent ones. Those that remain and that we know about are often private ways that have been used by the public by custom. The committee will need policy guidance as to the Town's willingness to embark on takings by eminent domain for some of these remaining private ways. The committee will also continue to identify unknown ways to the water with the assistance of its membership and members of the public.

In addition, there are a large number of Chapter 91 licenses for private access to the water (finger piers, bluff steps, raised walkways, etc.) on Nantucket. Almost universally, one of the conditions of those licenses is that the public must be afforded access over, under, or around the structure so that they may continue the historic privilege of "fishing, fowling, and navigation" between the high and low-water marks on the shore. Members of the Board of Selectmen were particularly interested in a comprehensive list of these licenses and in enforcement of the requirements. Dave Fredericks said, because of his time with the power company, that he had a lot of knowledge of the Chapter 91 license process and that he had worked with Ben Lynch, Program Chief for the Waterways Section of the Department of Energy and Environmental Affairs, who was both knowledgeable of conditions on Nantucket and helpful to us. It was also mentioned that Annie Bissinger-Poor, former member of our committee, might be able to direct us to information sources on these licenses.

It is apparent that the only place where all Chapter 91 licenses in the Commonwealth are catalogued is a file room in Boston. According to Dave Fredericks, since 1996, individual licenses are required to be registered with the property's deed and may be accessed through the electronic registry-of-deeds facility. Seeking all licenses in a county may be a herculean task. Allen Reinhard suggested that we delineate the steps in a proposed project that would identify all of the licenses on Nantucket and place them in a digital file. The project proposal would also define expected outcomes and benefits. In all likelihood, the project would need a paid staff member to complete it. In the meantime, Lee Saperstein offered to research license information

in the Harbors Plan and to make contact with Jeff Carlson, Director of the Nantucket Department of Natural Resources, to see what work has been undertaken on Nantucket to produce an electronic file of the Chapter 91 licenses. A draft of the project will be presented at the February meeting.

4. Plan for granite Public Way monuments for Sconset, Surfside and Brant Point.

Allen Reinhard reported that there are three unused up-right “Public Way” monuments in Neil Paterson’s yard and he has ordered several more; additionally, in-ground monuments have been ordered for placement at the lateral ways to the ‘Sconset Bluff Footpath and along Hulbert Avenue at the newly taken public ways to the harbor. He will ask Andrew Vorce to prepare a purchase order, using CPC funds, for the new ones. Bert Ryder has indicated that he may be able to borrow some equipment to transport the monuments from Neil Paterson’s yard to their planned location. If we can assemble a few volunteers, we can place them in the ground ourselves. If we cannot get the equipment, the purchase order will be expanded to include installation.

5. Viewing stand at East Creek Road.

It has long been a vision of the committee, as part of planning for a continuous harbor walk, to have a harbor and bird-viewing platform at the end of East Creek Road, which runs from Orange Street to the Harbor between Marine Home Supply and the complex with Our Island Home and Landmark House. Allen Reinhard suggested that the time has come to create plans for this platform, based on guidance from the Conservation Commission, and proceed to build it. He said that Dave Fronzuto, the Town’s Emergency Preparedness Manager, believes that there is state-grant money to defray some of the costs of planning and construction. Allen Reinhard will meet with Dave Fronzuto and report back to the committee.

6. Old, New or other business: North Mill Street, no new information.

Allen Reinhard reported that the Town Clerk has no new information about the public/private status of North Mill Street. He was asked if we had any way of knowing when the property owners would submit a plan for subdividing their property. It was suggested that we ask the Planning Board to give us a notification when this happens. Lee Saperstein suggested that such a planning request was likely to come to a public hearing.

7. Adjourn at 5:15 pm.

Next meeting: February 16, 2016, 4:00 p.m., 2 Fairgrounds Road.

R&ROW Committee Outstanding Projects List:

Projects Under Way:

- **Downtown Sidewalk Survey Project.**
- **In-Town Bike Path from Washington St. Ext. to Rotary.**
- **Boulevard to Airport road takings, and reconstruction as Public Ways.**

- **Installation of sidewalk from Prospect St. multi-use path to Upper Vestal Street.**
- **Bike path linking Surfside, Hummock Pond, & Madaket Bike paths via Mill Hill.**
- **First Way Pedestrian/Bike Access and Road Improvement Safety Project.**
- **Sconset Footpath install Public Way Monuments.**

Projects on hold, or in need of advancement:

- **Nantucket Central Railroad Trail Project.**
- **Nantucket Open Space Plan Update.**
- **Nantucket Greenway and Footpath System.**
- **East Creek Road viewing platform and CPC grant.**
- **Work with DPW on maintenance plan for public way monuments and trails.**
- **Oversight of maintenance West Chester St. Ext., Crooked Lane.**
- **Harbor walk.**

Completed projects needing implementation and follow up:

- **Chapter 91 Public Access License Enforcement: Harbors Plan Implementation.**

Transcribed by Lee W. Saperstein, Secretary, and edited by Allen Reinhard, Chair