

Town and County of Nantucket
ROADS AND RIGHT OF WAY COMMITTEE

Meeting of 17 January 2017
Conference Room of 2 Fairgrounds Road

DRAFT MINUTES FOR REVIEW AND APPROVAL

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

A. Chair Allen Reinhard called the meeting to order at 4:00 pm. In attendance were Nelson (Snookie) Eldridge, Leslie Forbes, Nat Lowell (4:05 pm), Allen Reinhard, Bert Ryder, Lee Saperstein, and Stephen Welch (4:04 pm); there was a quorum at all times.

Absent was John Stackpole.

Guests: Mike Burns, Transportation Planner, and Kara Buzanoski, Director, DPW.

The agenda as distributed was accepted.

B. Public Comment. There was no public comment.

C. Minutes. The minutes of the meeting of December 20, 2016, were moved for approval by Snookie Eldridge, seconded by Leslie Forbes, and approved unanimously by the members then present.

2. Downtown Sidewalk Repair and In-Town Bike Paths Update.

Chair Allen Reinhard reported that he was pleased with the progress that has been made in constructing new bicycle paths and up-grading the Town's sidewalks. The in-town bike path portion along the old railroad causeway by the Goose Pond is underway. Leslie Forbes said that she had just walked the route and could report that there are survey markers in place and workers and equipment ready to go. Mike Burns said that the detailed construction schedule was not yet in final form. The official work schedule will probably go through the end of September but if all goes well then work could be done before summer begins.

Allen Reinhard also reported that the Milk Street bike path, alongside the Prospect Hill Cemetery is nearing completion and the sub-grade is down. Utility poles had been moved to the other side of the street but, as reported in the newspaper, have created a sight blockage problem for the Loines Observatory. The Town is now negotiating with the cemetery to move the poles back but on cemetery property leaving an unobstructed bike path as well as an improved view from the Observatory. Incidentally, Kara Buzanoski reported that notice of the move had been given as

early as 2015 but the visual impact was not noticed until the poles were actually moved. Several committee members noted that the higher ground on the north side of the street exacerbated the blockage problem.

Nat Lowell asked Director Buzanoski about several notable hedge encroachments into the public way and were there any plans to move them. She replied that they plan to move them in the spring when they will better survive transplantation.

Allen Reinhard asked about the Mill Hill Park bike route that will parallel North Mill Street and then connect to Old Farm Road. Kara Buzanoski replied that Bracken Engineering has developed detailed plans and it is “good to go” but will need to go out to bid before construction begins. She reported also that the substantially degraded four-way intersection of Candle Street, Easy Street, Main Street, and Straight Wharf had been repaved with Belgium block. The hope is that the rectangular block, rather than cobblestone, will better withstand the stress of truck traffic across that intersection.

Kara Buzanoski reported that she has asked Victor Paving to improve two turns that are very tight for long vehicles. The corner of Washington and Francis Streets has been widened as much as possible and had its curb lowered. A similar action will occur at Raceway Drive and Bartlett Road, which with its greater than 90-degree turn can cause problems for long vehicles.

Frank Holdgate is doing surveys for the balance of the sidewalk project and they expect him to give them more information next week.

3. Chapter 91 Public Access Update and Next Steps.

Allen Reinhard asked if there had been any progress with Chapter 91 Licenses. Lee Saperstein and Leslie Forbes reported that there had been only limited progress. They had learned that, at the suggestion of the State’s Department of Environmental Protection, DEP, the Town had acquired General Chapter 91 Licenses for repetitive work of a minor nature. These general licenses do not, in any way, relieve landowners or managers of the obligation to obtain specific licenses for work that affects the waterfront. They also reported that going to visit conservation officers on Martha’s Vineyard was still on tap for the future; Jeff Carlson, Natural Resources Coordinator, said that he would research names and affiliations.

Allen Reinhard asked if we were assured that new projects would comply with Chapter 91 requirements. Lee Saperstein suggested that, particularly with Jeff Carlson’s office providing a direct link between Conservation Commission and Chapter 91 requirements, compliance would be better than before but not assured. Allen Reinhard then asked Nat Lowell if there was any input from the Planning Board on their review of Chapter 91 license requirements and Lowell responded that there were examples but that attorneys Kevin Dale and Arthur Reade were more likely to know details.

Allen Reinhard reminded the Committee that our interest in all of the Chapter 91 issues is to maintain public access to the water. Leslie Forbes suggested that we continue to disseminate educational material to those groups of people responsible for designing and building structures on Nantucket.

Stephen Welch suggested that we ask our Register of Deeds if a filter can be provided for Chapter 91 licenses in the “Recorded Date Option, Document Type” section of the Massachusetts on-line registry, www.masslandrecords.com. Lee Saperstein said that he would ask Jennifer Ferreira, Nantucket Register, if it is possible [Action: L. Saperstein to ask the Register and report back to the committee].

4. Special Municipal Employee Discussion.

Allen Reinhard reported that he had spoken with Attorney Lauren Goldberg during the information session about compliance with the Open Meeting Law and also with Erika Mooney, Executive Assistant to the Town Manager, about the designation of Special Municipal Employee status for committee members. Neither knew of any disadvantages; equally, they did not see compelling advantages. He then asked the members what they wished to do.

Stephen Welch said that, based on his experience with the on-line ethics training course, volunteers such as us are defined as municipal employees, who are prohibited from doing any paid work that is in conflict with the service already provided to the Town. Such a prohibition does not apply to Special Municipal Employees. Unlike the adjudicatory committees (Conservation Commission, HDC, Planning Board, etc.), whose members have been designated as Special Municipal Employees, it is less obvious that members of advisory committees need to be so defined. Nonetheless, Stephen Welch suggested that our work could be seen by an objector to our advice as a conflict. Fines for being found in conflict are substantial. Even though only one or two of the current membership might be employed in a position that could be considered in conflict, the Town wishes to deal with the entire committee not individuals.

After this discussion, Stephen Welch said that we should vote on asking the Town for the designation. He repeated this suggestion as a formal motion that Nat Lowell seconded. The vote in favor was unanimous and Allen Reinhard said that he would take the request to the Town [Action: Allen Reinhard will write asking for Special Municipal Employee designation for committee members].

5. Access to Historic Coloured Cemetery and Founders Burial Ground Discussion.

Allen Reinhard reminded the group that he will bring a progress report each meeting on access issues to historic cemeteries. For the Historic Coloured Cemetery, demolition and moving of current hospital out buildings is well under way and the current roadway will soon be closed. The alternative way from North Mill Street will soon be the only way to the Cemetery entrance.

Kara Buzanoski reported that signs are being moved now to show the new access route and work is on order to ensure that the way is accessible for passenger cars.

Access to the Founders Burial Ground, particularly for vehicles, is more hindered. Cars and equipment can access the Burial Ground either from the turning circle in the Maxey Pond subdivision or from the Anglers' Club picnic area. The latter is accessed by a private way from Cliff Road. In each case, these access points are, in fact, a trespass across private land. There is a walking path from the Anglers' Club way to the northwestern corner of the Burial Ground that is public but it is not suitable for vehicles. There is a "paper" Proprietors Way defined between Cliff Road and this same northwestern corner of the Burial Ground. Developing it into a traversable way would require a lot of intrusive construction. The Cemetery Commission is also looking at this situation and, as they develop reports and plans, they will be shared with the committee.

6. Old, New, or Other Business.

Allen Reinhard has asked Andrew Vorce for a current list of ways that have been taken by the Town. Once we have an accurate list, we will put "Public Way" markers in the ground [Action: Allen Reinhard to obtain list]. We have several markers that are ready to go and we also have sufficient funds to purchase more. Our interest is in maintaining the ways for access and these markers notify the public how they can get there. Nat Lowell asked about the Eel Point Road markers that were to define a new path to the north shore at around 43 Eel Point Road. Allen Reinhard replied that instillation of the ones going to the beach will be deferred until the stairway is repaired. A parking area is on the other side of Eel Point Road. Snookie Eldridge mentioned that there is a clearance difficulty with access from Baxter Road to the end of the Sconset Bluff Footpath.

7. Adjourn.

The end of the agenda was reached at 5:16 pm and the committee adjourned.

The next meeting of the committee is February 21,2017, 4:00 p.m., 2 Fairgrounds Road.

Roads and Right of Way Committee Outstanding Projects List:

Projects Underway and need only oversight until completion

- Downtown Sidewalk Survey Project
- In Town Bike Path from Washington St. Ext. to Rotary
- Boulevard to Airport road takings, and reconstruction as Public Ways
- Bike path linking Surfside, Hummock Pond & Madaket Bike paths via Mill Hill
- First Way Pedestrian/Bike Access and Road Improvement Safety Project

Projects in need of advancement, completion or encouragement

- Installation of sidewalk from Prospect St. multi-use path to Upper Vestal Street
- Sconset Footpath install Public Way Monuments
- Chapter 91 Public Access License Enforcement: Harbor Plan Implementation
- Nantucket Open Space Plan Update

Long Term Projects and projects on hold

- Nantucket Central Railroad Trail Project
- 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
- Maintenance Plan for West Chester St. Ext. and Crooked Lane
- Harbor Walk