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**Subject:** Baxter Road discussion and update, May 22, 2013  
**Date:** Wednesday, May 22, 2013 6:20:43 PM  
**Attachments:** [Gasbarro ltr 05.22.13.pdf](#)  
[BOS ltr 05.22.13.pdf](#)

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Dear Libby,

In connection with the above matter, I am attaching a copy of a letter, with its enclosure, that I plan to deliver to the Board tonight on behalf of my clients, Molly and Patrick Ryan at 110 Baxter Road.

Thank you for your attention.

Regards,

Sarah

P.S. I do not seem to have Tobias Glidden's email, so if you would please forward this, I would appreciate it. Thank you.

Sarah F. Alger, PC

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Rick Atherton, Chair  
Board of Selectmen  
Town of Nantucket  
16 Broad Street  
Nantucket, Massachusetts 02554

May 22, 2013

FIVE PARKER ROAD • POST OFFICE BOX 449

OSTERVILLE • MASSACHUSETTS • 02655

TELEPHONE: 508-428-8594 FACSIMILE: 508-420-3162

JOHN R. ALGER

1931-2007

Re: Baxter Road Access/Relocation Project

Dear Mr. Atherton:

I represent Patrick Ryan, as Trustee of the Ryan Nantucket Realty Trust, the owner of the property at 110 Baxter Road.

Both Mr. Ryan and I are well familiar with the Siasconset beach erosion problem and its impact on Baxter Road. We are, however, more than troubled by the PLUS Reports dated May 3 and 20, 2013, and their rather simplistic approach to the issue based on limited, if any, engineering. Now that the PLUS Reports, and their series of handwritten layouts on a GIS map, are public, several of those alternatives seem to be gaining support. While we understand that the Board may consider the PLUS Reports to provide an "outline," we are not prepared to allow even a preliminary discussion of the options presented to go unchallenged where a true long-term solution is not explored and where the burden of solving this serious problem falls on a few select homeowners unnecessarily creating an adversarial climate before even one word is spoken to them.

We prefer to take a different tact.

We are concerned about, and invested in, a long-term solution to the erosion issues along the Siasconset Bluff, not the most expedient one, one that is multifaceted and balances the interests of the homeowners' private property rights with preservation of the island's natural and historic resources. Therefore, Mr. Ryan has retained Arthur Gasbarro, of the engineering and surveying firm of Blackwell & Associates, Inc., whose assignment is to analyze the issue thoroughly and present a series of engineered alternatives.

Mr. Gasbarro has provided us with an initial report, a copy of which is enclosed, that identifies several areas of critical concern and makes a reasoned recommendation for short term

SARAH F. ALGER, P.C.

Rick Atherton, Chair  
Nantucket Board of Selectmen  
May 22, 2013  
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action. We offer to share this work with the Board so the Town also benefits from Mr. Ryan's decision to use his own financial resources for common benefit. We expect the Board to consider the work of Blackwell & Associates as integral to how we may reach consensus.

Nevertheless, because we are concerned that a failure to be on record will be taken as concurrence or indifference, and also so there is no ambiguity, Mr. Ryan is opposed to implementation of preferred Alternative C as set forth in the PLUS reports and respectfully requests that it be rejected and withdrawn from consideration. Mr. Ryan has retained James D. Masterman, of Greenberg Traurig, LLP, and me to protect his legal rights should the Board decide otherwise.

Sincerely,



SFA/

Enclosure

cc: Mr. and Mrs. Patrick Ryan  
James D. Masterman, Esquire  
Arthur D. Gasbarro, PE, PLS, LEED AP

# BLACKWELL & ASSOCIATES, INC.

*Professional Civil Engineers & Land Surveyors*

B7752

May 22, 2013

Patrick T. Ryan, Trustee  
Ryan Nantucket Realty Trust  
886 Hale Street  
Beverly, MA 01915

Re: Baxter Road Access/  
Relocation Report Review

Dear Mr. Ryan:

I am writing to inform you of the results of our preliminary review of the proposed layout of potential new roads in Siasconset as identified in the Planning and Land Use Services (PLUS) reports dated May 3, 2013 and May 20, 2013, and under consideration by the Board of Selectmen. Attached is a 2012 aerial photograph depicting the overall area that has been impacted by further erosion in the past year. Also included are portions of the Town G.I.S. map with the most currently available 2007 aerial photograph. Of specific concern is the narrowness of the upland area between Baxter Road and the top of the coastal bank, from Bayberry Lane north to the Sankaty Lighthouse. All alternatives available to maintain access and services to the properties along Baxter Road must be fully vetted prior to adoption of a course action. The development of the alternatives requires work beyond the scope of the PLUS reports including survey data, engineering, and a comprehensive economical analysis

The recommended alternative to pursue takings to create access roads "B" and "C" does not consider that the stability of Baxter Road will be impacted by erosion over time along the length of the road, and not at a single failure point. The May 3<sup>rd</sup> report references "severe erosion in the vicinity of the eastern side of Baxter Road between numbers 81 and 93 may affect the stability of the roadway leading to its closure to traffic". However as shown on the attachment, the top of the coastal bank is actually closest to the road between the properties at 101 and 105 Baxter Road. The result of losing this portion of the road would render some properties without access due to the continued erosion, even with the proposed takings. Specifically, properties at 106, 114, 116, 120 and the Sankaty

Lighthouse could be left without access when the road is compromised between proposed access roads "B" and "C". Similarly, along the west side of Baxter Road, even numbered properties from 76 to 98, between proposed access road "B" and Bayberry Lane will be left without access in the proposed scenario when Baxter Road is compromised by erosion.

There are also physical and regulatory concerns associated with the recommended layout. A complete survey and engineering analysis should be completed of all alternatives prior to choosing an option to proceed with takings, infrastructure and utility relocations. There are significant grade changes along the proposed access roads that must be considered in the design of a safe transportation system. The extent of the limit of work to accommodate such grades can only be accurately determined by utilizing actual survey data within the project area. The analysis should not be based up on a Geographic Information System (GIS) database, as stated in the disclaimer: *The user should not rely on the data provided herein without verifying its accuracy independently.*

The sewer and water service proposals included in the May 20<sup>th</sup> report are clearly identified as very preliminary, and should not be the basis of decision-making for such a multi-faceted project. The proposal to relocate the water service to the west side of Baxter Road at a preliminary estimated cost of \$680,000 should be reconsidered in context of continuing erosion. A preferred alternative may be to install the water main to the west of the structures so that service does not succumb to erosion before the structures. Further, there are subsurface utility services in this area including electric, telephone and cable television that must also be fully considered for relocation.

With respect to regulatory concerns, a portion of this area is mapped as Priority Habitat for Rare Species by the Natural Heritage and Endangered Species Program (NHESP) per the current 2008 NHESP Atlas. Review of work in this area by NHESP is required per the Massachusetts Endangered Species Act (MESA). If the work exceeds established thresholds, an Environmental Notification Form (ENF) possibly followed by an Environmental Impact Report (EIR) may be required to authorize the work per the Massachusetts Environmental Policy Act (MEPA).

There are wetland resource areas within the vicinity that are subject to protection per the Massachusetts Wetland Protection Act (WPA) with associated Regulations (CMR), as well as the Wetland Protection Regulations for Administering the Town of Nantucket By-law Chapter 136. These areas include a Coastal Bank and Vegetated Wetlands, with the associated buffer zones up to one hundred feet from the boundaries of said areas. Work within this area is subject to the review and approval of the Nantucket Conservation Commission. Further, if any State or Federal permits are require for the proposed work, review will also be necessary by the Massachusetts Historical Commission which could lead to the need for an archeological investigation.

The best way to proceed at this time is to develop a comprehensive scope of services for the issuance of Request for Proposals for consulting services for a professionally prepared report fully vetting all alternatives. The format could be similar to the recently advertised RFP for consulting services related to bulk fuel storage. Further study and analysis of the alternatives should be considered before a decision is made to proceed with any one option.

Please feel free to contact me should you have any questions, concerns or comments regarding this matter.

Sincerely,  
Blackwell & Associates, Inc.  
Arthur D. Gasbarro, PE, PLS, LEED AP

A handwritten signature in cursive script, appearing to read "Arthur D. Gasbarro".

Cc: Sarah F. Alger, P.C.

2012 Google Earth Image – Approximate location of Proposed Takings “B” & “C”



Town of Nantucket G.I.S. - 2007 Aerial Photo  
Baxter Road - Sankaty Lighthouse South to #94 -



