



Planning and Land Use Services

Building ▪ Health ▪ Historic District Commission ▪ Planning Board ▪ Zoning Board of Appeals

TO: Libby Gibson, Town Manager

FROM: Andrew Vorce, Director of Planning, PLUS
Kara Buzanoski, DPW Director
Robert Gardner, Director Wannacomet Water Company

RE: Baxter Road Access/Relocation

CC: Jeff Carlson, Natural Resources Coordinator
Richard Ray, Health Director

Date: May 3, 2013

Introduction

Pursuant to your directive, we have met to outline issues related to the possible closure of a section of Baxter Road in the vicinity of Bayberry Lane and provide a recommendation. Severe erosion experienced 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. In addition, there are subsurface water and sewer lines, electric service and overhead electric and cable service. If the roadway is compromised in the location identified, there will be fifteen residential properties at the northern end of Baxter Road with no access as well as no public access to the Sankaty Lighthouse. There also must be utility relocation or installation of septic systems for remaining houses to be habitable.

Access Options

There are no public ways connecting Baxter Road to nearby Sankaty (Polpis) Road north of Bayberry Lane (formerly known as Saint Elmo Lane) so any access connection would require acquisition of property rights (easement or fee) of private land and there are no existing utility easements. There is also a large area of wetlands between Baxter Road and Sankaty Road at the center of the block that is a limiting factor preventing lateral access near Bayberry Lane. Also impacting the options are steep grades

at the northernmost end of Baxter Road. We identified four primary options for access identified in this report as “A”, “B”, “C” and “D” with alternates “E”, “F”, “G” and “H” included for discussion. We did not consider an option of stabilizing the bank so that existing access can be maintained because this approach involves other parties and environmental considerations beyond the scope of this assignment.

Access “A”: This is the shortest of the possible access points affecting three properties identified as 94 (Assessor Map 48 Parcel 45), 107 Sankaty Road (Assessor Map 48 Parcel 46) and possibly a “paper” road between 94 and 96 Baxter Road. 94 Baxter Road is a vacant lot with a current assessed value of \$1,863,100. It is zoned Siasconset Residential-20 (SR-20) and the owner also owns a developed property to the south at 92 Baxter Road. It is heavily overgrown and standing water and wetland plants were visible on the southeastern corner (4/24/2013 site visit). The property at 107 Sankaty Road has a somewhat dilapidated 1 bedroom structure and no visible wetlands. The land’s assessed value is \$1,693,800 or \$55.55 per square foot and located in the Limited Use General-3 (LUG-3) zoning district. Roughly 5,000 square feet would be necessary for a roadway layout at \$55.55/square foot is \$277,750. Total land costs based upon the factors above are therefore estimated at \$2,140,850. Any final acquisition costs would have to be confirmed by an appraisal. Removal of land for roadway purposes would increase non-conformities for the 107 Sankaty Road property and possibly the others depending upon final layout. Further study of wetland impacts for this option would be required. Although this option is north of the current erosion, its location may be close enough to a potential unstable area to warrant one of the northern options.

Access “B”: Located to the north of “A” this access point would follow a “paper” road between 100 and 104 Baxter Road and affect a property at 115 Sankaty Road. The property at 115 Sankaty Road is a vacant lot with a 2013 assessed value of \$2,561,600. It contains 2.75 acres and is the minimum size lot for its LUG-3 zoning designation. Family-owned property is located at 111 and 117 Sankaty Road to the north and south. There are no wetland or grade issues with this access option. There are impacts from the road to both Baxter Road properties with 102 Baxter Road being closest to the edge of the “paper” street. The rear of a home at 111 Sankaty Road is also somewhat close to the edge of the access option.

Access “C”: This access affects the Sankaty Head Golf Course Inc. property at 125 Sankaty Road following an easement known as “Sankaty Head Road” (not constructed), a portion of the golf course land at the southeasterly corner of the property and a “paper” street between 110 and 112 Baxter Road. The Sankaty Head Golf Course Inc. property is a 65.3 acre parcel assessed at \$918,300 under recreational property allowances of the tax code. This option has the least impact to the operation of the golf course because it provides separation from the green and affects the edge of the property which is largely wooded with scrub oak and brush. The “paper” street between 110 and 112 Baxter Road has moderate grades at the intersection of Baxter Road requiring regarding for access and contains driveway and landscaping that would be impacted. There is greater separation from abutting residential uses in this option.

Access “D”: This access follows an unnamed “paper” way at the southerly lot line of the Sankaty Head Lighthouse property (Sconset Trust), an unconstructed “50’ way” and/or an easement known as “Sankaty Head Road” and a portion of a “25’ way” (both not constructed) on the Sankaty Golf Club

property at 125 Sankaty Road, a portion of a parcel owned by the Sconset Trust, former US Coast Guard land (f.k.a. Assessor Map 48, Parcel 30), from this point, there are three options: “E”, “G” and “H” discussed below. This option would likely have an effect on adjacent golf course operations, be highly visible and require significant grade changes.

Alternative “H” continues northerly on the constructed portion of an easement known as “Sankaty Head Road” to Hoicks Hollow Road, a public way. The way serves 12 seasonal homes and is narrow, with a surface of sand, shell and gravel. It is private way. “D” and “H” provide the most indirect route.

Alternative “E” would eliminate access over “Sankaty Head Road” to Hoicks Hollow Road in “D” above and instead follow a route over the Sconset Trust and Sankaty Head Golf Club, Inc. property to Polpis (Sankaty) Road as shown as “G” or cross Massachusetts Audubon land to connect to Hoicks Hollow Road, requiring a taking or other means of acquisition. Both options would impact golf operations and at least three residential properties built close to the edge of the Sankaty Head golf course property.

Alternative “F” would use a portion of the easement known as “Sankaty Head Road” (unconstructed) on the Sankaty Head Golf Club, Inc. property. There are grading and impacts to two residential properties if this alternative is selected.

Sequence of Impacts

Closure of Baxter Road to traffic is likely to be the initial impact, should sections of the roadway be impacted by the gradual adjustment of the banks to an angle of repose. Heavy trucks and tour buses might be initially restricted. Pedestrian access could continue and be relocated to the western edge of the right-of-way for until the erosion significantly advances.

The water line is located on the east side of the road except for the last 600-700 feet at the northern terminus of Baxter Road where it transitions to the west side. Relocation could be handled within the right-of-way by moving the line to the far western edge as a temporary installation if necessary.

Electric/cable lines may also be more easily rerouted to the western edge of the right-of-way.

The sewer line is located in the middle of the road and relocation once severed may not be feasible or economically justifiable if it is compromised. Installation of individual septic systems will be problematic as well however requiring waivers for lot size, proximity to the coastal bank and percolation challenges due to the presence of clay soils. Tight-tanks may be a potential solution for seasonal structures only although a DEP appeal may be justifiable for year-round use under the circumstances. (Consultation with Richard Ray, April/May 2013)

Recommendation

Based upon the information we have and the limitations of the assignment, we recommend that Access “C” is the most advisable and “B” would be the alternate.

Access “C” largely follows existing easements (Sankaty Head Road) and a “paper” street, has moderate residential impact to one property (newly constructed 112 Baxter Road) and the least impact to golf operations on the golf course property, and has lower land damages due to current recreational land assessment. It is not ideal for sewer relocation (uphill), likely requiring the construction of a pump station and has possible grading issues, which may require retaining walls and drainage installation.

Access “B”, although shorter and with no wetlands or grading issues, has moderate residential impact and high value land impacts. Access “B” could be implemented with “C” for differing purposes, ie. a sewer easement in “B”, one-way paired streets, etc.

Access “A” is not recommended due to possible wetland impacts, high value land issues and the fact that it may be in an unstable, erosion prone area requiring another connection in the future.

Access “D” with any of the alternatives is also not recommended due to residential impacts, indirect and long route distance, grading and construction issues, interference with Sankaty Lighthouse (50’ way is located east of the current location of the lighthouse and within “Sankaty Head Road” (see attached easement plan) and cost considerations.

Policy Questions-Implementation

We believe that there are a number of policy-level questions that the Board of Selectmen should provide guidance on and financial analysis of Access “B” and “C” that needs to involve discussions with the affected property owners if the Board chooses to accept our recommendation. If the Board wishes to pursue stabilization of the bank to avoid the steps outlined, then direction should be provided. We have framed some of the questions/direction that we will need to further develop an action plan as follows:

Is public access (by vehicle, in tours, by foot/bicycle?) to Sankaty Lighthouse a priority?

Should access to sewers (ie: inclusion in sewer district) and/or zoning changes (LUG-3 to SR-20) be considered to minimize damage awards?

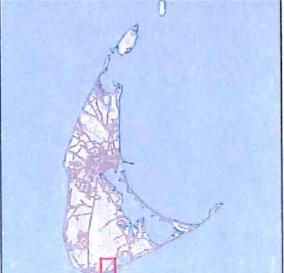
Should the takings be temporary or permanent?

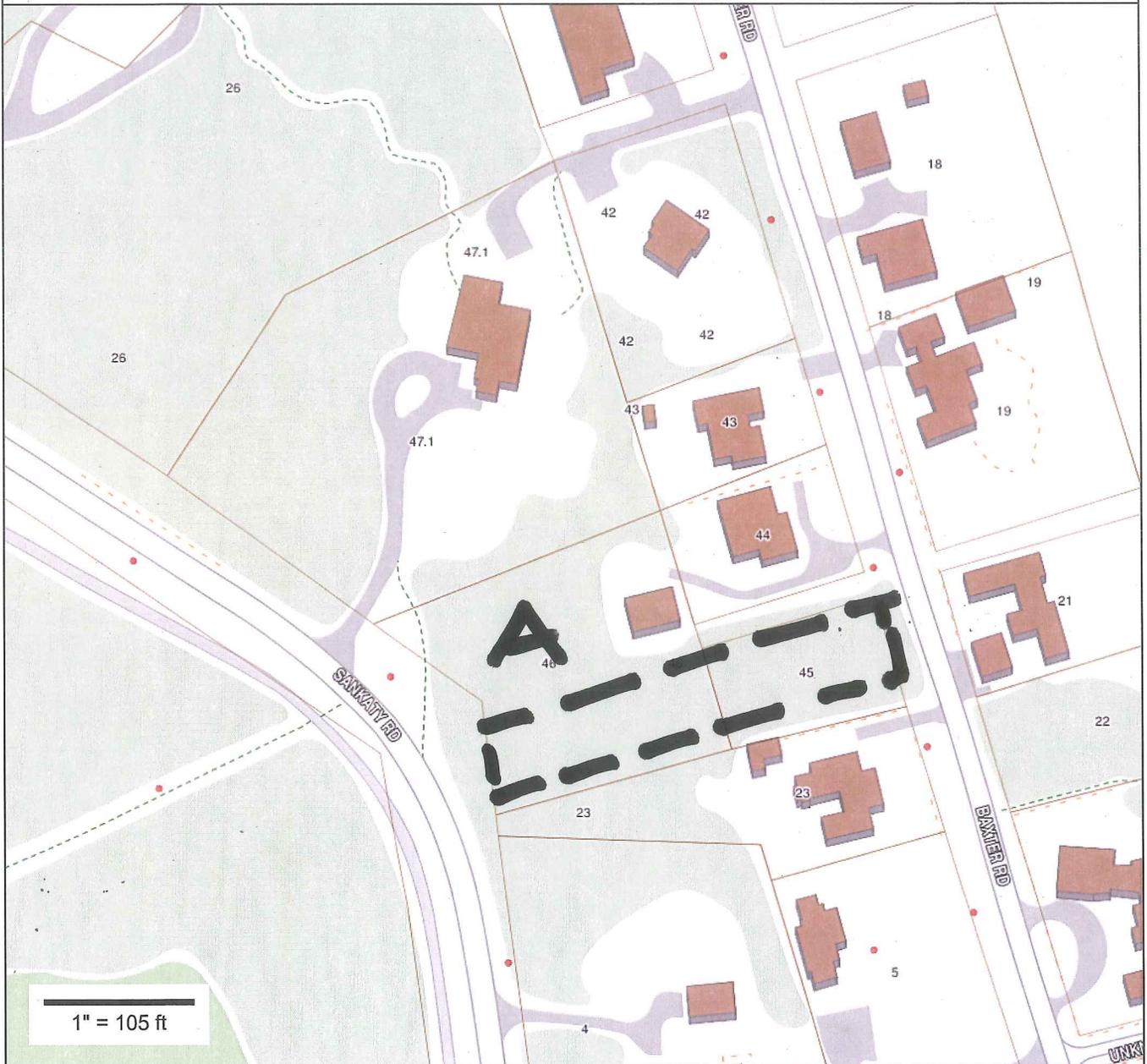
Should access impacts be shared at different locations?

Once an overall direction is provided, we will be in a better position to develop necessary warrant articles, capital budget requests and other documents to implement the access as outlined or other actions necessary to provide access to the northern portions of Baxter Road should the road be compromised as discussed. We recommend that decision making occur within the next few months so that resources can be gathered to address issues related to further erosion.



MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT
 The Town makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.
 Parcels updated January 1, 2011





Property Information

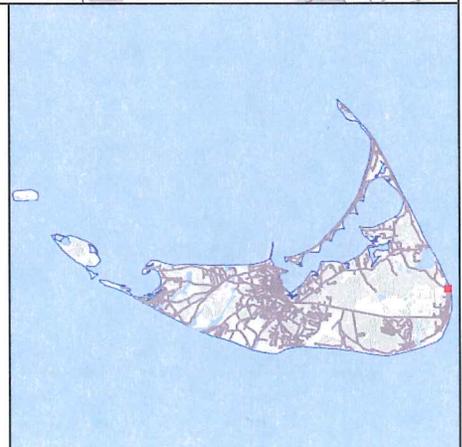
Property ID 49 40
Location 80 BAXTER RD
Owner POSNER JOSHUA & RUDDEN EI



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Parcels updated January 1, 2011





1" = 105 ft

Property Information

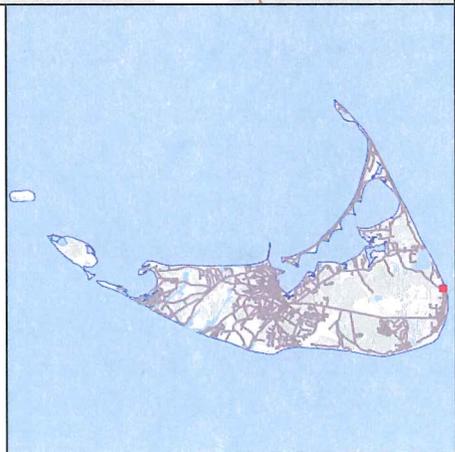
Property ID 48 22
Location 91 BAXTER RD
Owner KORENGOLD DANIEL L &
DIPPELL MARTHA L



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Parcels updated January 1, 2011





Property Information

Property ID 48 43
Location 98 BAXTER RD
Owner SAVERY JANICE S ETAL



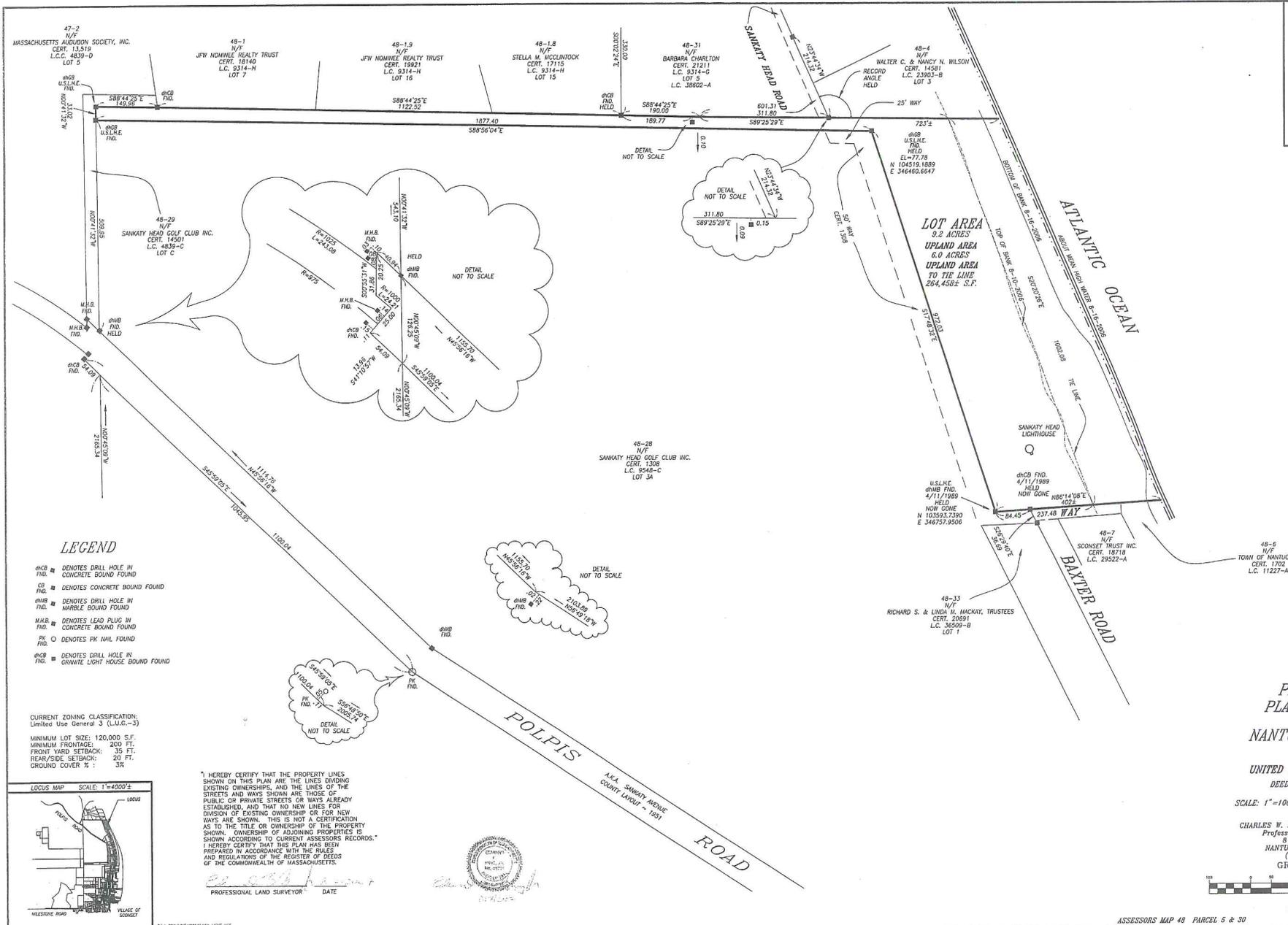
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Parcels updated January 1, 2011



MASSACHUSETTS REGISTER OF DEEDS
 DEED BOOK 48 PAGE 238
 SHEET 1 OF 1



LEGEND

- ⊕ FND. DENOTES DRILL HOLE IN CONCRETE BOUND FOUND
- ⊕ FND. DENOTES CONCRETE BOUND FOUND
- ⊕ FND. DENOTES DRILL HOLE IN MARBLE BOUND FOUND
- M.H.B. FND. DENOTES LEAD PUG IN CONCRETE BOUND FOUND
- PK FND. DENOTES PK NAIL FOUND
- ⊕ FND. DENOTES DRILL HOLE IN GRANITE LIGHT HOUSE BOUND FOUND

CURRENT ZONING CLASSIFICATION:
 Limited Use General 3 (L.U.G.-3)
 MINIMUM LOT SIZE: 120,000 S.F.
 MINIMUM FRONTAGE: 200 FT.
 FRONT YARD SETBACK: 35 FT.
 REAR/SIDE SETBACK: 20 FT.
 GROUND COVER % : 3%

"I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN. THIS IS NOT A CERTIFICATION AS TO THE TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERSHIP OF ADJOINING PROPERTIES IS SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS. I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."

PROFESSIONAL LAND SURVEYOR DATE

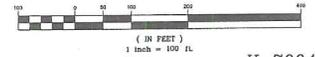


PERIMETER PLAN OF LAND IN NANTUCKET, MASS.

PREPARED FOR
 UNITED STATES OF AMERICA
 DEED BOOK 48 PAGE 238

SCALE: 1"=100' DATE: AUGUST 7, 2007

CHARLES W. HART and ASSOCIATES, Inc.
 Professional Land Surveyors
 8 WILLIAMS LANE
 NANTUCKET, MASS. 02554
 (508) 228-8910
 GRAPHIC SCALE



Bk: 01104 Pg: 328

H-6258
H-7004

LEGEND

- dhCB FND. ■ DENOTES DRILL HOLE IN CONCRETE BOUND FOUND
- dhGB FND. ■ DENOTES DRILL HOLE IN GRANITE LIGHT HOUSE BOUND FOUND

EASEMENT AREA
7,113±S.F.

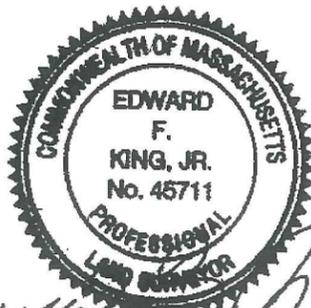
EASEMENT PLAN IN NANTUCKET, MASS.

PREPARED FOR
SANKATY HEAD GOLF CLUB, INC.

CERTIFICATE OF TITLE # 1,308
L.C. PLAN 9548-C
LOT 3A

SCALE: 1"=100' DATE: JULY 25, 2007

CHARLES W. HART and ASSOCIATES, Inc.
Professional Land Surveyors
8 WILLIAMS LANE
NANTUCKET, MASS. 02554
(508) 228-8910



Edward F. King, Jr.
7/25/2007

H-6258
H-7004

