



CITY OF NEWTON, MASSACHUSETTS

Commission on Disability

MEETING MINUTES

March 27, 2013

Setti D. Warren
Mayor

Members Present:
Rob Caruso, Co-Chair
Girard Plante, Co-Chair
Barbara Lischinsky
John Lojek
Jini Fairley
Lucie Chansky

Candace Havens
Director
Planning & Development

Regrets:
Jane Brown
Rosemary Larking
Sergeant Jay Babcock

Senior Planner Alice
Walkup
Community Development

CD Manager
Anne Marie Belrose

Staff Present:
Nicole Tocci, Inspectional Services
Alice Walkup, Senior Planner, Community Development
Anne Marie Belrose, CD Manager

Guests:
Paul Macneely
Tom Kuerber
Ms. Osmani
Sandra Lingley

Meeting:
Rob Caruso called the meeting to order at 6:30 p.m.

1. Minutes:

Minutes from the March 11th & March 27th meeting will be reviewed at the Meeting on April 8th.

2. HP request at 62 Manet Rd.:

Ms. Osmani described why she is requesting an HP space in front of her house. The driveway is very small and parking for the 2 units on the property are located in the back of house. Due to medical issues Ms. Osmani and her daughter may have to leave in a hurry and the space in front would help out tremendously.

Members
Rob Caruso, Co-Chair
Girard Plante, Co-Chair
Jane Brown
Lucie Chansky
Jini Fairley
Rosemary Larking
John Lojek
Barbara Lischinsky
Advisor
Sergeant Jay Babcock
Newton Police Department

1000 Commonwealth
e.
Newton, MA 02459
T 617/796-1120
F 617/796-1142
www.newtonma.gov

L. Chansky asked if the public park on her street since it is so close to a school. Ms. Osmani says it is a public street and students are always parking in front of her house.

R. Caruso had done a site visit and says the driveway goes down very sharply to the back of the house. There is a legal spot out front and he doesn't see a problem of having it be an HP space.

J. Lojek made a motion to allow HP space at 62 Manet Rd. and B. Lischinsky seconded the motion, motion carried.

Barbara inquired about voting procedure, and if vote should take place at the same meeting where an HP space is being requested or if a discussion should take place first and then the applicant can be invited back to the meeting to hear the vote. She feels that the procedure has changed and they used to wait to make a vote.

A. Belrose says it is an open meeting and the applicant cannot be excluded from discussion.

A discussion on procedures took place and R. Caruso said they usually try and make a discussion right then and there except where more information is needed or the applicant was not able to attend the meeting to answer questions and in that case the item will be tabled until the following meeting.

4. Senior Center Vestibule:

A. Belrose says the City is committed to doing the Vestibule project. J. Lojek spoke with the Chief of the Fire Department & the Mayor, there are some issues with money but it is a small project and he asked the chief to waive the sprinkler system requirements due to the scope of the project and the importance of it. He is waiting for a response.

A. Belrose spoke about allocating 80,000 to install lift which is not a feasible project anymore and to use the money on an elevator and acoustics in the War Memorial instead, HUD thinks the project is close enough to the original that they wouldn't need to vote again.

Projects that are lagging are being flagged; we need to show that there is a plan in motion for the money to be used elsewhere. There are currently 3 projects that came in under budget (\$22,113) and other money that has been reallocated.

A. Belrose made a recommendation of reprogramming funds that have been canceled or under budget to Nonantum Pedestrian Improvements due to the new HUD rules of requiring remediation plans to expend stalled/infeasible projects to projects that are ready to go forward. The scope of work for the Nonantum improvements includes new curb cuts with detectable warning panels, replace older curb cuts and replace sidewalk and pavement.

A. Belrose would like the Commission to vote on reallocating funding from under budget and canceled projects to the Nonantum Pedestrian Improvements.

B. Lischinsky inquired about why APS's are not being installed in Nonantum, when the project seems large enough to warrant them.

A. Walkup told the Commission that Hawthorn & Watertown, Watertown & Faxon will have some sort of crosswalk signal and Adams already has an APS. The cost for the APS's are she believes \$700 for the parts and \$300 for the labor. The city is eager to have Nonantum accessible and she feels that the COD should approve the reprogramming. The design process would start in May and the project would be ready to start by the summer.

J. Lojek doesn't think the COD should stop or slow down projects that are already in the pipeline.

J. Lojek made a motion to accept reprogramming to reallocate funding to the Nonantum Pedestrian Improvements and L. Chansky seconded the motion and the motion carried with the recommendation that APS's are installed where they are required and whenever possible.

5. Newton South HP spaces and electronic door update:

J. Lojek had requested the parking plans for Newton South from Public Buildings but during the interim of them finding a new Commissioner it has not happened yet.

L. Chanskie says she talked to a student who says the electronic door is now working and parking spaces are being reconfigured.

6. AAB variance reports on Chestnut Hill Plaza & 2 tenants at 797 Beacon St.:

The AAB determined that the Chestnut Hill Plaza does not require a variance.

792 Beacon St. is asking for a variance on clearance at the upper level vertical lift entry door.

J. Lojek knows this project, he says it's a difficult building to work with and they are improving the conditions not worsening them.

The COD would be in agreement with the variance if the entry door was an automatic door.

7. AAB complaint against Sovereign Bank:

The spaces were not configured correctly at the Sovereign Bank but the owner will make sure to be in compliance by May.

8. AAB complaint against West Newton Cinema:

A site visit was made to show the owner, explain and point out non-compliance issues and unsafe issues such as the platform where the accessible seating are situated which should be dispersed throughout the theater when there are more than 150 seats, lack of

directional lighting and a section where there is a drop off that could prove very dangerous, if the drop off cannot be blocked off then a warning sign should be placed there indicating the drop off. The theater also does not have the required HP spaces. R. Caruso gave the owner a copy of the 521 CMR regulations. The platform that has accessible seating has a railing in front of it that may be too high; railing regulations would have to be looked into on the height. There was also a complaint about the logo for HP seating at the theater in the Globe that is barely visible; owner said he would talk to the Globe about remedying the problem.

The owner of the Cinema is in a challenging situation and is doing the best that he can with what he has. He is also aware that movies are not rotated in a timely manner and would work on it.

J. Lojek said he would send Bill Forte, Inspectional Services Zoning Enforcer out to the Cinema to make sure the bathrooms are in compliance.

The COD is recommending that HP seating be dispersed throughout theater, add a warning sign and or a barrier where the drop off near HP seating is located, add directional lighting by platform, and add a larger logo in advertisement in the Globe.

9. AAB Variance application for Lasell College:

Tom Kuerber and Paul Macneely, representatives from Lasell College are seeking a variance to not comply with 521 CMR 26.00 (doors & doorways). The retrofitting of the 68 doors that would be required to meet this provision would bring the cost of the project up significantly. The current 1950's dorm building does not meet accessibility requirements as it stands now. The new improvements will include adding a lift, elevator and accessible bathrooms, and 8% of the 74 dorm rooms will be accessible.

A door alternative is to use offset hinges, it will make the opening larger but still not compliant.

G. Plante asked again why they won't be able to meet code. The answer given was that it is too cost exuberant. He makes a point that they have spent millions of dollars on elevators, accessible bathrooms etc. which is great but then why can't they spend the money to make the door and doorways compliant. Paul says it will cost \$210,000 to make the 68 doors compliant and he feels the money could be better utilized elsewhere.

J. Lojek would like to see the offset hinges being used but agrees that the money might be better spent on another accessible project and he would like to back the variance.

L. Chansky doesn't see backing the variance a problem with all the other accessible improvements being made.

J. Lojek says that it is a concrete building and that makes it hard to work with.

J. Fairley asked where the 6 accessible dorm rooms are located. The rooms will be dispersed throughout the Woodland Dormitory.

J. Lojek asked how many of the accessible rooms will have private bathrooms attached. There will be 3 rooms with their own private bathroom.

L. Chansky and J. Fairley asked how many of the schools population need accessibility. Tom Krueber says none at the moment.

The COD asked if Lasell College would be willing to compromise and use offset hinges on half the doors. Paul asked what the Commission thought about making sure certain rooms are accessible instead of using offset hinges.

J. Lojek feels they are exceeding there accessibility requirements and doesn't feel they should have to have the 68 doors accessible.

L. Chansky made a motion to accept the variance to the MAAB from Lasell College the way it is written, the motion carried with G. Plante opposed.

10. AAB times for variance/complaints:

The Commission discussed the procedures of when someone is asking for a variance to MAAB and the times allotted for discussion and response time back to MAAB.

11. HP space for O'Hara's on Floral St.:

O'Hara's has recently expanded there restaurant and now has 2 accessible entry ways and therefore should now add another HP space on Floral St. There is a space that says no parking from here to corner and another in front of that.

J. Lojek says that O'Hara's will be asking for outdoor seating soon and has been discussing this project with the Engineering Department. They may have to widen the width of the sidewalk to accommodate the new seating. He has been pushing for the extra HP space.

J. Failey says that the new supposedly accessible door has a sign on it to use other door.

When/if they apply for an HP space a site visit will be made and whoever makes the site visit will also check out the entry door.

12. 13. 14. Sidewalk & curb cut reconstruction on Northeast corner of Walnut & Floral St., East side of Walnut St. to match crosswalk from Lincoln St. on "T" bridge and Southeast corner & Commonwealth Ave. & Lexington St.

The Commission had a discussion about the above sidewalk and curb cut reconstructions.

15. Notice for election of co-chairs:

R. Caruso asked the Commission if they would prefer to have a nomination for co-chairs now or wait until next January.

G. Plante as one of the co-chairs is very busy and he has started on a new endeavor and does not know if he will be able to continue being a co-chair. He will let the COD know at the next meeting.

L. Chansky will send an e-mail to the COD asking if anyone would like to add there name for the nomination or nominate someone else.

Meeting adjourned