

## **COMMISSION ON DISABILITY**

Meeting Minutes

July 8, 2013

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### **Members Present**

Rob Caruso, Co-Chair  
Girard Plante, Co-Chair  
Jane Brown  
Lucie Chansky  
Jini Fairley  
Rosemary Larking  
Barbara Lischinsky  
John Lojek

### **Regrets**

Sergeant Jay Babcock

### **Staff Present**

Anne Marie Belrose, Community Development Manager  
David Koses, Transportation Planning Coordinator  
Joel Reider, ADA Coordinator  
Alice Walkup, Senior Planner, Community Development  
Patrick Baxter (?), Newton Traffic Engineer

### **Guests**

Beverly Droz  
Jeff Hutter  
Sandra Lingley  
Heather Platt, Carroll Center for the Blind  
Robert Solomon

### **Presenting Requests for Variance**

Sara Freedman, Jewish Family & Children's Services (40 Chase Street)  
Randy Johnson, Horne & Johnson Architects (40 Chase Street)  
Paul Martell, Horne & Johnson Architects (40 Chase Street)  
Marc Slotnick, President, New England Communities, Inc. (40 Chase Street)

Paula Parkas Panos (845-855 Washington Street)

Martha Penzenik, Martha Penzenik Architects (845-855 Washington Street)

**Meeting:**

Rob Caruso called the meeting to order at 6:40 PM

**1. MINUTES**

Rob asked if everyone had read the minutes and if there were any omissions, additions, changes to be made. The question was raised whether the minutes should reflect who seconds each motion. Joel Reider offered to try to include this going forward.

Rosemary Larking moved to accept the minutes; John Lojek seconded the motion. Motion passes.

**2. ADA Coordinator Report**

Joel R. described attending a networking group meeting of area ADA Coordinators, organized by Diane McCleod at Medford City Hall. Diane is the ADA Coordinator in Medford as well as vice chair of MAAB. Present at this meeting were ADA Coordinators from Cambridge, Somerville, Arlington and Reading, MA. He feels this group has great potential for supporting his role as ADA Coordinator for Newton, as some of these people have considerable experience in the job.

At this meeting, Michael Muehe (from Cambridge) showed an example of a bi-monthly newsletter published and distributed by the Cambridge Commission for Persons with Disabilities. Joel offered to format and produce a similar newsletter for Newton COD if members support the idea and will provide articles. There seemed to be general support for this initiative, and Joel suggested more discussion to plan and create a schedule for submitting material.

Joel explained that the Newton COD web page has been improved and that all archived materials, including meeting agendas, meeting minutes and “packets” are now easily accessible there. He proposed that for future COD meetings he will distribute packets to members by emailing a link to the file on the COD web page rather than attaching a large pdf file.

Joel’s hours are Mon, Tues, 8:30 AM – 5:00 PM; Wed 8:30 AM – 11:30 AM.

Joel briefly explained that Rosemary's complaint about the restaurant at 1203 Walnut St. was reported to Bill Forte, the Building Code Enforcement Officer in ISD. He will follow up by formally logging the complaint into the system, and recording notes of his inspection and recommendations made to the owner. John L. explained what the proper procedure will be for processing accessibility complaints such as this: Joel will receive complaints, record them and forward them to the Code Enforcement Officer. Joel will update the COD on the status of these issues at each meeting.

Rob reminds Joel that all applications to MAAB for variances, or to the City for HP spaces, etc. should be distributed to the members as quickly as possible. Robert Solomon asked if he could also receive copies of these applications. Jini did not want the email addresses of COD members to appear on emails sent to people who are not members. Joel will distribute the material in separate mailings: one list of COD members, and a separate list of interested guests.

### **3. HP2-13**

David Koses presented on behalf of the New Art Center, 61 Washington Park, their request for a HP Space on the street near the bottom of the existing ramp to the front entrance of the building. He explained the inconvenience of designating an HP Space in the parking lot, and feels this is a reasonable request. Rosemary L. moved to accept the request; John L. seconds. Motion carries.

### **4. CDBG Report**

Alice Walkup gave updates on curb-cut projects currently in progress: Commonwealth Ave. and Washington St. Two curb-cuts have been moved to align with pedestrian crossings; truncated domes have been installed; APS units need to be moved to be closer to relocated curb-cuts.

Pearl St. and Jackson St. The work here is more complicated than it seems, but is progressing.

Alice explained that total curb-cut funds available (\$186,255.00) plus excess funds from projects expected to be completed under budget will be sufficient. There was some discussion about upcoming high-priority projects including Walnut St. at Washington and Walnut St. at Floral/Lincoln.

War Memorial Auditorium Vertical and Acoustical Access Feasibility and Design studies are under way; cost estimates for preferred options will be available soon.

John L. explained that a new inspector, hired to specifically work on public buildings (such as War Memorial Auditorium), will be a great asset to the city in improving accessibility to the many public spaces and buildings. John cited several ways in which War Memorial Auditorium is not compliant, and explained that if the City does not begin moving towards compliance, the hall will not be able to be used for functions.

Rob expressed alarm at a recent meeting there for a function of the Transportation (?) Board.

#### **5. AAB Variance, 844-855 Washington Street/Dancer's Image**

Martha Penzenik, project architect, presented the case for requesting relief from requirements to provide either a ramp or an elevator/lift to provide access to an existing accessible bathroom. The project involves joining separate tenant spaces by opening a shared partition wall. The floor heights of these previously separate spaces differ by 19", making it necessary to build stairs connecting the two levels. There is inadequate space and/or interference of building utilities for installation of a ramp or a lift to connect these two spaces. The project will provide an accessible entrance via a ramp at the rear of the building (near the parking lot), which will give access to the HC bathroom. Disabled customers will have to exit the building and use this ramp to move from one level to the other.

John L. moves to accept the request for variance based on reasonable claims of impracticality. Rosemary L. seconds. Carries with one objection.

Lucie C. asks if in future packet pages can be numbered. Joel R. offers to find a way to do this.

#### **6. AAB Variance, 40 Chase Street**

Presenting for the project:

Marc Slotnick, President, New England Communities, Inc.

Sara Freedman, Jewish Family & Children's Services

Paul Martell, Horne & Johnson Architects

Randy Johnson, Horne & Johnson Architects

Marc Slotnick introduced the project as a joint venture with Jewish Family & Children's Services to remodel an existing single/two-family home to provide 14 affordable Single Room Occupancy units for I/DD tenants plus a basement suite for two live-in staff.

Randy Johnson gave the main presentation that detailed the conditions of each variance they are requesting. Because of the configuration of this older residence and the nature of the new purpose for this building, there are several AAB requirements that are impractical to meet, but the developer, New England Communities, Inc., has made a "best effort" to meet the accessibility needs of tenants and visitors to this property (the following summary is fully outlined in the MAAB Application for Variance, included in the packet for this meeting):

1. BASEMENT Because of multiple level changes and limited space, it is impractical to make this level fully accessible. The only public amenity located on this level is laundry. A second laundry facility will be provided on the 2<sup>nd</sup> floor, which is accessible.

2. SECOND FLOOR DECK First floor deck is larger and will be made fully accessible. This lower deck offers equal amenity and makes unwise the expense and resulting limited use of modifying the upper level deck.

3. ENTRANCES There are two existing entries, neither of which is accessible. The proposed plan includes a new fully accessible main entrance in a new location, close to the parking area and the elevator inside.

4. STAIR B Extremely narrow "servant" stairway cannot feasibly be made compliant. Applicant offers to add railing at outside of stair runs to increase safety.

5. STAIR A Attaching a continuous handrail to the inner guard rail would be impractical. Applicant offers to add railing at outside of stair runs to increase safety.

6. ELEVATORS Applicant proposes to include a compliant Limited Use Elevator from only the 1<sup>st</sup> to the 2<sup>nd</sup> floors. The request relief from serving the basement and 3<sup>rd</sup> floors since laundry (basement) will also be on 2<sup>nd</sup> floor, and 3<sup>rd</sup> floor will have no common spaces.

7. BATHROOM 202 Some modifications will be made to make this bathroom more accessible. Relocating toilet would create significant expense; applicant proposes fold-down grab bars instead. Sliding door at tub will be removed, but tub to remain.

8. BATHROOMS, 1<sup>ST</sup> AND 3<sup>RD</sup> FLOORS These bathrooms are too small to practically bring into compliance. There will be a fully accessible bathroom along the accessible route on the 2<sup>nd</sup> floor.

9. 1<sup>ST</sup> FLOOR KITCHEN Request to be relieved of accessibility requirements in this kitchen.

10. 2<sup>nd</sup> FLOOR KITCHEN SINK This sink has 42" clear side-approach and lever faucet, but otherwise does not comply.

11. 2<sup>nd</sup> FLOOR KITCHEN COOKTOP No knee space below, but newer fixture. Staff will do most cooking; unlikely that a resident with impaired mobility will use the cook top w/o staff assistance.

Girard P. feels the window near the toilet in bathroom 202 is unsafe, even with fold-down grab-bars. Lucie C. feels it is necessary to replace existing tub with roll-in shower. John L. asks to confirm total number of bathrooms in bldg. Randy J. says five existing, plus one new = total of six, three of which are common, one of which will be (mostly) accessible; he suggests it would be prohibitively expensive to install roll-in shower and move toilet away from window; he further emphasizes that the target population for the project is individuals w/ intellectual disabilities rather than physical disabilities. John L. warns they will have a serious legal problem if in the future they turn down a resident who, because of mobility impairment, is unable to access the shower. Applicants agree to re-visit design of bathroom 202 to make it fully accessible, including a roll-in shower and move the toilet away from the existing window.

Lucie C. raises additional concerns about the number of residents and staff-to-resident ratio.

Applicants show a video describing a similar kind of development to help COD understand the nature of the project. Lucie C. Rosemary L. and Girard P. all express objections to the video as unrepresentative of the

residents who will reside at 40 Chase St. and somewhat misleading. Lucie expresses more concerns about oversight, fire safety, egress from basement, fire partitions on stairs, and competency of the operators.

John L. explains that under the building code, the property is considered a single-family home. He points out that it is beyond the purview of the COD to impede this project and that comments should be limited to issues having to do with accessibility, not the mission or qualifications of JFCS or New England Communities, Inc. He proposes that making bathroom 202 fully accessible would be a satisfactory solution, and that all variances should be approved on this condition.

Girard P. agrees that the COD's mission is to promote accessibility, not impede the operations of any agency or facility. He clarifies that he was not judging JFCS or NEC, Inc; only pointing out areas of concern regarding accessibility. He points out that many laws and regulations have changed during his many years working as a disability advocate, and that he is sensitive to potential future hazards the general public may not be aware of. Asks for clarification about funding for the project. Applicants explain that there is some public funding. John L. reminds that with federal funding, there is oversight in place which supersedes the authority of the COD to approve or deny the project. He further points out that some future residents are already reserving space in the home, which indicates that it satisfies the needs of the target population. Girard P. argues that even in homes considered "safe," people have been murdered; Lucie C. argues that COD has the right to express its concerns despite the judgment of other agencies; she says that target population's desire to live in the proposed project does not invalidate the opinion of "expert" agencies, such as ARC.

Rosemary asks a few practical questions regarding wheelchair access to all amenities. Applicants confirm (with exception of roll-in shower).

Rob C. asks if all variance requests are clearly understood. John L. moves to approve the plan with the condition of making bathroom 202 fully accessible, adding a roll-in shower, and moving toilet away from the adjacent window. Rosemary L. seconds. Motion passes: 6 in favor, 1 objection, 1 abstain.

### **7. 1231 Centre Street, Yogurtland**

John L. explains: height of sidewalk is different from height of amenities inside. Owners installed a ramp that is not quite compliant with AAB: there is no landing, but they installed handrail and automatic door opener instead. AAB has already heard the application and granted the variance on condition that handrails and automatic door opener will be provided. John L. asks if there are any objections to AAB's decision. Moves to accept. Rosemary seconds. Motion passes, with conditions as stated by AAB.

### **8. 1314 Washington St, Sovereign Bank**

Review of follow-up correspondence regarding re-stripping and signing HP space in parking area. John L. moves to accept AAB's resolution of the issue. Rosemary seconds. Motion passes.

### **9. 200 Boylston St.**

John L. briefly summarized the AAB recommendation to approve the applicant's proposal to provide access to the pool on condition that the lift will be independently operable. John L. moves to accept the AAB's decision to allow this proposal. Rosemary L. seconds. Motion passes.

### **10. 321 Chestnut, All Newton Music School**

COD reviewed AAB's granting extended deadlines to applicant to complete work outlined in the application. Rob C. moves to support the Board's decision to grant the extension. Rosemary L. seconds. Motion passes.

### **11. Newton Centre Improvements**

Alice Walkup, Anne Marie Belrose, David Koses and Patrick Baxter (?) presented materials to review plans discussed at previous meeting of COD with Bill Paille, traffic engineer. We heard that although COD approved funding for this project when first presented April 17, 2013, questions were raised at the June COD meeting regarding the omission of a traffic light at the Centre Street crossing. Alice W. explained the existing dangerous conditions at this intersection and outlined the many ways in which the current proposal seeks to improve it: "apex" curb cuts will be replaced by perpendicular ones. Patrick B. explained that bump-outs in the curb will improve visibility of pedestrians, reduce the distance across the street, and reduce speed of traffic. Some time was spent reviewing the traffic engineers' rationale for omitting a street light. Heather P. supports bump-outs; asked if it's possible to install HAWK light at Pelham. Patrick B. says,

no (too close to existing traffic light at Beacon/Centre will cause excessive traffic back-up).

Lucie complains that it is inappropriate for COD to endorse funding for a project that is not entirely safe for all pedestrians, particularly those with impaired vision. She said she understands the explanations given by the traffic engineers, but based on the results of recent/current projects at Parker/Rt. 9, Parker/Cypress and Centre/Beacon, she does not trust their judgment or capability.

Barbara L. asked about Beacon/Centre crossing; specifically why there is no audible signal/light to help a blind pedestrian safely reach the triangular island in the intersection.

Patrick B. admits that in the future, after the current plan is implemented, conditions do not improve, traffic engineers might revisit the option of adding a HAWK signal. Regardless of future additions to the plan, the existing plan would have to be implemented first. New crosswalks and improved nighttime LED illumination will be added. Jini asked about crosswalks in Wellesley as example of good for low-vision pedestrians.

Alice also discussed two other proposed projects: Lincoln/Walnut, Washington/Walnut. With expected savings from completing work under budget, it is expected that all three projects could be completed in the current construction season.

Jini asked if the difficult curb at corner of Walnut and Center (?) could be addressed as part of this work. Patrick B. explained that all of Walnut Street from Homer to Center is slated for renewal and is currently at 25% redesign stage. Center Street in this area will eventually be re-paved.

Rob C. asks if COD needs to vote on Newton Centre Improvements. John L. reminds COD they have already voted on it. Question is, whether to accept new expenditures along Walnut Street in addition to work proposed in Newton Centre. John L. moves to accept expenditures for this work. Jane seconds. Motion passes.

## **12. ADA Transition Plan**

COD recognizes that with an ADA Coordinator now on staff, it is time to take action on recommendations made in Barbara Chandler's report,

Ramping Up, and begin to draft the long-overdue ADA Transition Plan for the City. Beverly Droz offered her support in this effort as a volunteer consultant. Girard P. and other members also expressed a desire to contribute to the Plan

Joel R. was enthusiastic about the many offers to help, and suggested that the COD together with the ADA Coordinator, devise a working process whereby interested parties can contribute to the project and work proceeds efficiently. He suggested that viable ADA Transition Plans and successful implementation, such as that in Cambridge, MA, are the result of that city's commitment to supporting the ongoing, consistent, full-time efforts of that city's ADA Coordinator. Joel R. reminded COD that the ADA Coordinator position in Newton is funded for only 19 hours, and cautioned that drafting a new Transition Plan will be a slow and gradual process.

### **13. New/Old Business:**

Jane briefly mentioned the stalled proposed affordable housing project in Waban at the former fire station, Engine 6. She simply urged everyone to stay informed.

Rob C. moved to adjourn the meeting at 9:15 PM. John L. seconds.

**Meeting Adjourned**