



COMMISSION ON DISABILITY Packet Contents: July 8, 2013

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Setti D. Warren
Mayor

Candace Havens
Director
Planning & Development

Senior Planner Alice Walkup

CD Manager
Anne Marie Belrose

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 Ave.
Newton, MA 02459
T 617/796-1120
F 617/796-1142

www.newtonma.gov



CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

COMMISSION ON DISABILITY

AGENDA *

Date: July 8, 2013

Time: 6:30 p.m.

Place: Room 209

Setti D. Warren
Mayor

Candace Havens
Director
Planning & Development

Senior Planner Alice Walkup

CD Manager
Anne Marie Belrose

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1. Minutes: Consideration of the approval of the minutes from the June 10, 2013 meeting of the Commission on Disability (6:30-6:35)

2. ADA Coordinator report - Joel Reider (6:35-6:40)

3. HP space request - Rob (6:40-6:50)
- 61 Washington Park, New Art Center

4. CDBG report - Alice Walkup (6:50-7:00)

5. Two variance applications; four AAB reports - Joel or John (7:00-7:30)

Variance Applications (with guests):

- 845-855 Washington St, Dancer's Image

- 40 Chase St

Reports:

- 1231 Centre St, Yogurtland

- 1314 Washington St, Sovereign Bank

- 200 Boylston St

- 321 Chestnut, All Newton Music School

6. Discussion about access/curb-cuts/bump-outs/lighting - Alice Walkup & Patrick Baxter; Memo Alice Walkup (7:30-8:00)

- Newton Centre

- Walnut St. @ Lincoln St.

7. HP violations report & police hand out - Sgt. Babcock (8:00--8:15)

8. Meeting with Mayor - Rob & Girard (8:15-8:25)

9. ADA Transition Plan - Joel & Bev Droz (8:25-8:40)

10. Old/New Business – Jane: Engine 6 (8:40-8:50)

11. Adjourn: (8:50)



CITY OF NEWTON, MASSACHUSETTS

Commission On Disability

Next meeting: August 12, 2013

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, contact the John Lojek at 617-796-1064 or jllojek@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting.

Setti D. Warren
Mayor

Candace Havens
Director
Planning & Development

Community Development
Senior Planner

Members

Rob Caruso, Co-Chair
Girard Plante, Co-Chair
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MEETING MINUTES

June 10, 2013

COMMISSION ON DISABILITY
Meeting Minutes
June 10, 2013

Members Present

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

Setti D. Warren
Mayor

Candace Havens
Director
Planning & Development

Senior Planner Alice Walkup
Community Development

CD Manager
Anne Marie Belrose

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

Staff Present

Joel Reider, ADA Coordinator
Alice Walkup, Senior Planner, Community Development

Guests

Bill Paille, City Traffic Engineer
Robert Solomon
Heather Platt

Meeting:

Rob Caruso called the meeting to order at 6:30 PM

1. MINUTES

John Lojek read aloud the minutes from the previous meeting, May 13 (Rosemary Larking noted that she had trouble opening the digital file of these minutes attached to an email she received. John Lojek, who prepared and distributed the minutes, may have sent the attachment in a different way than it's usually done. Joel Reider will try to resolve this problem with Rosemary before distributing the next batch of meeting minutes).

Rosemary Larking moved to accept the minutes and Lucie Chansky seconded the motion.

2. CDBG Report

Alice Walkup described additional work to be done in front of the fire station at Commonwealth and Washington (project as scoped last summer). Estimate for this additional work is \$18,000; \$15,000 remains in the budget.

3. Reallocation of \$65,000

John Lojek made a motion to have the City provide \$61,860 to fund completion of the vestibule at the Senior Center. This will allow moving \$3,535 in COD funds from vestibule project to curb cuts to pay for the completion of above additional work at Commonwealth and Washington.

There was a lengthy continuation of the discussion from a previous COD meeting about the Newton Centre Improvements, especially traffic and pedestrian safety modifications at the intersections of Centre St./Pelham St./Pleasant St./Langley Road. Robert Solomon, Jini Fairley, Lucie Chansky and Heather all expressed strong concerns about the dangerous conditions for pedestrians at this intersection—particularly people with impaired vision. There was a consensus that any improvement to this intersection should include traffic and pedestrian lights to control vehicular and pedestrian traffic. Members were unaware that the plan previously presented by Bill Paille does not include any kind of traffic light, but instead relies only on a combination of bump-outs, brighter crosswalks, improved lighting and signage. Lucie Chansky insisted that a light was needed to physically stop traffic, as visibility is very poor at this intersection, especially for south-bound cars traveling in the left lane. Robert Solomon noted that bump-outs alone will not be sufficient to slow or stop traffic or adequately increase pedestrian visibility.

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John Lojek pointed out that Bill Paille, City Traffic Engineer, is an expert in this field and that in his previous presentation to the COD, he explained the rationale behind the decision to omit any traffic lights in this improvement project. John Lojek expressed his inclination to defer to Bill Paille's expertise in this matter.

Sergeant Jay Babcock quoted the cost of installing traffic lights and encouraged members to approach the Transportation Advisory Group to raise these concerns.

John Lojek reminded the commission that the motion under consideration was to authorize reallocating funds for access projects, not to resolve questions of design or strategy at any particular site. Girard Plante expressed his frustration that the issue of the Newton Centre Improvements had been considered before without any satisfying resolution and that the question needs to be finally settled. Alice Walkup recognized the need to resolve this issue, and to address the needs at other locations (such as Lincoln St. and Walnut St), and that there is a need to balance priorities to maximize the budget. The conversation again veered away from the motion, and various curb-cut sites were considered including Lincoln and Walnut, Lincoln and Floral and along the length of Walnut St. in Newton Highlands.

Rob Caruso reminded the commission of the motion to reallocate funds. Rosemary Larking seconded the motion. Lucie Chansky opposed. Rob Caruso quoted an estimate of \$3,500-\$4,500 to complete the work at Washington St. and Commonwealth Ave; John Lojek made a motion that funds allocated to complete this project shall not exceed \$5,000. Rosemary Larking seconded the motion and it passed unanimously.

Alice Walkup suggested inviting Bill Paille again to clarify the proposal for the Newton Centre Improvements, and to address the members' concerns about poor visibility and the need for traffic lights. Alice pointed out that the project is expensive, as it includes several bump-outs and curb-cuts. She expressed concern that changing the scope of the project or rescinding funds at this point would delay the project. There is agreement that the commission should bring Bill Paille back to another meeting to revisit the proposed plan.

Bill Paille made a surprise appearance (Alice Walkup located him and brought him to the meeting). He listened to member's concerns and preferences for traffic lights rather than bumpouts (Lucie Chansky, Jini Fairley, Robert Solomon and Heather all spoke). He described three types of possible traffic lights: Fully Actuated Signals (like those at the intersection of Centre and Beacon); HAWK signals, which are only activated by pedestrians who wish to cross; and constantly flashing yellow lights that alert motorists to the crosswalk. He explained that the traffic measured at this intersection does not warrant a Fully Actuated Signal, and that the conditions (multiple road intersection, rather than mid-block) were not good for implementing a HAWK signal. Bill Paille feels strongly that a HAWK signal or flashing yellow light at this location will confuse motorists and actually make conditions more dangerous for pedestrians. He acknowledged the members' feelings that a traffic light would be the best solution, but insisted that he would not make such a recommendation. He emphasized the benefits of bump-outs, which improve visibility, reduce the speed of traffic by narrowing the width of the roadway, and shorten the length of a pedestrian's passage across the street; he is confident that the combination of bump-outs, improved overhead lighting, textured surface crosswalks, reflectors and signage alerting motorists as they approach the intersection is a better strategy than one employing a HAWK signal.

Heather Platt regrets that no signal can be included in the proposal and emphasized that she would never allow a blind pedestrian to cross Centre St. @ Langley/Pleasant/Pelham without a signal.

Rob Caruso asked Sergeant Babcock about the effectiveness of the new bump-out in Newtonville; Sergeant Babcock says it has improved conditions at that crosswalk.

Curb-Cuts in Residential Area

Heather described recent curb-cuts made in the residential area north of Commonwealth Ave., east of City Hall, where the grass berm was extended to the edge of the ramp. She contacted Matt Woodruff in DPW to explain that this makes it difficult for a blind pedestrian to find the ramp, or to know exactly where the corner of the sidewalk is. He was very accommodating and met Heather in the field with one of her blind staff members, who demonstrated the problem. DPW offered to correct the problem by restoring a concrete margin 36" on either side of the ramp. Heather wants to be sure that going forward, any similar curb-cuts will be done w/o extending the grass berm. Alice Walkup suggested Heather document the conditions with photographs (one showing the grass berm too close to the ramp; another showing enough concrete @ the corner). Alice Walkup and Joel Reider will communicate with DPW to follow up on this concern.

4. Term Limits

Rob and Girard inquired at the Mayor's office about where and to whom letters of interest should be addressed. Messages should be sent to swarren@newtonma.gov; no resume is required.

5. AAB Variance, Lasell College

Rob explained that AAB has asked Lasell College to install the door in question with offset hinges.

6. HP Violations

Sgt. Babcock emphasized his desire to "jumpstart" the HP Violations program, by which he means adding more overtime officers to generate more revenue by increasing the number of citations. The additional expense of overtime pay will be covered by the increased revenue.

Jini described a meeting in Needham(?) at which good strategies were discussed to direct assets from HP (and other?) violations to the commission.

7. HP Space on Manet Road

Creating this space is on hold (or cancelled?). In an area with resident parking restrictions, anyone with an HP placard—not just a resident with a placard—can park in an HP space. The area in question has resident parking restrictions, and it was determined that designating an HP space in front of the resident's home would not be beneficial. Sgt. Babcock receives many inquiries from Boston College about HP spaces, and it's likely that an HP space in this location would be occupied by someone from BC, precluding the resident from parking there.

8. New/Old Business

Lucie would like to submit a formal recommendation that the City include a traffic light at the Centre St./Pleasant St. intersection Improvement. Jini recognizes that the City will probably reject this recommendation in favor of the Traffic Engineer's proposal, but feels it is an important gesture and will consider how to make this proposal.

Lucie asked how someone becomes a member of the commission. She recognized Robert Solomon's commitment and would like the commission to recommend that he be made a member. Rob Caruso pointed out that this has always been the sole discretion of the Mayor.

Jane raised the topic of publicizing the existence of the COD and its work.

Corner of Morton and Vineyard
Curb-cut with grass planting strip extended to edge of ramp



Curb-cut with concrete between grass planting strip and ramp



**REQUEST FOR TRAFFIC IMPROVEMENT OR CHANGE
CITY OF NEWTON TRAFFIC COUNCIL, ROOM 101A
1000 COMMONWEALTH AVENUE
NEWTON CENTRE 02459**

The Traffic Council is administered through the Clerk of the Board's Office. The Petitioner and other parties who may in the Council's judgment be substantially affected by such petition will be notified with the first date the petition will be discussed by the Traffic Council. NOTE: There are additional petition requirements for Resident Only Permit Areas; see Sec. 19-201 of the City of Newton Ordinances. If you have further questions, please call the Clerk of the Board's Office at (617) 796-1210.

Complete both sides and submit to the Clerk of the Board's Office (PLEASE TYPE or PRINT):

PETITIONER'S NAME _____ SIGNATURE: _____

ADDRESS: _____ Unit # _____

TELEPHONE (DAY): _____ (EVENING): _____

1. Identify the location and briefly describe the nature of the problem:

2. Draw a simple diagram or attach a map in the box below that shows the subject street(s) and conditions.

North ↑

3. Obtain required signatures on reverse side of this form.

DATE FILED: _____

REQUIRED SIGNATURES (Please Print)

◆Petitions for intersectional controls/regulations (traffic signals, stop signs, no turn on red, etc.) require a total of six (6) signatures (including petitioner's) from owners or tenants whose building or lot of land is located within five-hundred (500) feet of the affected intersection (one signature per household or business).

◆Petitions for parking restrictions, truck exclusions, speed limits, and all other traffic regulations must be signed by one (1) owner or tenant of at least half of the residential, commercial and/or non-profit units which abut the affected street or way, provided that in no event shall more than ten (10) signatures (including petitioner's) be required (one signature per household or business).

NAME: _____ SIGNATURE: _____
ADDRESS _____ UNIT# _____
TELEPHONE (DAY) _____ (EVENING): _____

NAME: _____ SIGNATURE: _____
ADDRESS _____ UNIT# _____
TELEPHONE (DAY) _____ (EVENING): _____

NAME: _____ SIGNATURE: _____
ADDRESS _____ UNIT# _____
TELEPHONE (DAY) _____ (EVENING): _____

NAME: _____ SIGNATURE: _____
ADDRESS _____ UNIT# _____
TELEPHONE (DAY) _____ (EVENING): _____

NAME: _____ SIGNATURE: _____
ADDRESS _____ UNIT# _____
TELEPHONE (DAY) _____ (EVENING): _____

NAME: _____ SIGNATURE: _____
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NAME: _____ SIGNATURE: _____
ADDRESS _____ UNIT# _____
TELEPHONE (DAY) _____ (EVENING): _____

NAME: _____ SIGNATURE: _____
ADDRESS _____ UNIT# _____
TELEPHONE (DAY) _____ (EVENING): _____

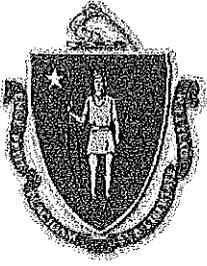
NAME: _____ SIGNATURE: _____
ADDRESS _____ UNIT# _____
TELEPHONE (DAY) _____ (EVENING): _____

HP2-13

New Art Center, 61 Washington Park, Newton

Location of requested HP space (at bottom of existing ramp)





The Commonwealth of Massachusetts
Department of Public Safety
Architectural Access Board

One Ashburton Place, Room 1310
 Boston Massachusetts 02108-1618

Phone: 617-727-0660

Fax: 617-727-0665

www.mass.gov/dps

Docket Number

(Office Use Only)

APPLICATION FOR VARIANCE

In accordance with M.G.L., c.22, § 13A, I hereby apply for modification of or substitution for the rules and regulations of the Architectural Access Board as they apply to the building/facility described below on the grounds that literal compliance with the Board's regulations is impracticable in my case.

PLEASE ENCLOSE:

- 1) A filing fee of \$50.00 (Check/Money Order) made payable to the "Commonwealth of Massachusetts" and all supporting documentation (e.g. plans in 11" x 17" format, photographs, etc.). In addition, the complete package (including plans, photographs and the completed "Service Notice") must be submitted to all parties via compact disc.
- 2) If you are a tenant seeking variance(s), a letter from the owner of the building authorizing you to apply on his or her behalf is required.
- 3) The completed "Service Notice" form provided at the end of this application certifying that a copy of your *complete application* has been received by the Local Building Inspector, Local Disability Commission (if applicable), and Local Independent Living Center for the city/town that the property in question resides in. A list of the local entities can be found by calling the Architectural Access Board Office or the Local City/Town Clerk. For a list of the Local Independent Living Centers you can either call the Architectural Access Board Office or visit the Massachusetts Statewide Independent Living Council website at <http://www.masilc.org/membership/cils>.

1. State the name and address of the owner of the building/facility:

Nicozzi Mgmt / Montrose 1229-1249 Centre LLC
 159 Cambridge, MA 02134

E-mail: gmicozzi@nicozzimanagements.com

Telephone: 617.254.5576 x 30

2. State the name and address of the building/facility:

Tenant space d/b/a yogurtland at Retail Building located at
1231 Centre St. Newton MA 02459

3. Describe the facility (i.e. number of floors, type of functions, use, etc.):

1 Floor + basement
Retail
1852 1290 SqFT

4. Total square footage of the building: 3800 Per floor: 1900

a. total square footage of tenant space (if applicable): 1290

5. Check the work performed or to be performed:

New Construction Addition
 Reconstruction/Remodeling/Alteration Change of Use

6. Briefly describe the extent and nature of the work performed or to be performed (use additional sheets if necessary):

Proposed new entry to existing retail space sub-divided by landlord.
Reverred glazing entry to match storefront system. Existing grade
slopes from existing sidewalk to threshold of new entry door. Will install automatic
door opener if helpful/required.

7. State each section of the Architectural Access Board's Regulations for which a variance is being requested:

7a. Check appropriate regulations:

1996 Regulations 2002 Regulations 2006 Regulations

SECTION NUMBER

LOCATION OR DESCRIPTION

~~521 CMR 25.2~~

521 CMR 26.6.1

Level space Approach

8. Is the building historically significant? yes no. If no, go to number 9.

8a. If yes, check one of the following and indicate date of listing:

- National Historic Landmark
- Listed individually on the National Register of Historic Places
- Located in registered historic district
- Listed in the State Register of Historic Places
- Eligible for listing

8b. If you checked any of the above **and** your variance request is based upon the historical significance of the building, you *must* provide a letter of determination from the Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, MA 02125.

9. For each variance requested, state in detail the reasons why compliance with the Board's regulations is impracticable (use additional sheets if necessary), including but not limited to: the necessary cost of the work required to achieve compliance with the regulations (i.e. written cost estimates); and plans justifying the cost of compliance.

Tenant will lose approximately 22% of seating capacity creating financial hardship, ADA work to be 100% compliant is \$15,000 - \$22,000. Requested variance slight raises slope from ADA standards. Tenant will install dual handrail + automatic door to assist handicap individuals. Entry area slightly not level.

10. Has a building permit been applied for? yes
Has a building permit been issued? yes
10a. If a building permit has been issued, what date was it issued? 4/12/13
10b. If work has been completed, state the date the building permit was issued for said work: _____

11. State the estimated cost of construction as stated on the above building permit: \$97,000
11a. If a building permit has not been issued, state the anticipated construction cost: _____

12. Have any other building permits been issued within the past 36 months? NO
12a. If yes, state the dates that permits were issued and the estimated cost of construction for each permit: _____

13. Has a certificate of occupancy been issued for the facility? No
If yes, state the date: _____

14. To the best of your knowledge, has a complaint ever been filed on this building relative to accessibility? _____ yes no

15. State the actual assessed valuation of the **BUILDING ONLY**, as recorded in the **Assessor's Office** of the municipality in which the building is located: ~~\$1,892,886~~ \$1,892,886
Is the assessment at 100%? yes
If not, what is the town's current assessment ratio? _____

16. State the phase of design or construction of the facility as of the date of this application: Demolition

17. State the name and address of the architectural or engineering firm, including the name of the individual architect or engineer responsible for preparing drawings of the facility:
Anderson Porter Design, Inc. 875 Main St. Cambridge MA
Brian Anderson
E-mail: brian@andersonporter.com
Telephone: 617.354.2501

18. State the name and address of the building inspector responsible for overseeing this project:
Alan Gifford, Building Inspector
100 Commonwealth Avenue, Newton, MA 02459
E-mail: ag.gifford@newtonma.gov
Telephone: 617.796.1066

Date: 7/17/13

Anthony Parrinello
Signature of owner or authorized agent

PLEASE PRINT:

Anthony Parrinello
Name

52 Whispering Way
Address

Schow MA 01775
City/Town State Zip Code

anthony@reportlandnewengland.com
E-mail

617.997.6888
Telephone

**ARCHITECTURAL ACCESS BOARD VARIANCE APPLICATION
SERVICE NOTICE**

I, Andy Parnell, as myself

for the Petitioner husb submit a
variance application filed with the Massachusetts Architectural Access Board on 19th 2013

HEREBY CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT I SERVED OR CAUSED TO BE SERVED, A COPY OF THIS VARIANCE APPLICATION ON THE FOLLOWING PERSON(S) IN THE FOLLOWING MANNER:

	<u>NAME AND ADDRESS OF PERSON OR AGENCY SERVED</u>	<u>METHOD OF SERVICE</u>	<u>DATE OF SERVICE</u>
1	<u>Alan Gifford, Building Inspector</u>	<u>Hand Delivery</u>	<u>4/22/13</u>
	<u>Inspectional Services Department 1000 Commonwealth Ave, Newton Centre, MA 02459</u>		
2	<u>Newton Commission on Disabilities</u>		
	<u>1000 Commonwealth Ave, Newton Centre, MA 02459</u>		
3	<u>Boston Center for Independent Living</u>		
	<u>60 Temple Place, Boston, MA 02111</u>		

AND CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE ABOVE STATEMENTS TO THE BEST OF MY KNOWLEDGE ARE TRUE AND ACCURATE.

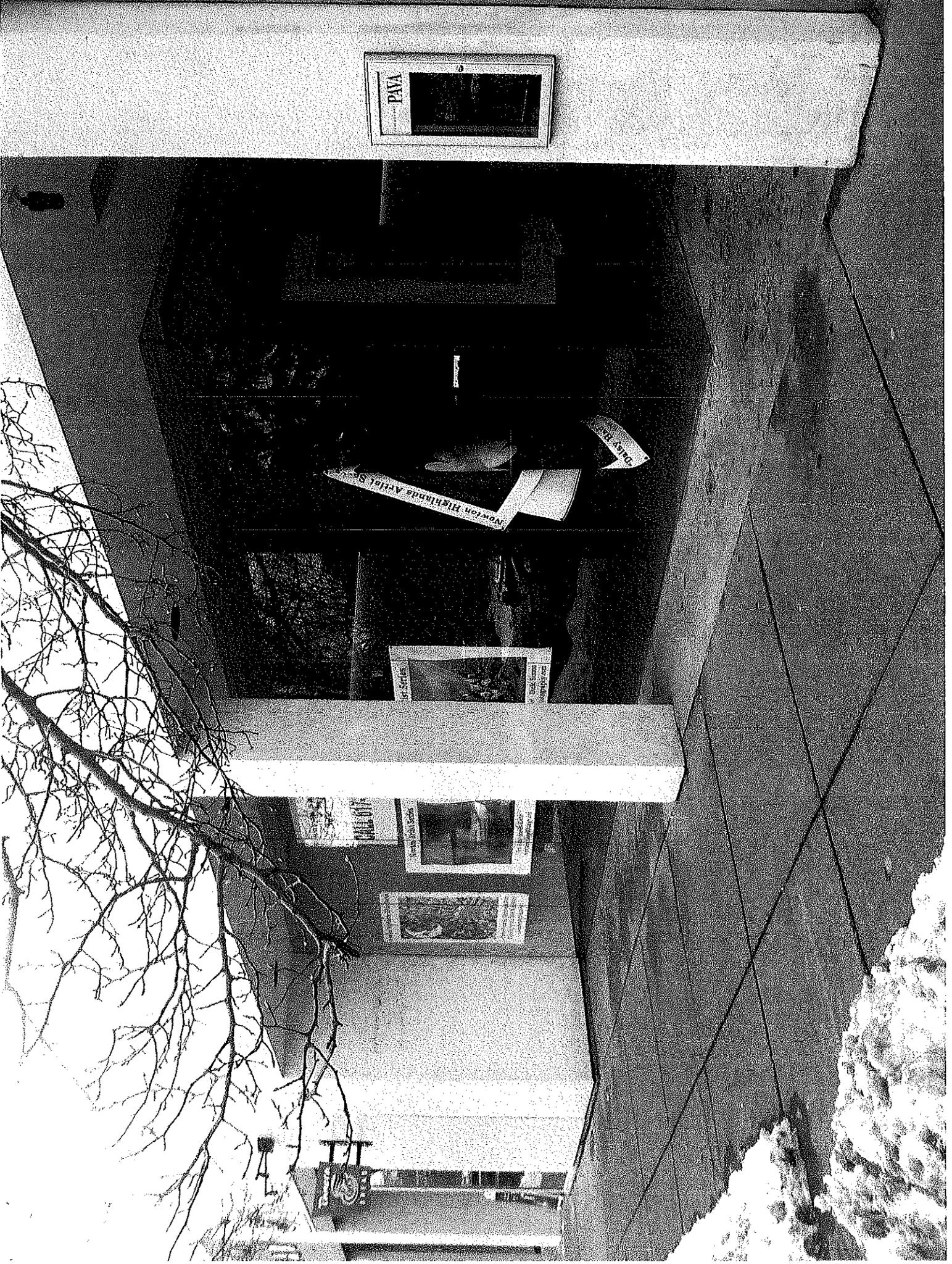
Andy Parnell
Signature: Appellant or Petitioner

On the 17th Day of April 2013
PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

Anthony PARENELLO
(Type or Print the Name of the Appellant)

Antoinette Warner
NOTARY PUBLIC

2/3/17
MY COMMISSION EXPIRES



PAPA

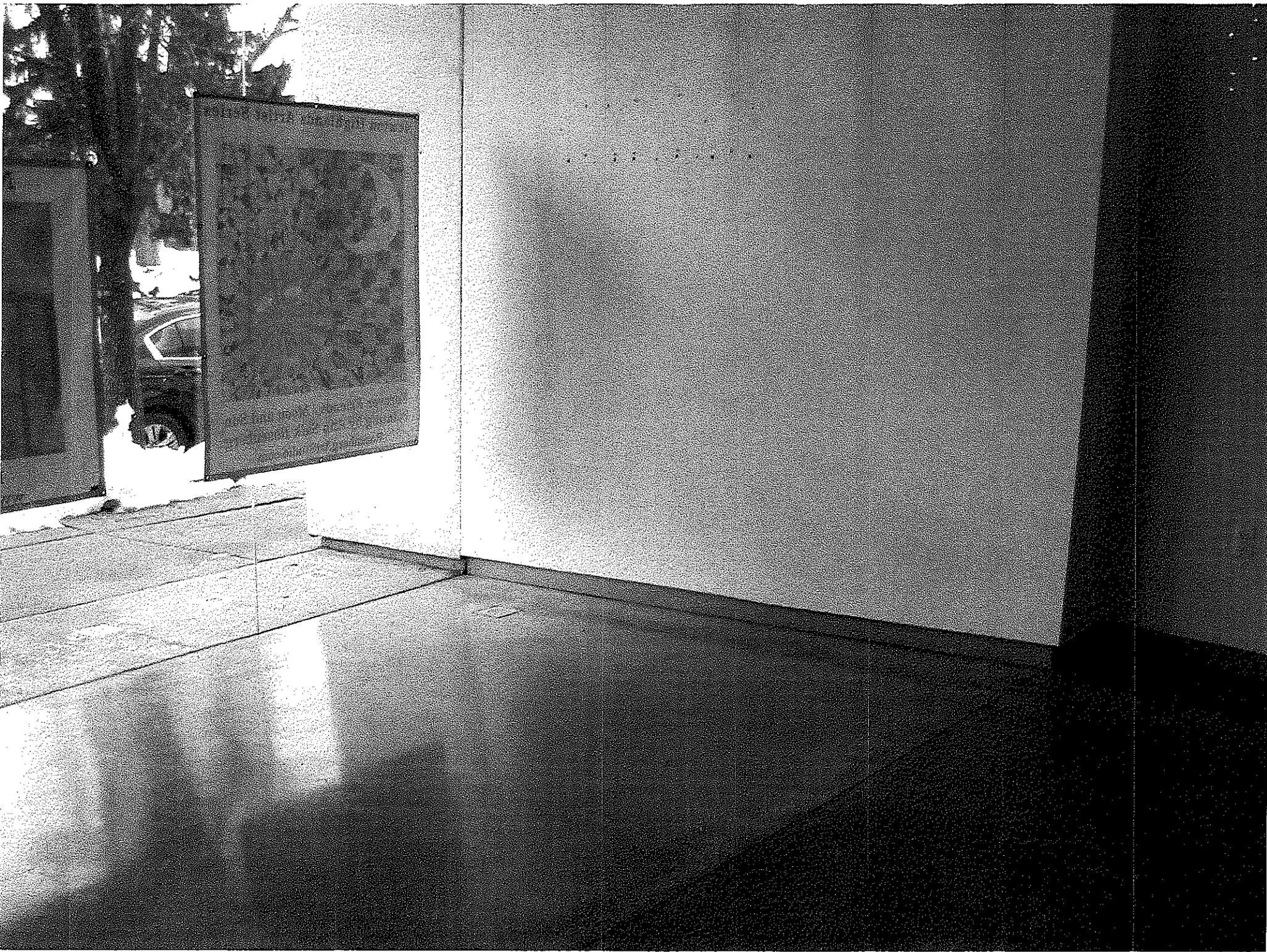
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DISEKSI

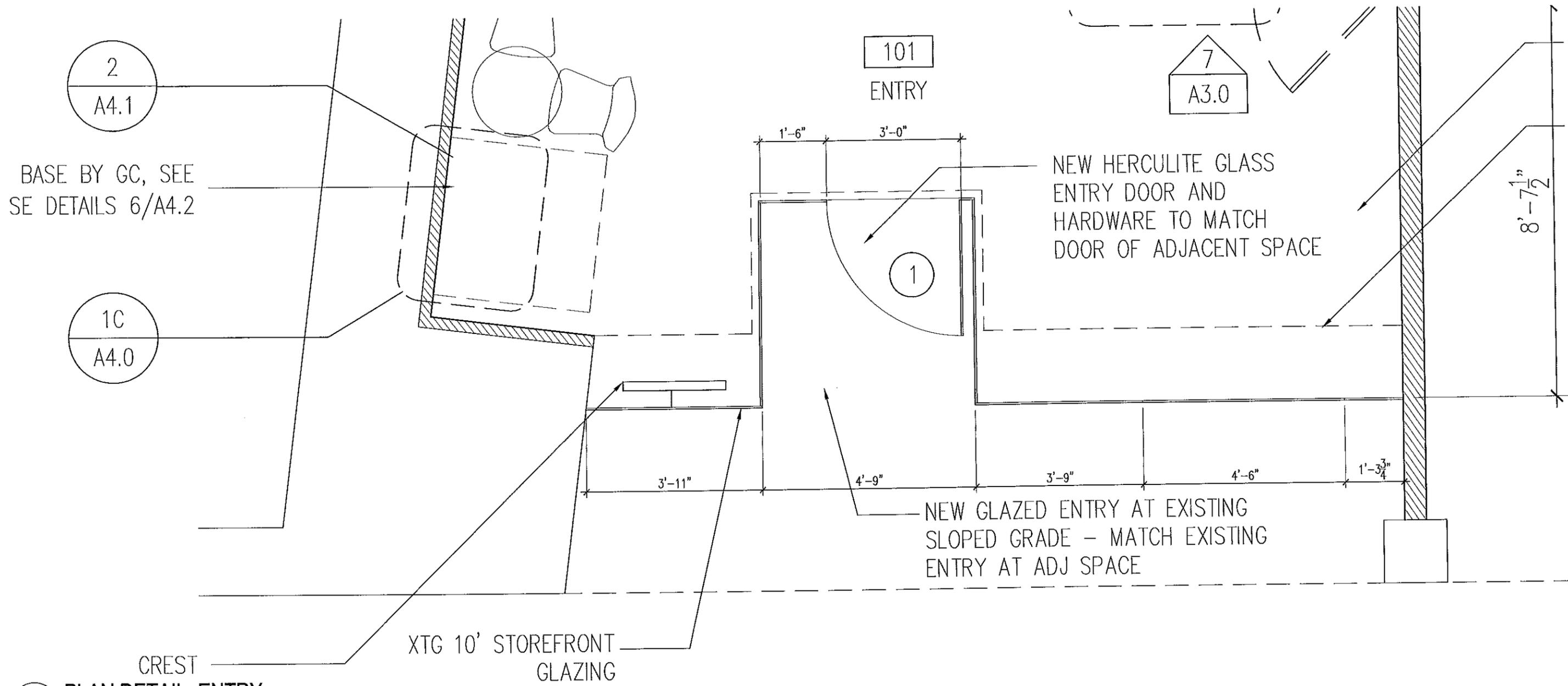
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U.S. SERIES

U.S. SERIES







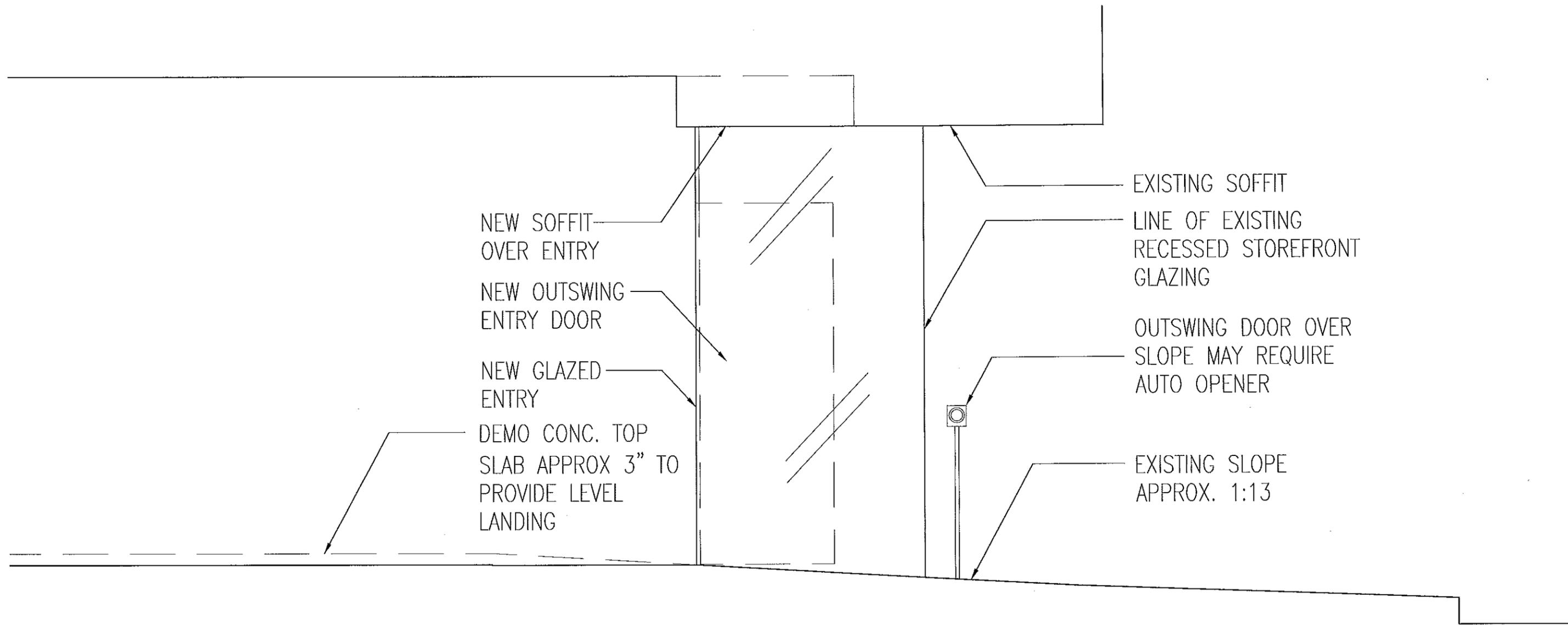
1 PLAN DETAIL: ENTRY
 SK1.0 Scale 1/2" = 1'-0"

Project: 1231 CENTRE ST
 Drawing: PROPOSED NEW ENTRY
 Date: 04/17/2013
 Scale: 1/2" = 1'-0"

Anderson Porter Design

875 Main Street Cambridge MA 02139 Phone 617 354.2501

SK1.0



NEW SOFFIT
OVER ENTRY

NEW OUTSWING
ENTRY DOOR

NEW GLAZED
ENTRY

DEMO CONC. TOP
SLAB APPROX 3" TO
PROVIDE LEVEL
LANDING

EXISTING SOFFIT

LINE OF EXISTING
RECESSED STOREFRONT
GLAZING

OUTSWING DOOR OVER
SLOPE MAY REQUIRE
AUTO OPENER

EXISTING SLOPE
APPROX. 1:13

2 SECTION DETAIL: ENTRY
SK1.1 Scale 1/2" = 1'-0"

Project: 1231 CENTRE ST
Drawing: PROPOSED NEW ENTRY
Date: 04/17/2013
Scale: 1/2" = 1'-0"

Anderson Porter Design

875 Main Street Cambridge MA 02139 Phone 617 354.2501

SK1.1



The Commonwealth of Massachusetts

Department of Public Safety

Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618

Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Andrea J. Cabral
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

TO: Local Building Inspector
Local Disability Commission
Independent Living Center

Docket Number V 13 107

FROM: ARCHITECTURAL ACCESS BOARD

RE: Yogurtland
1231 Centre Street
Newton

Date: 5/8/2013

Enclosed please find the following material regarding the above location:

___ Application for Variance

Decision of the Board

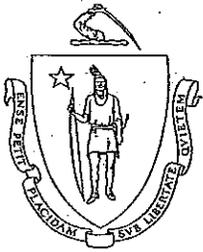
w/Conditions

___ Notice of Hearing

___ Correspondence

___ Letter of Meeting

The purpose of this memo is to advise you of action taken or to be taken by this Board. If you have any information which may assist the Board in reaching a decision in this case, you may call this office or you may submit comments in writing.



The Commonwealth of Massachusetts
Department of Public Safety

Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618

Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

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Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

Docket Number V 13 107

NOTICE OF ACTION

RE: Yogurtland' 1231 Centre Street

Newton

1. A request for a variance was filed with the Board by Anthony Parrinello (Applicant) on April 22, 2013
The applicant has requested variances from the following sections of the 06 Rules and Regulations of the Board:

Section:	Description:
26.6.1	Petitioner seeks relief from having to provide level landings on the exterior and interior landing of a new entry door to be constructed when a single tenant space is divided into two tenant spaces and a new entrance is created. The petitioner proposes a slope of 1:13, handrails, and an automatic door opener to mitigate the slopping conditions proposed for the new entrance.

2. The application was heard by the Board as an incoming case on Monday, May 6, 2013

3. After reviewing all materials submitted to the Board, the Board voted as follows:

GRANT: the variance to Section 26.6.1 as proposed in the application submitted, for the reason that impracticability (see definitions of impracticability in Section 5 of 521 CMR) has been proven in this case and on the condition that handrails, and an automatic door opener are provided as shown in plan SK1.0 and SK1.1 prepared by Anderson Porter Design. Photographs of the entry way must be submitted to the Board for its files upon completion of the work.

PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: May 8, 2013

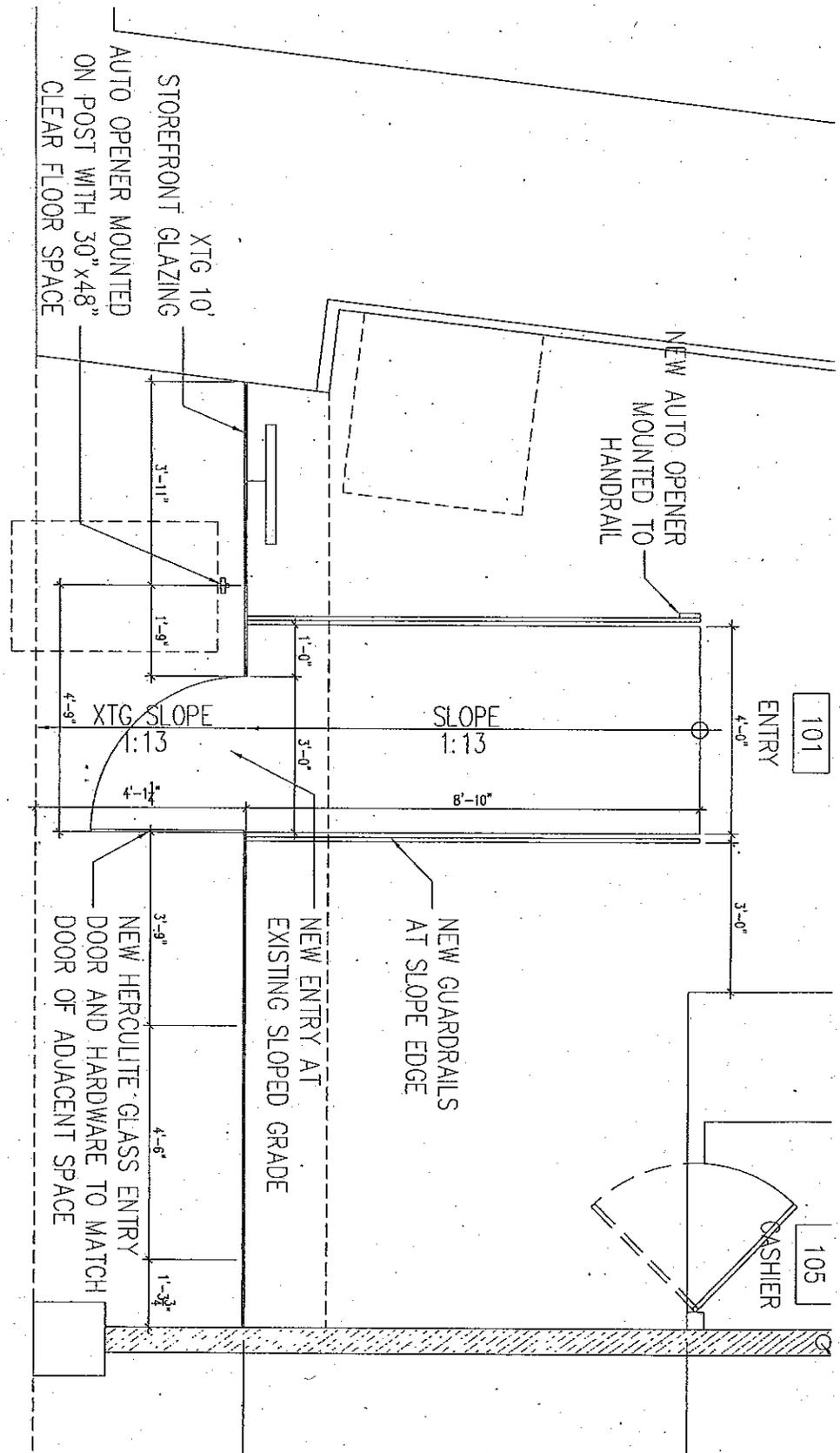
cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Walter White J.H.
Chairperson
ARCHITECTURAL ACCESS BOARD

Project: 1231 CENTRE ST
 Drawing: PROPOSED NEW ENTRY
 Date: 5-3-2013
 Scale: 1/2" = 1'-0"

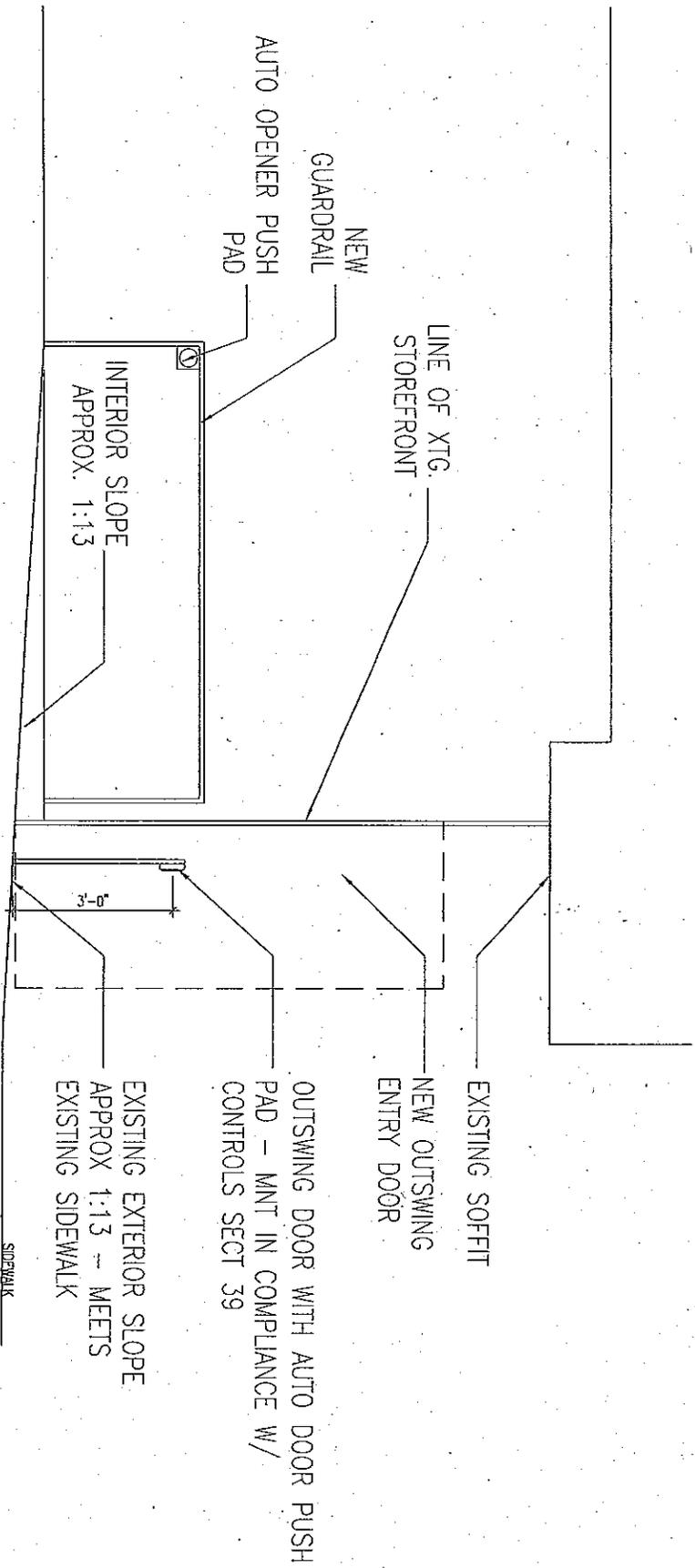
Anderson Porter Design

1 PLAN DETAIL: ENTRY
 SK1.0 Scale 1/2" = 1'-0"



SK1.0

073 Main Street, Cambridge, MA 02139 Phone 617 354-2301



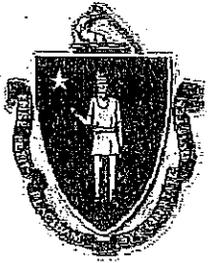
2 SECTION DETAIL: ENTRY.
 SK1.1 Scale 1/2" = 1'-0"

Project: 1231 CENTRE ST
 Drawing: PROPOSED NEW ENTRY
 Date: 5-3-2013
 Scale: 1/2" = 1'-0"

Anderson Porter Design

375 Main Street Cambridge, MA 02139 Phone 617.254.1231

SK1.1



The Commonwealth of Massachusetts

Department of Public Safety

Architectural Access Board

One Ashburton Place, Room 1310

Boston Massachusetts 02108-1618

Phone: 617-727-0660

Fax: 617-727-0665

www.mass.gov/dps

Docket Number

(Office Use Only)

REQUEST FOR ADJUDICATORY HEARING

RE: _____
Name and address of building as appearing on application for variance

I, _____, do hereby request that the Architectural Access Board
conduct an informal Adjudicatory Hearing in accordance with the provisions of 801 CMR Rule 1.02 et.
seq. as I am aggrieved by the decision of the Board with respect to Section(s) _____
of the Rules and Regulations of the Architectural Access Board, 521 CMR.

I understand that I may request such a hearing within **thirty (30) days** of receipt of the Notice of Action.

Date: _____

Signature

PLEASE PRINT:

Name

Address

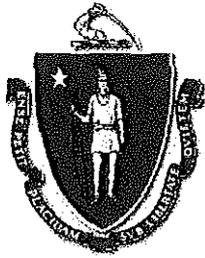
City/Town State Zip Code

E-mail

Telephone

PLEASE NOTE:

This form must be received by the Board within thirty (30) days after receipt of the Notice of Action.



The Commonwealth of Massachusetts
Department of Public Safety
Architectural Access Board

**One Ashburton Place, Room 1310
Boston Massachusetts 02108-1618**

Phone: 617-727-0660

Fax: 617-727-0665

www.mass.gov/dps

Docket Number

(Office Use Only)

APPLICATION FOR VARIANCE

In accordance with M.G.L., c.22, § 13A, I hereby apply for modification of or substitution for the rules and regulations of the Architectural Access Board as they apply to the building/facility described below on the grounds that literal compliance with the Board's regulations is impracticable in my case.

PLEASE ENCLOSE:

- 1) A filing fee of \$50.00 (Check/Money Order) made payable to the "Commonwealth of Massachusetts" and all supporting documentation (e.g. plans in 11" x 17" format, photographs, etc.). In addition, the complete package (including plans, photographs and the completed "Service Notice") must be submitted to all parties via compact disc.
 - 2) If you are a tenant seeking variance(s), a letter from the owner of the building authorizing you to apply on his or her behalf is required.
 - 3) The completed "Service Notice" form provided at the end of this application certifying that a copy of your *complete application* has been received by the Local Building Inspector, Local Disability Commission (if applicable), and Local Independent Living Center for the city/town that the property in question resides in. A list of the local entities can be found by calling the Architectural Access Board Office or the Local City/Town Clerk. For a list of the Local Independent Living Centers you can either call the Architectural Access Board Office or visit the Massachusetts Statewide Independent Living Council website at <http://www.masilc.org/membership/cils>.
1. State the name and address of the owner of the building/facility:

**Charles Nicolazzo of Bigelow Realty Trust
50 Tower Rd. Newton, MA 02464**

E-mail: chuck@bigelowenergy.com

Telephone: **617-964-1600**

2. State the name and address of the building/facility: **845-855 WASHINGTON STREET**

3. Describe the facility (i.e. number of floors, type of functions, use, etc.):

(3) STOREY WOOD FRAME BUILDING WITH RETAIL ON THE FIRST FLOOR AND APARTMENTS ON THE SECOND AND THIRD FLOORS

4. Total square footage of the building: **12,440 gross square feet. Per floor: 1st floor: 4,944; 2nd floor: 3,748; 3rd floor: 3748**

a. total square footage of tenant space (if applicable): **3,429 square feet**

5. Check the work performed or to be performed:

New Construction Addition
 Reconstruction/Remodeling/Alteration Change of Use

6. Briefly describe the extent and nature of the work performed or to be performed (use additional sheets if necessary):

A FOOD SERVING AREA WITH SEATING IS BEING CREATED.

7. State each section of the Architectural Access Board's Regulations for which a variance is being requested:

7a. Check appropriate regulations:

1996 Regulations 2002 Regulations 2006 Regulations

SECTION NUMBER	LOCATION OR DESCRIPTION
24.00	RAMPS
28.00	ELEVATORS / WHEELCHAIR LIFT

8. Is the building historically significant? **NO.**

If no, go to number 9.

8a. If yes, check one of the following and indicate date of listing:

- National Historic Landmark
 Listed individually on the National Register of Historic Places
 Located in registered historic district
 Listed in the State Register of Historic Places
 Eligible for listing

8b. If you checked any of the above **and** your variance request is based upon the historical significance of the building, you *must* provide a letter of determination from the Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, MA 02125.

9. For each variance requested, state in detail the reasons why compliance with the Board's regulations is impracticable (use additional sheets if necessary), including but not limited to: the necessary cost of the work required to achieve compliance with the regulations (i.e. written cost estimates); and plans justifying the cost of compliance.

IN LIEU OF A RAMP OR A VERTICAL LIFT WE ARE SEEKING A VARIANCE FROM THE REQUIREMENT OF PROVIDING DIRECT ACCESS TO AN EXISTING ACCESSIBLE BATHROOM. THERE ARE EXISTING CONDITIONS SUCH AS A MASONRY WALL OPENING, HORIZONTAL PIPE RUNS, PLUMBING CHASES, CHIMNEYS AND EXTERIOR DOORS WHICH INTERFER WITH THE ABILITY TO INSTALL EITHER A RAMP OR A VERTICAL LIFT. SEE ATTACHED DRAWINGS. WE ARE SEEKING RELIEF BECAUSE THE COST OF AN INCLINED LIFT AND ITS ASSOCIATED CONSTRUCTION IS PROHIBITIVELY HIGH.

10. Has a building permit been applied for? **NO**

Has a building permit been issued? **NO**

10a. If a building permit has been issued, what date was it issued? _____

10b. If work has been completed, state the date the building permit was issued for said work: _____

11. State the estimated cost of construction as stated on the above building permit:

11a. If a building permit has not been issued, state the anticipated construction cost: _____

12. Have any other building permits been issued within the past 36 months? **YES**

12a. If yes, state the dates that permits were issued and the estimated cost of construction for each permit: #12080249, 8/9/2012, \$2700; #13020083, 2/5/2013, \$; #13030199, 2/11/2013, \$

13. Has a certificate of occupancy been issued for the facility? **NO**

If yes, state the date: _____

14. To the best of your knowledge, has a complaint ever been filed on this building relative to accessibility? **NO**

15. State the actual assessed valuation of the **BUILDING ONLY**, as recorded in the **Assessor's Office** of the municipality in which the building is located: **\$1,877,200.00**

Is the assessment at 100%? **YES**

If not, what is the town's current assessment ratio? _____

16. State the phase of design or construction of the facility as of the date of this application:

DESIGN DEVELOPMENT

17. State the name and address of the architectural or engineering firm, including the name of the individual architect or engineer responsible for preparing drawings of the facility:

MARTHA PENZENIK OF MARTHA PENZENIK ARCHITECTS 635 MASSACHUSETTS AVE. ARLINGTON, MA 02476

E-mail: **martha@penzenik.com**
Telephone: **781-643-1313**

18. State the name and address of the building inspector responsible for overseeing this project:

**BUDDY LAMPLOUGH, INSPECTIONAL SERVICES
NEWTON CITY HALL
1000 COMMONWEALTH AVE.
NEWTON CENTRE. MA 02459**

E-mail: **clamplough@newtonma.gov**
Telephone: **617-796-1069**

Date: June 12, 2013



Signature of owner or authorized agent

PLEASE PRINT:

Paula Parkas Panos
Name

849 Washington Street
Address

<u>Newton</u>	<u>MA</u>	<u>02460</u>
City/Town	State	Zip Code

paulaparkas@yahoo.com
E-mail

617-964-4070
Telephone

**ARCHITECTURAL ACCESS BOARD VARIANCE APPLICATION
SERVICE NOTICE**

I, MARTHA PENZENIK, as ARCHITECT
for the Petitioner Paula Parkos Pinos submit a
variance application filed with the Massachusetts Architectural Access Board on June 14
20 13.

HEREBY CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT I SERVED OR CAUSED TO BE SERVED, A COPY OF THIS VARIANCE APPLICATION ON THE FOLLOWING PERSON(S) IN THE FOLLOWING MANNER:

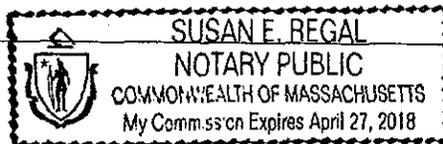
	<u>NAME AND ADDRESS OF PERSON OR AGENCY SERVED</u>	<u>METHOD OF SERVICE</u>	<u>DATE OF SERVICE</u>
1	Buddy Lampough, Inspectional Services	certified mail	6-14-13
	1000 Commonwealth Ave. Newton Centre, Ma 02459		
2	Commission On Disability	certified mail	6-14-13
	1000 Commonwealth Ave. Newton Centre, Ma 02459		
3	Boston Center for Independent Living	certified mail	6-14-13
	60 Temple Place Boston, MA 02111		

AND CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE ABOVE STATEMENTS TO THE BEST OF MY KNOWLEDGE ARE TRUE AND ACCURATE.

Martha Penzenik
Signature: Appellant or Petitioner

On the 14th Day of June 20 13
PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

Martha Penzenik
(Type or Print the Name of the Appellant)



Susan E. Regal
NOTARY PUBLIC

April 27, 2018
MY COMMISSION EXPIRES

521 CMR: ARCHITECTURAL ACCESS BOARD

521 CMR 28.00: ELEVATORS

28.1 GENERAL

In all multi-story buildings and facilities, each level including mezzanines, shall be served by a passenger elevator. If more than one elevator is provided, each passenger elevator shall comply with 521 CMR 28. Accessible elevators shall be on an accessible route and located within the space with which it is intended to serve. **Elevators are not required under the following exceptions.**

- a. Buildings having only two levels may provide an interior accessible ramp complying with **521 CMR 24.00: RAMPS** in lieu of an elevator.
- b. Buildings having only two levels, in which each level serves an unrelated use and in which there is no internal stair, do not require an elevator if each level is accessible.
- c. Freight elevators shall not be required to meet the requirements of **521 CMR 28.00** unless the only elevators provided are used as combination passenger and freight elevators for the public and employees.
- d. Elevator pits, elevator penthouses, mechanical rooms, and piping or equipment catwalks shall not be required to meet the requirements for elevator access.
- e. Where platform lifts are allowed to be installed in lieu of an elevator as per **521 CMR 28.12, Wheelchair Lifts/Limited Use Elevators**.
- f. Multiple dwellings where all accessible rooms and all public use and common use spaces are on the accessible level.
- g. Transient lodging facilities of less than three stories in height and where all accessible rooms and all public and common use spaces are on the accessible level.

28.1.2 The elevator exceptions set forth above do not obviate or limit in any way the obligation to comply with the other accessibility requirements of 521 CMR. For example, floors above or below the accessible ground floor must meet the requirements of 521 CMR except for elevator service. If toilet or bathing facilities are provided on a level not served by an elevator, then toilet or bathing facilities must be provided on the accessible ground floor.

28.1.3 A passenger elevator that provides service from a garage to only one level of a building or facility is not required to serve other levels.

28.2 OPERATION

Elevator operation shall be automatic.

28.2.1 Self Leveling: Each car shall be equipped with a self-leveling feature that is automatic and independent of the operating device and shall correct any overtravel or undertravel.

28.2.2 The self-leveling feature shall bring the car to a position level with floor landings under all loading conditions from zero to the rated limit. A tolerance of 1/2 inch (1/2" = 13mm) shall be permitted.

521 CMR: ARCHITECTURAL ACCESS BOARD

521 CMR 24.00: **RAMPS**

24.1 **GENERAL**

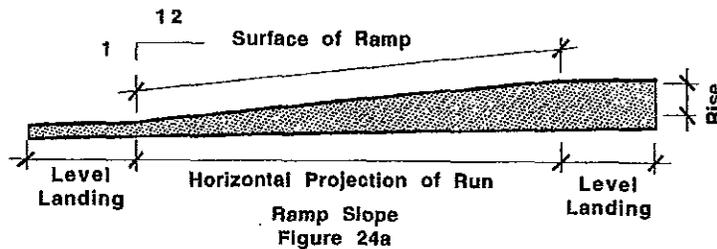
Any part of an *accessible route* with a slope greater than 1:20 (5%) shall be considered a *ramp* and shall comply with the requirements of 521 CMR 24.00

24.2 **SLOPE AND RISE**

Ramps shall have the least possible slope.

24.2.1 The least possible slope should be used for any ramp. The maximum slope of a *ramp* shall be 1:12 (8.3%). (There is no tolerance allowed on slope, Refer to **521 CMR 2.4.4d**)

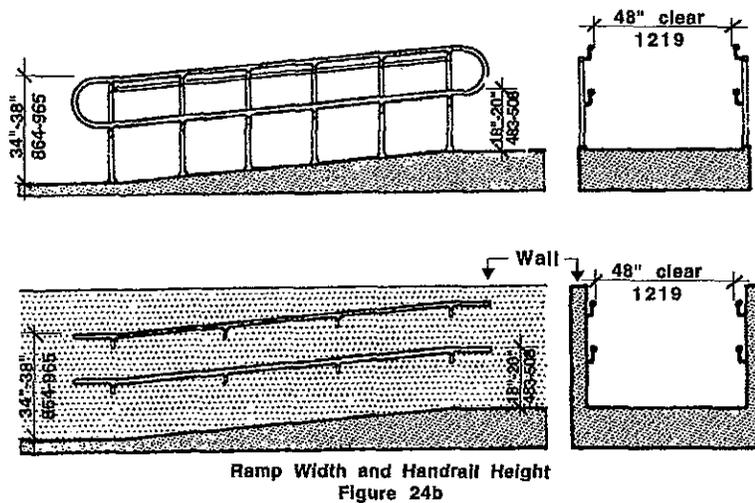
24.2.2 The maximum rise for any run shall be 30 inches (30" = 762mm). See **Fig. 24a**.



Exceptions: A slope between 1:10 (10%) and 1:12 (8.3%) is allowed for a single rise of a maximum three inches (3" = 76mm).

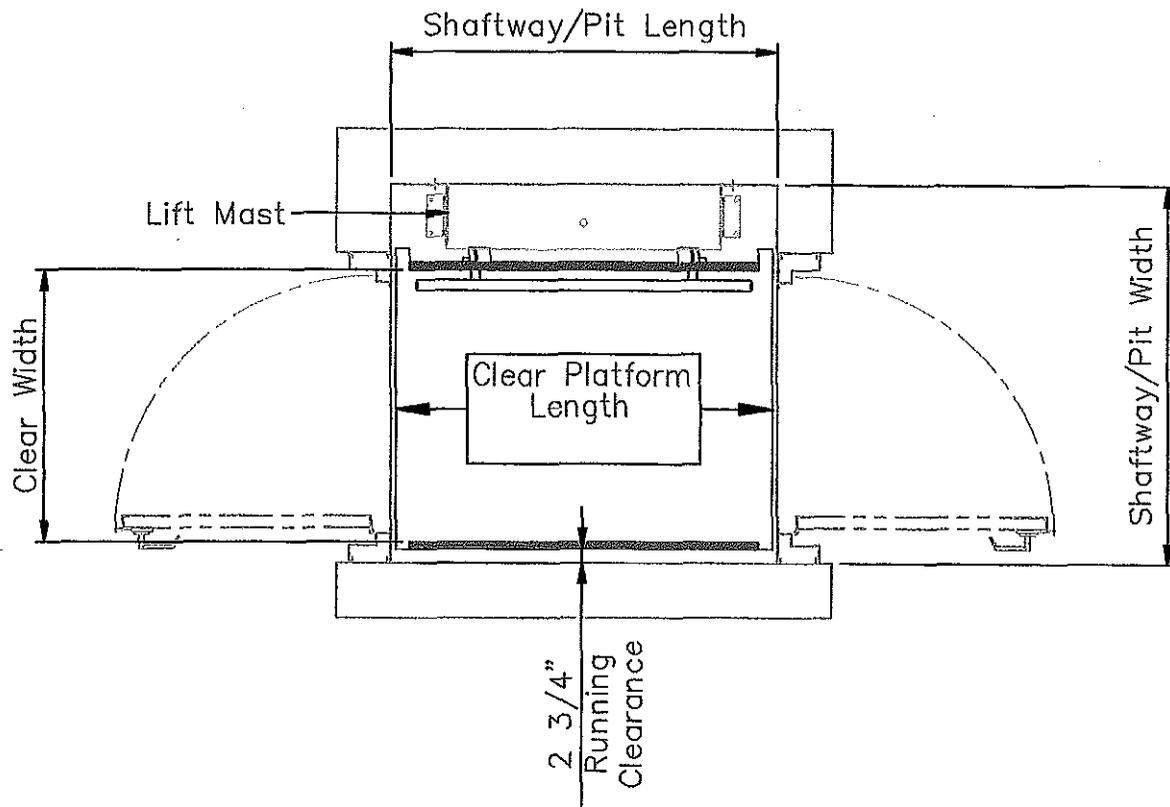
24.3 **CLEAR WIDTH**

The minimum *clear* width of a *ramp* shall be 48 inches (48" = 1219mm), measured between the railings. See **Fig. 24b**.

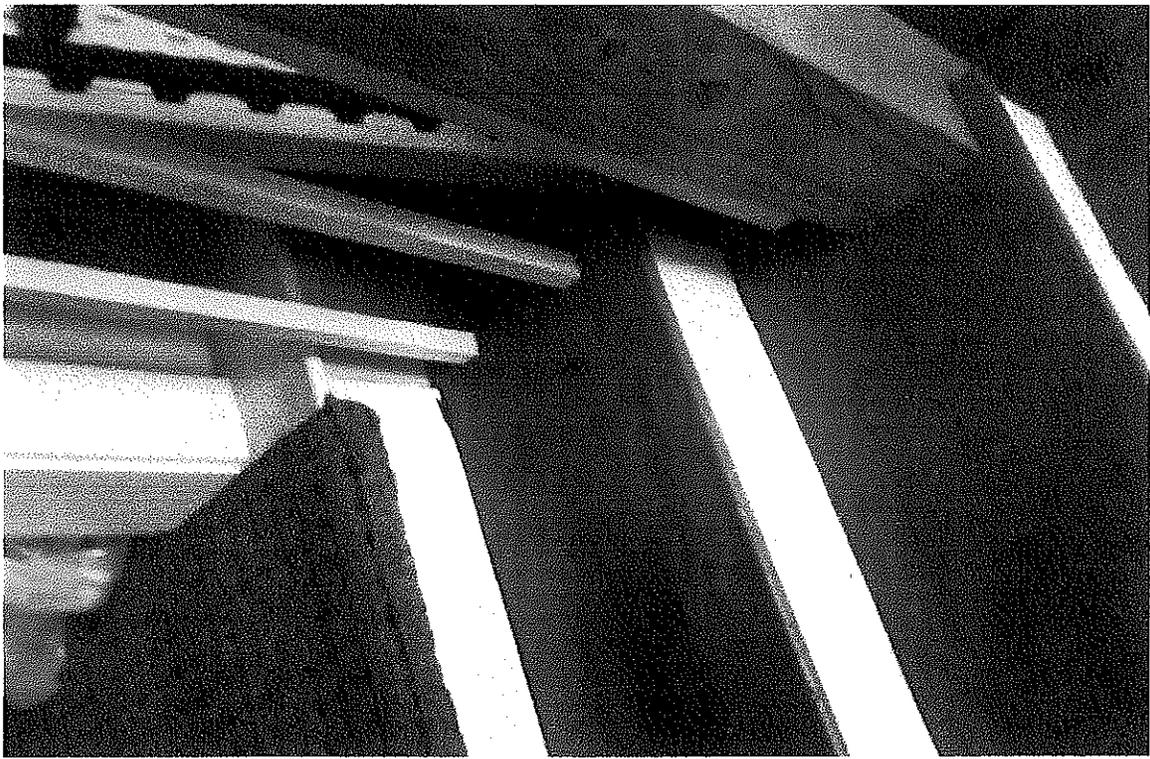


GENESIS SHAFTWAY: STRAIGHT THROUGH PLATFORM SHAFTWAY/PIT AND PLATFORM CLEAR DIMENSIONS

PLATFORM SIZE	SHAFTWAY/PIT WIDTH	SHAFTWAY/PIT LENGTH	CLEAR WIDTH (Platform)	CLEAR LENGTH (Platform)	NET USABLE AREA
COMPACT	52 1/8"	51"	36"	49 1/2"	12.4 sqft
This size is not compliant with Massachusetts 521 CMR requirements					
STANDARD	55 1/8"	55 3/8"	39"	53 7/8"	14.61 sqft
MID-SIZE	55 1/8"	61 3/8"	39"	59 7/8"	16.23 sqft
LARGE	61 1/8"	61 3/8"	45"	59 7/8"	18.0 sqft



Straight Through (180 Degree) Entry/Exit Shaftway/Pit and Platform Dimensions



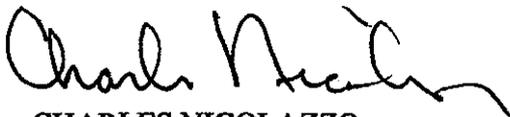
Bigelow Realty Trust
50 Tower Road
Newton, MA 02464

CITY OF NEWTON
INSPECTIONAL SERVICES
1000 COMMONWEALTH AVENUE
NEWTON CENTER

TO WHOM IT MAY CONCERN,

I Charles Nicolazzo OWNER OF THE
PROPERTY LOCATED AT 855 WASHINGTON STREET AND 8, 10, 12 BAILEY
PLACE, GIVE PERMISSION TO MY TENNAT PAULA PARKAS PANOS DBA
DANCER'S IMAGE TO OBTAIN A BUILDING PERMIT TO COMPLETE THE
WORK SHE HAS EMBARKED ON.

THANK YOU



CHARLES NICOLAZZO
BIGELOW REALTY TRUST.

VINCENT LICATA

REMODELING CO.

P.O. Box 812901

Wellesley, MA. 02482

Phone: 617-823-4566

Email Vinlica68@Gmail.com

Date: June 11, 2013

**TO: DANCER'S IMAGE
c/o PAULA PARKAS
849 Washington St.
Newton, MA. 02460**

RE: Newton Remodeling

The following is our quotation for the remodeling and its appurtenances at the above mentioned location

- Permit
Supply permit by contractor
- DEMO:
Demo sections of walls, ceiling, electrical, plumbing and floor in the coffee area
- Framing Material:
2" X 4", 2" X 6", 1" X 3" strapping, ¾ plywood
And supporting beam
nails and misc.
- Framing Labor:
Frame opening to receive power lift
Frame section ceiling to receive plaster boards
Frame floor to receive power lift
Frame ½ walls to support power lift
- Plumbing
Relocate water line, heating line and drain line
- Electrical:
Relocate electrical feed for the 1st and 2nd floor
Install wire for the power lift Acc. to specs
- Bleu Board and Plaster:
Skim coat and plaster walls and ceiling
- Finish Material and Labor
Install finish material
Install custom ceiling panels
Repair and refinish hardwood floor

- **Painting:**
Paint sections of walls,
Paint ceiling
Paint finish material
- **Dumpster:**
Remove all debris from the job and clean-up
- **Profit and supervision**
- **Not included in this quote is the power lift**
Supply by owner and install by a separate contractor

THE TOTAL AMOUNT FOR THE ABOVE SCOPE IS: \$ 18,000.00

The above price is based on the drawings or owner specification Addition, deletions, and Adaptations will be priced as an add or credit as applicable.

I would like to thank you for this opportunity and am hopeful that we will be working Together on this project. Please contact me at any time to assist you with this proposal Or in any areas of my expertise

Vincent Licata

June 11, 2013

Owner

Date

Contractor

Date

Quote #: 12743 - 01
Date: 4/29/2013
Expiration Date 6/28/2013



Project Name: Dancers Image
Address: 849 Washington Street
Newton, MA 02460

VI. Terms:

For a description of the schedule of values/payments, please see Addendum A.

Materials which are not accepted upon an attempt to deliver will be stored and scheduled for re-delivery at the owner's expense. Invoices are payable upon presentation. Title to all equipment shall remain with Garaventa USA, Inc. until all invoices are paid in full.

Customer agrees to bear all costs of collection of overdue invoiced amounts, including any agent/attorney's fees incident thereto.

Upon acceptance of this quotation/agreement, and unless otherwise specified in contract documents, a cancellation fee will apply if this agreement is canceled by the customer prior to the fabrication of the equipment. The amount of the cancellation fee will be (10) percent of the proposal price (less installation, taxes and freight charges) or actual costs, whichever is greater. Cancellation after the equipment has been fabricated and offered for delivery will be subject to a cancellation fee equal to the full contract value less installation labor.

Quoted price includes installation by qualified and licensed technicians during normal working hours as scheduled with the owner in advance. 'Open Shop' labor rules apply.

VII. Delivery:

In accordance with the project phasing schedule, but not earlier than 6-7 weeks from approval of submittals or shop drawings. Shop drawings may be expected within 1-2 weeks of acceptance by all parties of this proposal or other form of contract/purchase order. These time estimates are provided for planning purposes only and do not represent a contractual obligation or commitment.

VIII. Comments/Conditions:

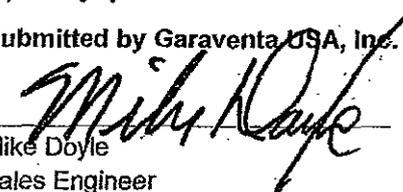
Please see Garaventa USA work required by other forces included in this agreement. All modifications, electrical support and construction required to facilitate the installation of the lift is the responsibility of other forces. Approval for variances are the responsibility of the building owner or the owner's authorized representative.

IX. Project Exceptions:

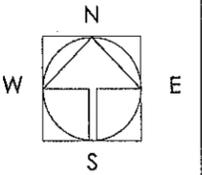
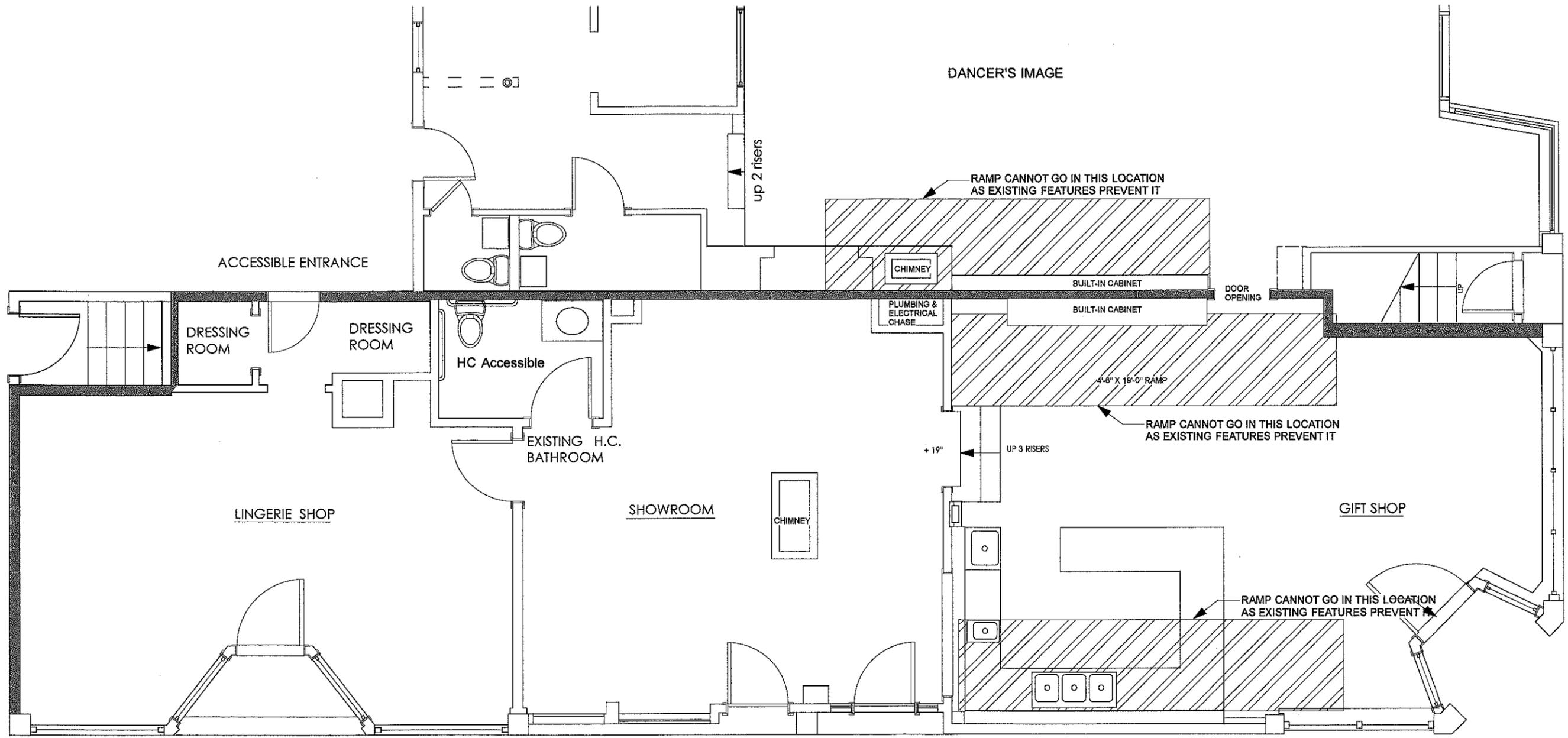
For project exceptions specific to this quotation/agreement, please see Addendum A. Exterior installations may be subject to increased maintenance, service and repairs frequencies due to exposure to changing seasonal weather conditions and extreme or intrusive elements.

Thank you for your interest in the Garaventa line of products and services. Please contact me directly if you have any questions or concerns.

Submitted by Garaventa USA, Inc.


Mike Doyle
Sales Engineer

4/30/2013
Date



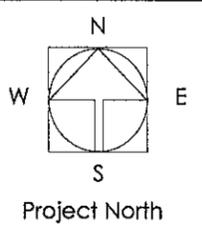
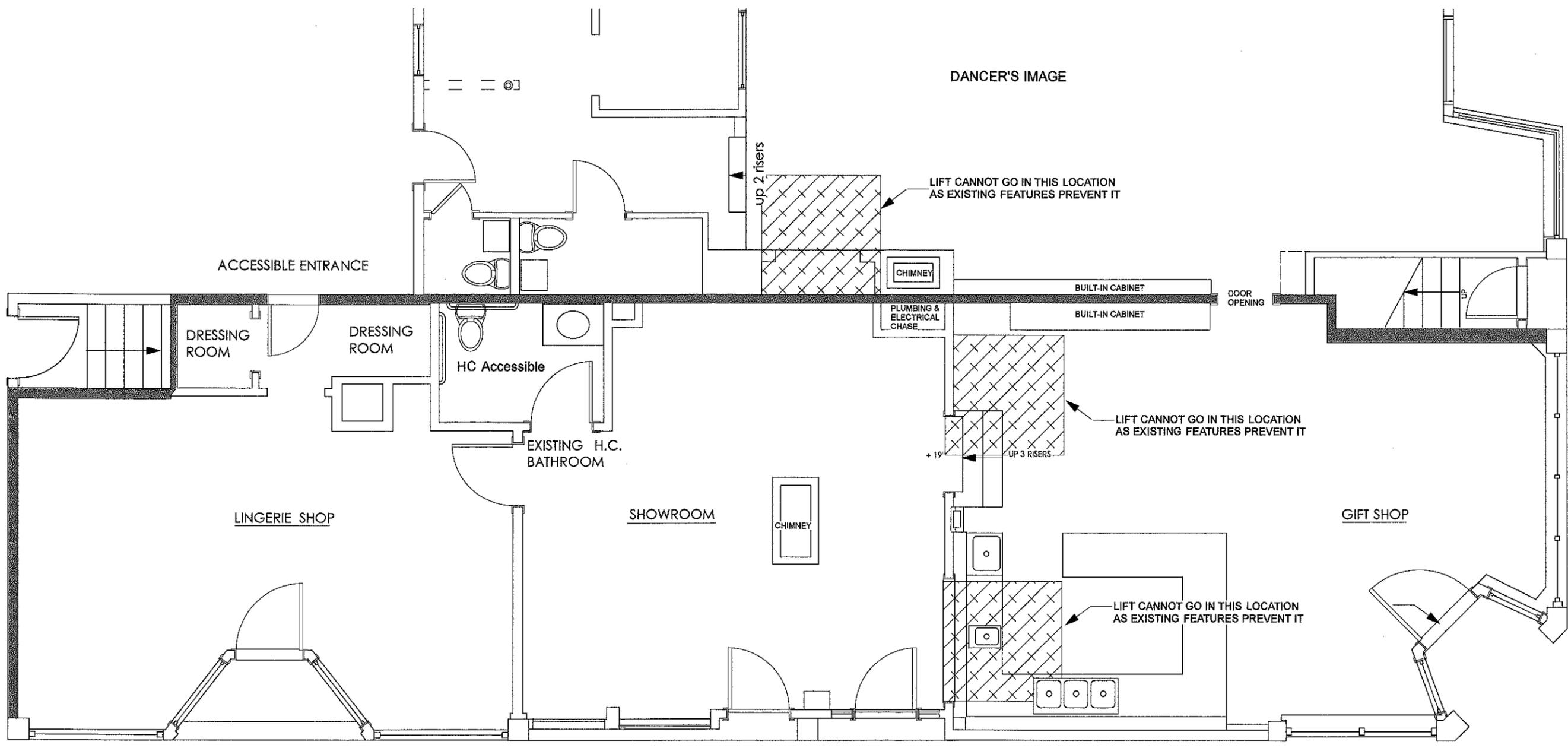
Project North

MARTHA PENZENIK ARCHITECTS
 635 Massachusetts Avenue
 Arlington, MA 02476
 Tel 781-643-1313
 Fax 781-643-4360

Dancer's Image
 849 WASHINGTON ST.
 NEWTON, MA 02460
 617-964-4070

FLOOR PLAN w/
 RAMP LOCATIONS

No.: Revisions:
 Date: JUNE 12, 2012
 Scale: 3/16" = 1'-0"



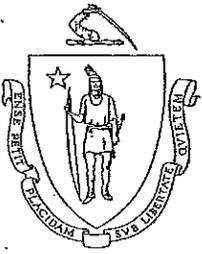
MARTHA PENZENIK ARCHITECTS
 635 Massachusetts Avenue
 Arlington, MA 02476
 Tel 781-643-1313
 Fax 781-643-4360

Dancer's Image
 849 WASHINGTON ST.
 NEWTON, MA 02460
 617-964-4070

FLOOR PLAN w/
 LIFT LOCATIONS

No.: Revisions:
 Date: JUNE 12, 2012
 Scale: 3/16" = 1'-0"

2



The Commonwealth of Massachusetts

Department of Public Safety

Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618

Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

TO: Local Building Inspector
Local Disability Commission
Independent Living Center

Docket Number V 13 185

FROM: ARCHITECTURAL ACCESS BOARD

RE: **Mixed Use Retail 1st floor**
845 - 855 Washington Street
Newton

Date: **7/2/2013**

Enclosed please find the following material regarding the above location:

Application for Variance

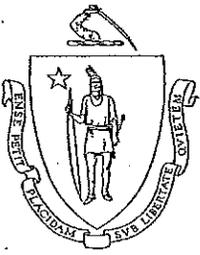
Decision of the Board

Notice of Hearing

Correspondence

Letter of Meeting

The purpose of this memo is to advise you of action taken or to be taken by this Board. If you have any information which may assist the Board in reaching a decision in this case, you may call this office or you may submit comments in writing.



The Commonwealth of Massachusetts

Department of Public Safety

Architectural Access Board
One Ashburton Place, Room 1310

Boston, Massachusetts 02108-1618

Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

Docket Number V 13 185

NOTICE OF ACTION

RE: **Mixed Use Retail 1st floor' 845 - 855 Washington Street**, **Newton**

1. A request for a variance was filed with the Board by Paula Parkas Panos (Applicant) on June 14, 2013
The applicant has requested variances from the following sections of the 06 Rules and Regulations of the Board:

Section:	Description:
29.2.3	Petitioner seeks relief from having to provide access for persons with disabilities over a set of stairs that was created when two (2) tenant spaces were joined together by opening a shared partition wall where the floor plates were at different levels.

2. The application was heard by the Board as an incoming case on Monday, July 1, 2013

3. After reviewing all materials submitted to the Board, the Board voted as follows:

GRANT: the variance to Section 29.2.3 (28.1 - 24.1 cited by applicant) as proposed in the application submitted, for the reason that impracticability (see definitions of impracticability in Section 5 of 521 CMR) has been proven in this case

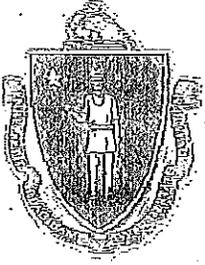
PLEASE NOTE: All documentation (written and visual) verifying that the conditions of the variance have been met must be submitted to the AAB Office as soon as the required work is completed.

Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

Date: July 2, 2013

cc: Local Disability Commission
Local Building Inspector
Independent Living Center

Walter White III
Chairperson
ARCHITECTURAL ACCESS BOARD



The Commonwealth of Massachusetts

Department of Public Safety

Architectural Access Board

One Ashburton Place, Room 1310

Boston Massachusetts 02108-1618

Phone: 617-727-0660

Fax: 617-727-0665

www.mass.gov/dps

Docket Number

(Office Use Only)

REQUEST FOR ADJUDICATORY HEARING

RE:

Name and address of building as appearing on application for variance

I, _____, do hereby request that the Architectural Access Board conduct an informal Adjudicatory Hearing in accordance with the provisions of 801 CMR Rule 1.02 et. seq. as I am aggrieved by the decision of the Board with respect to Section(s) _____ of the Rules and Regulations of the Architectural Access Board, 521 CMR.

I understand that I may request such a hearing within **thirty (30) days** of receipt of the Notice of Action.

Date: _____

Signature

PLEASE PRINT:

Name

Address

City/Town

State

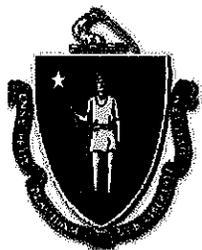
Zip Code

E-mail

Telephone

PLEASE NOTE:

This form must be received by the Board within thirty (30) days after receipt of the Notice of Action.



The Commonwealth of Massachusetts
Department of Public Safety
Architectural Access Board

One Ashburton Place, Room 1310
Boston Massachusetts 02108-1618

Phone: 617-727-0660

Fax: 617-727-0665

www.mass.gov/dps

Docket Number

(Office Use Only)

APPLICATION FOR VARIANCE

In accordance with M.G.L., c.22, § 13A, I hereby apply for modification of or substitution for the rules and regulations of the Architectural Access Board as they apply to the building/facility described below on the grounds that literal compliance with the Board's regulations is impracticable in my case.

PLEASE ENCLOSE:

- 1) A filing fee of \$50.00 (Check/Money Order) made payable to the "Commonwealth of Massachusetts" and all supporting documentation (e.g. plans in 11" x 17" format, photographs, etc.). In addition, the complete package (including plans, photographs and the completed "Service Notice") must be submitted to all parties via compact disc.
- 2) If you are a tenant seeking variance(s), a letter from the owner of the building authorizing you to apply on his or her behalf is required.
- 3) The completed "Service Notice" form provided at the end of this application certifying that a copy of your *complete application* has been received by the Local Building Inspector, Local Disability Commission (if applicable), and Local Independent Living Center for the city/town that the property in question resides in. A list of the local entities can be found by calling the Architectural Access Board Office or the Local City/Town Clerk. For a list of the Local Independent Living Centers you can either call the Architectural Access Board Office or visit the Massachusetts Statewide Independent Living Council website at <http://www.masilc.org/membership/cils>.

1. State the name and address of the owner of the building/facility:

 Suja Kim, Chunwoo Lee, 40 Chase St, Newton, MA 02459

E-mail: _____
 unknown

Telephone: _____
 unknown

2. State the name and address of the building/facility:

40 Chase Street, Newton, MA 02459

3. Describe the facility (i.e. number of floors, type of functions, use, etc.):

The existing building is a three-story house that is being used as a two-family dwelling.

The proposed change of use is to accommodate 14 SRO in a supervised setting. There is no evidence of any previous accessibility upgrades, as all recent work appears to have been cosmetic.

4. Total square footage of the building: 8,199 sf Per floor: 1288, 2372, 2495, 2044

a. total square footage of tenant space (if applicable):

5. Check the work performed or to be performed:

New Construction Addition
[X] Reconstruction/Remodeling/Alteration Change of Use

6. Briefly describe the extent and nature of the work performed or to be performed (use additional sheets if necessary):

See attached description

7. State each section of the Architectural Access Board's Regulations for which a variance is being requested:

7a. Check appropriate regulations:

1996 Regulations 2002 Regulations [X] 2006 Regulations

SECTION NUMBER

LOCATION OR DESCRIPTION

See attached description

8. Is the building historically significant? yes [X] no. If no, go to number 9.

8a. If yes, check one of the following and indicate date of listing:

- National Historic Landmark
Listed individually on the National Register of Historic Places
Located in registered historic district
Listed in the State Register of Historic Places
Eligible for listing

8b. If you checked any of the above and your variance request is based upon the historical significance of the building, you must provide a letter of determination from the Massachusetts Historical Commission, 220 Morrissey Boulevard, Boston, MA 02125.

9. For each variance requested, state in detail the reasons why compliance with the Board's regulations is impracticable (use additional sheets if necessary), including but not limited to: the necessary cost of the work required to achieve compliance with the regulations (i.e. written cost estimates); and plans justifying the cost of compliance.
See attached description

10. Has a building permit been applied for? No
Has a building permit been issued? No
10a. If a building permit has been issued, what date was it issued? _____
10b. If work has been completed, state the date the building permit was issued for said work: _____

11. State the estimated cost of construction as stated on the above building permit:
No building permit
11a. If a building permit has not been issued, state the anticipated construction cost:
approx. \$400,000

12. Have any other building permits been issued within the past 36 months? unknown
12a. If yes, state the dates that permits were issued and the estimated cost of construction for each permit: _____

13. Has a certificate of occupancy been issued for the facility? Yes
If yes, state the date: date unknown, house built in 1890

14. To the best of your knowledge, has a complaint ever been filed on this building relative to accessibility? _____ yes no

15. State the actual assessed valuation of the **BUILDING ONLY**, as recorded in the **Assessor's Office** of the municipality in which the building is located: \$967,800
Is the assessment at 100%? Yes
If not, what is the town's current assessment ratio? Not applicable

16. State the phase of design or construction of the facility as of the date of this application: Design, 75% complete

17. State the name and address of the architectural or engineering firm, including the name of the individual architect or engineer responsible for preparing drawings of the facility:

Randy Johnson, Horne & Johnson Architects, One South Avenue, Natick, MA 01760

E-mail: rjohnson@hjstepone.com

Telephone: (508) 315-3666

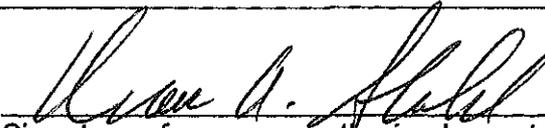
18. State the name and address of the building inspector responsible for overseeing this project:

John Lojek, Inspectional Services, 1000 Commonwealth Ave., Newton Centre, MA 02459

E-mail: jlojek@newtonma.gov

Telephone: 617-796-1060

Date: June 27, 2013


Signature of owner or authorized agent

PLEASE PRINT:

Marc A. Slotnick

President, New England Communities, Inc.

Name

97 Parker Street

Address

Newton Centre, MA 02459

City/Town

State

Zip Code

marcslotnick@comcast.net

E-mail

617-290-5001

Telephone

**ARCHITECTURAL ACCESS BOARD VARIANCE APPLICATION
SERVICE NOTICE**

I, Randy Johnson, as Authorized Agent / Architect
for the Petitioner New England Communities, Inc. submit a
variance application filed with the Massachusetts Architectural Access Board on June 28
20 13.

HEREBY CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT I SERVED OR CAUSED TO BE SERVED, A COPY OF THIS VARIANCE APPLICATION ON THE FOLLOWING PERSON(S) IN THE FOLLOWING MANNER:

	<u>NAME AND ADDRESS OF PERSON OR AGENCY SERVED</u>	<u>METHOD OF SERVICE</u>	<u>DATE OF SERVICE</u>
1	John Lojek, Inspectional Services	Hand	June 28, 2013
	1000 Commonwealth Ave, Newton, MA 02459		
2	Newton Commission on Disabilities	Hand	June 28, 2013
	1000 Commonwealth Ave, Newton, MA 02459		
3	Boston Center for Independent Living	Hand	June 28, 2013
	60 Temple Place, Boston, MA 02111		

AND CERTIFY UNDER THE PAINS AND PENALTIES OF PERJURY THAT THE ABOVE STATEMENTS TO THE BEST OF MY KNOWLEDGE ARE TRUE AND ACCURATE.

Randy Johnson
Signature: Appellant or Petitioner

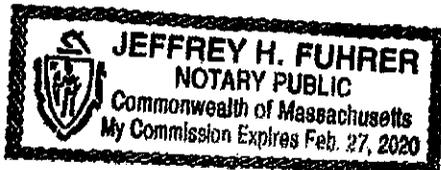
On the 28th Day of June 20 13
PERSONALLY APPEARED BEFORE ME THE ABOVE NAMED

Randy Johnson

(Type or Print the Name of the Appellant) as Agent

Jeffrey H. Fuhrer
NOTARY PUBLIC

2/27/2020
MY COMMISSION EXPIRES



June 27, 2012

Re: Architectural Access Board, Application for Variance – Attachment A
40 Chase Street, Newton, MA

Field 6.

The proposed project at 40 Chase Street is to repurpose an existing two-family dwelling into a residence for adults over the age of 22 with intellectual disabilities. The proposed layout accommodates 14 Single Room Occupancy units, as well as a two bedroom staff suite at the basement. After discussing the project with the Local Building Official, it is his opinion that this project will not be a change in the building's use and will remain an One-and Two-Family Dwelling occupancy.

The existing building does not appear to have had any accessibility upgrades performed over the life of the building. The proposed project would take advantage of the open layout of the interior and provide accessibility and safety upgrades. As there is no common space on the second floor, Accessibility upgrades include a ramp to the first floor and a lift providing access to the second floor, as well as retrofitting an existing bathroom. Safety upgrades include the addition of an automatic sprinkler system throughout the house as well a detection and alarm system.

The general project accessibility approach is to provide a designated accessible SRO unit and bathroom at the second floor, as well as accessibility to common spaces at the first and second floors to accommodate residents and potential visitors to the building. All amenities would be available along the accessible route.

Field 7.

The applicant requests your consideration for a variance for the following items:

1. Section 20.1 – Accessible route at the basement level
The basement is to have a laundry room for common use. There are multiple level changes in a short distance, and there is not enough space to construct the necessary turning spaces, ramps, and landings, as well as widen doors, and increase headroom. Also, laundry equipment will be located in Bathroom 202, along the accessible route, and is actually closer to the tenant's bedroom. As a result, providing an accessible route at the basement would require significant expense with limited benefits to persons with disabilities.

Horne + Johnson Architects / StepONE

One South Avenue
Natick, MA 01760
508.315.3666
508.652.0985 (fax)

2. **Section 20.2 – Accessible route at the second floor deck**
There will be significant work performed at the deck at the first level in order to remedy accessibility issues and accommodate tenants. Consequently, the second floor deck is faced with similar challenges, including narrow door width to access the porch, excessive slope and cross slope at the deck surface, and change in level from the interior space to the level of the deck. Providing a ramp would greatly diminish the area of the deck, and rectifying all of the accessibility issues at this location would require significant expense, when the deck immediately below will offer equal amenity and is actually greater in area.
3. **Section 25.1 – Entrances**
The existing house has two entries, both of which are not accessible, and do not have an accessible walk leading to them. The northwest entry along Chase St features curved stair treads, a landing at the exterior that is less than 60", a change in elevation at the door threshold, and a compact vestibule. The northeast entry features steep steps, a small landing, a change in elevation at the door threshold, and insufficient side clearances at the entry door. Significant alterations to the interior would be required, as well as repaving at the exterior, and significant ramping would be needed to accommodate the change in levels. The proposed layout offers a new main entry that is closer to the parking area, ramp, and lift, and provides much better security for tenants.
4. **Section 27.1 – Stair B**
This stair appears to formerly have been a servant's stair, as it is much narrower than the other stair, and located immediately adjacent to the kitchen. This stair has multiple accessibility issues including insufficient width at stairs and landings, non-compliant tread nosings, lack of handrails, and insufficient clear headroom. Bringing the stair into full compliance is not feasible, but the applicant offers to increase the safety of the existing conditions by adding handrails along the outside of the stair runs.
5. **Section 27.4 – Stair A Handrails**
This stair features an existing guardrail along the inside of the stair runs that is composed to newell posts and 36" high guards, and there is currently no handrails along the outside of the stair runs. Attaching a continuous handrail along the interior of the stair to the existing guardrail would be difficult. The applicant offers to add handrails along the outside of the stair runs to increase the safety of Stair A.
6. **Section 28.1 – Elevators**
The proposed plan includes a Limited Use Elevator, consistent with section 28.12, providing passage from the first floor to the second floor. This elevator will provide access to the common areas to be used by tenants and visitors (pending variance request #2 for laundry room at the basement). The applicant is seeking a variance for the third floor and basement level. Extending the elevator to these additional levels would pose a significant expense with little benefit to the occupants, as laundry equipment will also be provided elsewhere along an accessible route, and there are no common tenant spaces to be located at the third level.

7. Section 44.1 – as it pertains to Bathroom 202
This is an existing bathroom that offers the most maneuvering space and therefore is the best candidate to receive accessibility upgrades that are in the spirit of complying with this section. A new door will be introduced, as well as a new countertop with sink that provides the necessary knee space. The existing shower stall will be replaced with stackable laundry equipment. The tub is scheduled to remain as-is, as adjusting the plumbing would require complete demolition. The toilet fixture poses the most problems dimensionally. The existing toilet configuration is in a nook adjacent to a large existing window. The toilet fixture is to be replaced with a comfort height fixture, and since the existing space cannot accommodate the typical grab bar installations, the applicant would propose fold-down grab bar installations at both sides. This would allow for the user to choose whether to have the bars in the upright position to provide the most space for maneuvering, or horizontal to provide assistance in transfer or transition. Moving the toilet would require demolition of the floor to relocate the toilet flange, and demolition of the wall adjacent to the toilet fixture would require significant modifications. See the attached drawings for a detailed plan of this bathroom.
8. Section 44.1 – Bathrooms at the first and third floors
Bathrooms at these levels are small and it would be unfeasible to bring these areas into compliance with this section. A bathroom along the accessible route is to be located at the second level, and will feature the most maneuvering space, as well as a new counter with compliant knee space.
9. Section 45.1 – First floor kitchen
The existing building includes two full kitchens, with identical amenities. The applicant requests that the existing kitchen at the first floor be relieved of any accessibility requirements, pertaining to turning space, sinks, cooktops, ovens, and counter height.
10. Section 45.4 – Kitchen sink at the second floor
The applicant requests that the existing sink be maintained as-is due to the complexity of modifying this single location. The existing sink at the second floor does not feature the required kneespace, as it is occupied by a permanent base cabinet that is attached to the adjacent cabinets. Also, the sink exceeds the 6-1/2” depth requirement, and is located at a continuous counter that is 36” above the floor. The existing sink provides 42” clear via side approach, and does feature a lever faucet fixture. To bring this sink into compliance would require the removal of the countertop, and for the new plumbing to be installed to accommodate the counter height and kneespace.
11. Section 45.5 Cook Top at the second floor
A variance is requested to maintain the existing fixture at the second floor kitchen. The existing range is a newer fixture with knobs on the front of the fixture, and allows for 42” clear for side approach, but fails to provide the prescribed kneespace. The program intent is that staff will do the majority of the cooking, such that the likelihood of a tenant with mobility impairments cooking alone without supervision is very small.

June 27, 2012

Re: Architectural Access Board, Application for Variance – Attachment B
40 Chase Street, Newton, MA

Photo Exhibits



Photo 1
View from Chase St looking at the northwest entrance. The walkway from the sidewalk to the steps is uneven the entry would require significant modification.



Photo 2
View from Ripley St looking at the stacked porches at the rear of the house.

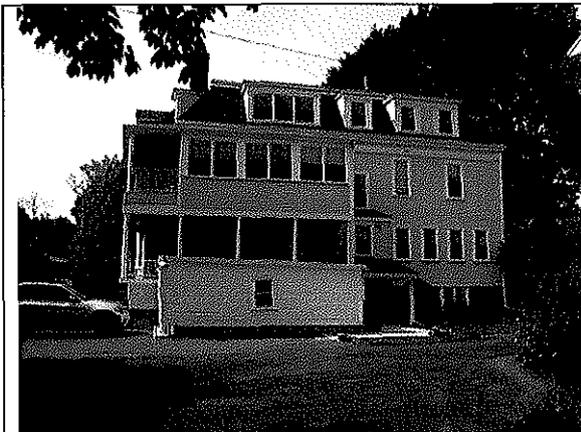


Photo 3
The existing garage is to be demolished and a new ramp, stair, entrance and lift will be located at the right side of the porch.



Photo 4
The existing porch at the first floor will receive modifications to remedy the cross-slope.

Horne + Johnson Architects / StepONE

One South Avenue
Natick, MA 01760
508.315.3666
508.652.0985 (fax)



Photo 5
Stair A is scheduled to receive a new handrail along the outside of the existing stair runs.



Photo 6
Stair A has an existing handrail along the inside of the stair run that is interrupted by newell posts. The outside is scheduled to receive new handrails.



Photo 7
Stair B poses significant accessibility challenges. The outside of the stair is scheduled to receive new handrails.

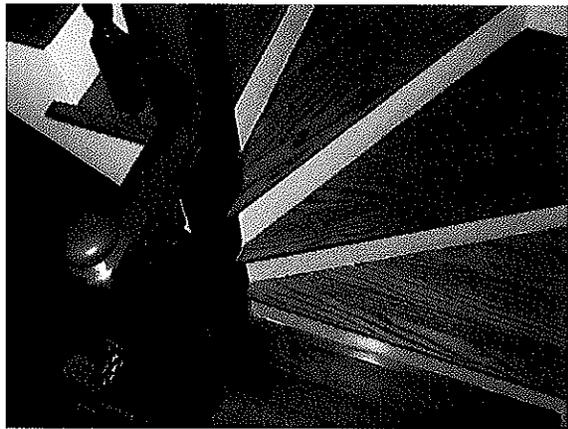


Photo 8
Stair B contains winder treads, small landings, and objects projecting into the clear headroom in some areas.

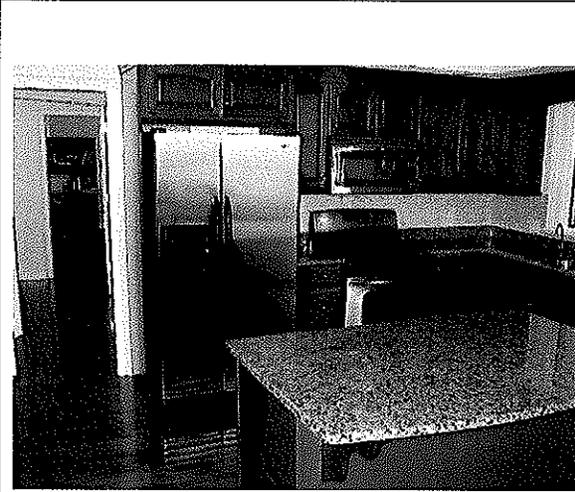


Photo 9

The existing kitchen at the second level features a wide-open layout with 48" between the island and the wall cabinets. The applicant proposes to maintain the existing range and sink.

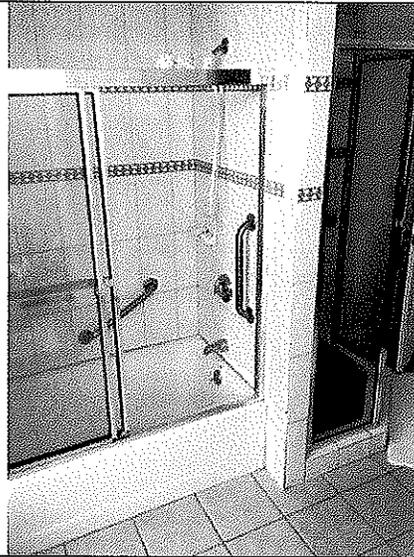


Photo 10

The tub at Bathroom 202 will have the sliding door removed to increase ingress into the tub. Also the existing plumbing wall protrudes 4" beyond the tub.

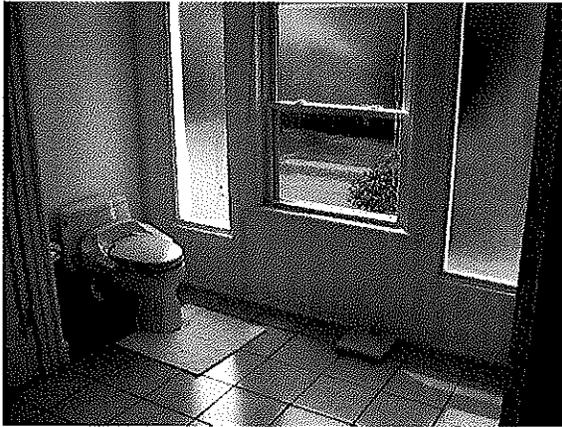


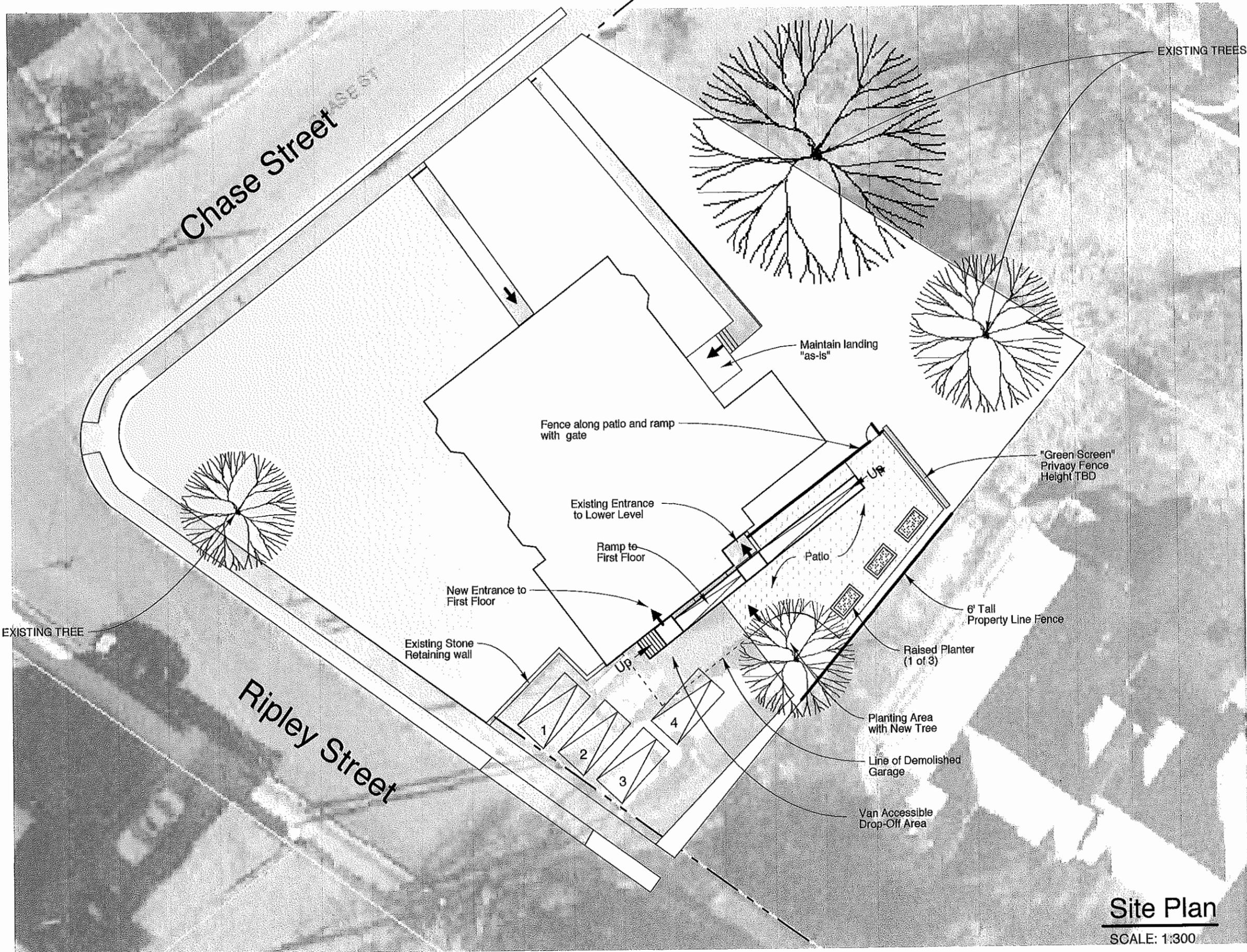
Photo 11

The existing toilet flange is located in a nook adjacent to a large window and a wall.



Photo 12

It would be difficult to attach grab bars at either side, so the applicant proposes that folding grab bars be installed at both sides of a new comfort height toilet fixture, with 18" clear at both sides of the fixture.

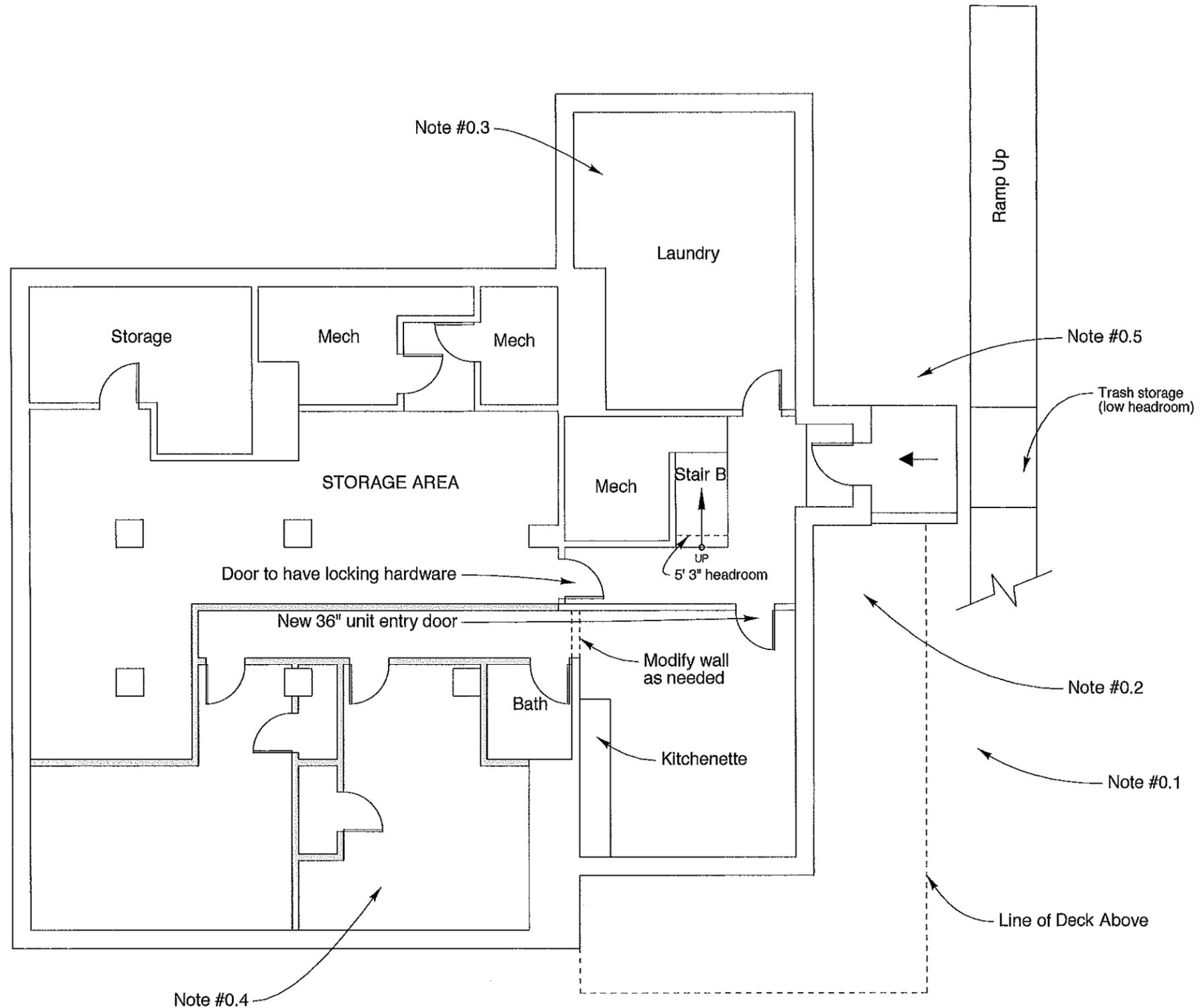


Site Plan
SCALE: 1:300



CONSTRUCTION NOTES

- 0.1 Demolish Garage
- 0.2 Lift installation, with new foundation and entry into existing lower level by modification of existing foundation.
- 0.3 New finishes in existing laundry room for conversion into laundry and exercise space.
- 0.4 New 900 SF staff 2 bedroom suite.
- 0.5 New steps down to basement entry door.



LOWER LEVEL FLOOR PLAN

SCALE: 1/8" = 1'-0"



SF Data does not include closet spaces

Horne + Johnson / StepONE
 One South Avenue Natick, Massachusetts 01760



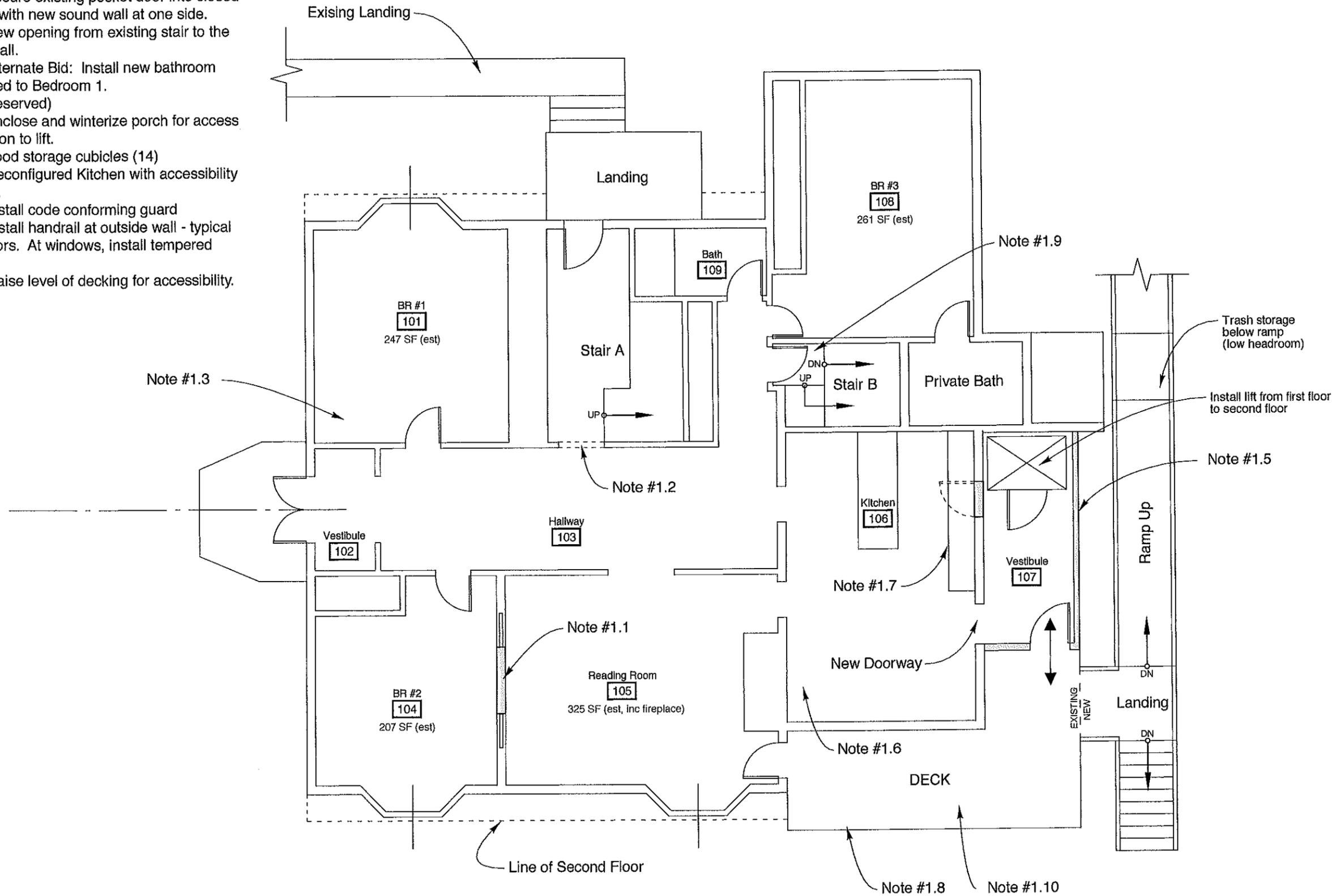
40 - 42 Chase Street
 Newton, MA

Date: June 27, 2013

A.0

CONSTRUCTION NOTES

- 1.1 Secure existing pocket door into closed position with new sound wall at one side.
- 1.2 New opening from existing stair to the central hall.
- 1.3 Alternate Bid: Install new bathroom connected to Bedroom 1.
- 1.4 (reserved)
- 1.5 Enclose and winterize porch for access connection to lift.
- 1.6 Food storage cubicles (14)
- 1.7 Reconfigured Kitchen with accessibility features.
- 1.8 Install code conforming guard
- 1.9 Install handrail at outside wall - typical at all floors. At windows, install tempered glazing.
- 1.10 Raise level of decking for accessibility.

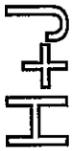


FIRST FLOOR

SCALE: 1/8" = 1'-0"

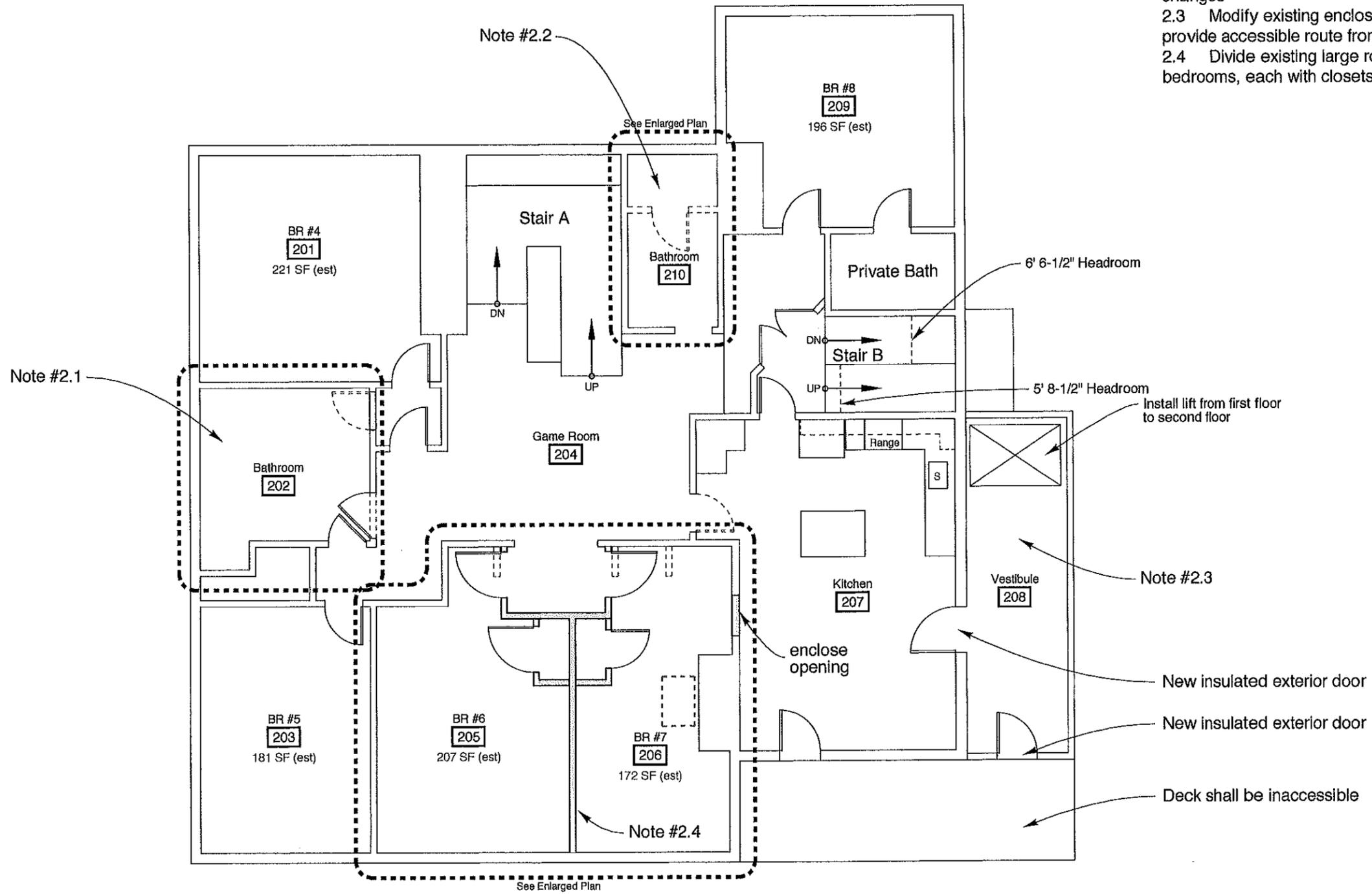


SF Data does not include closet spaces



CONSTRUCTION NOTES

- 2.1 Convert existing bathroom to accessible bathroom, including new 3' wide to central hall.
- 2.2 New full bathroom. Fixture location changes
- 2.3 Modify existing enclosed porch to provide accessible route from lift. Winterize.
- 2.4 Divide existing large room into two bedrooms, each with closets.



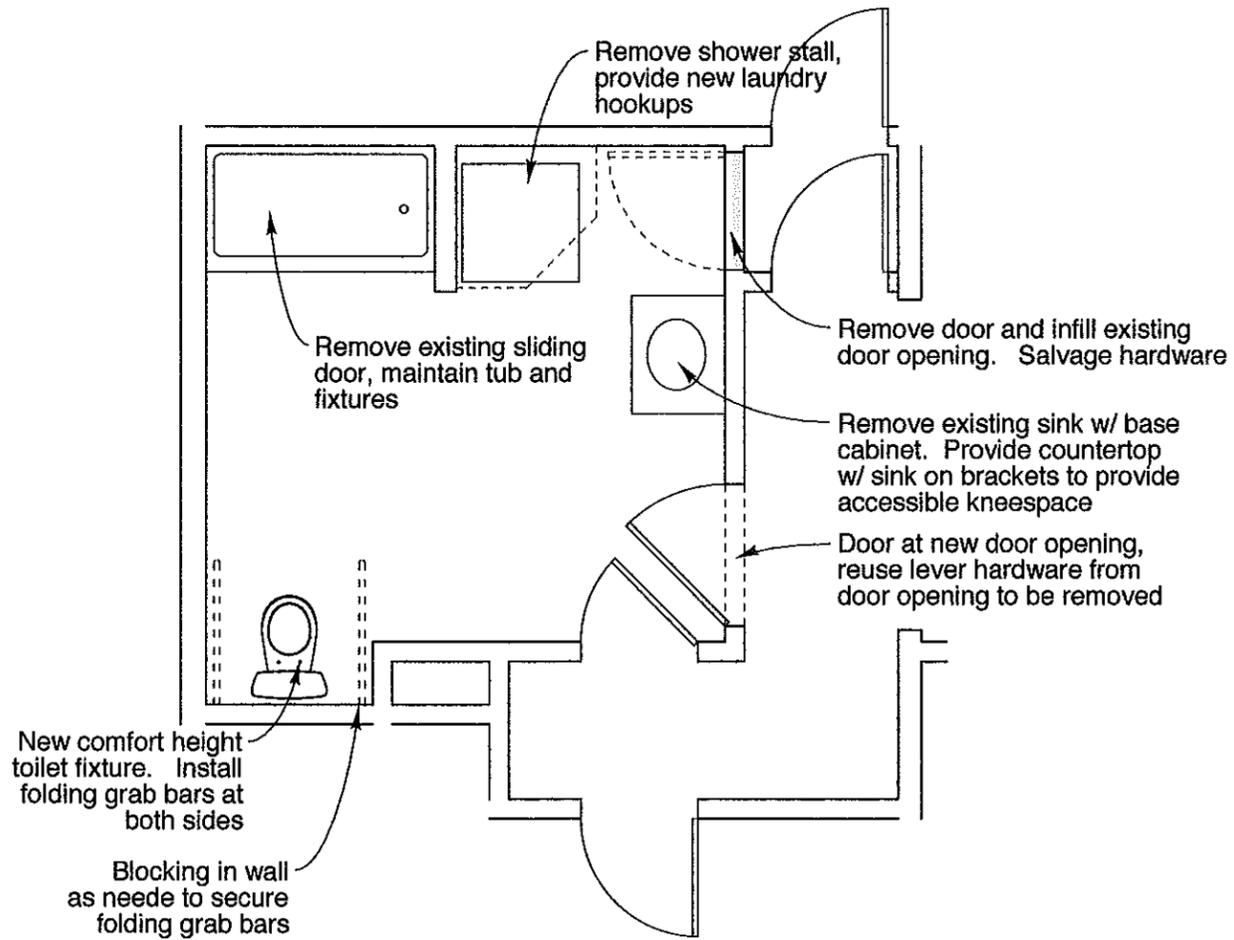
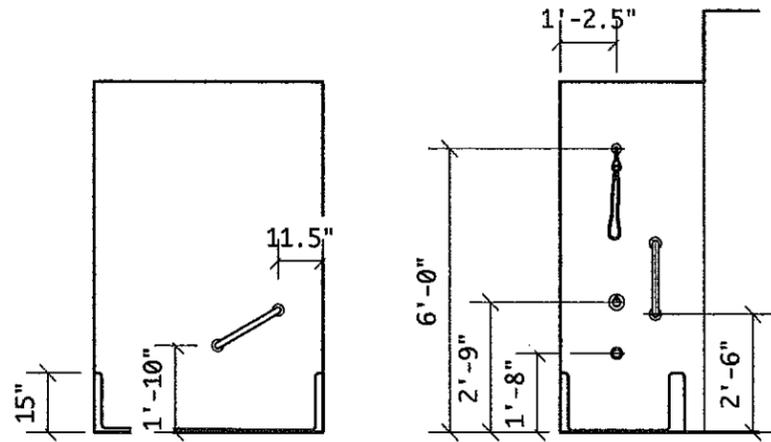
SECOND FLOOR

SCALE: 1/8" = 1'-0"

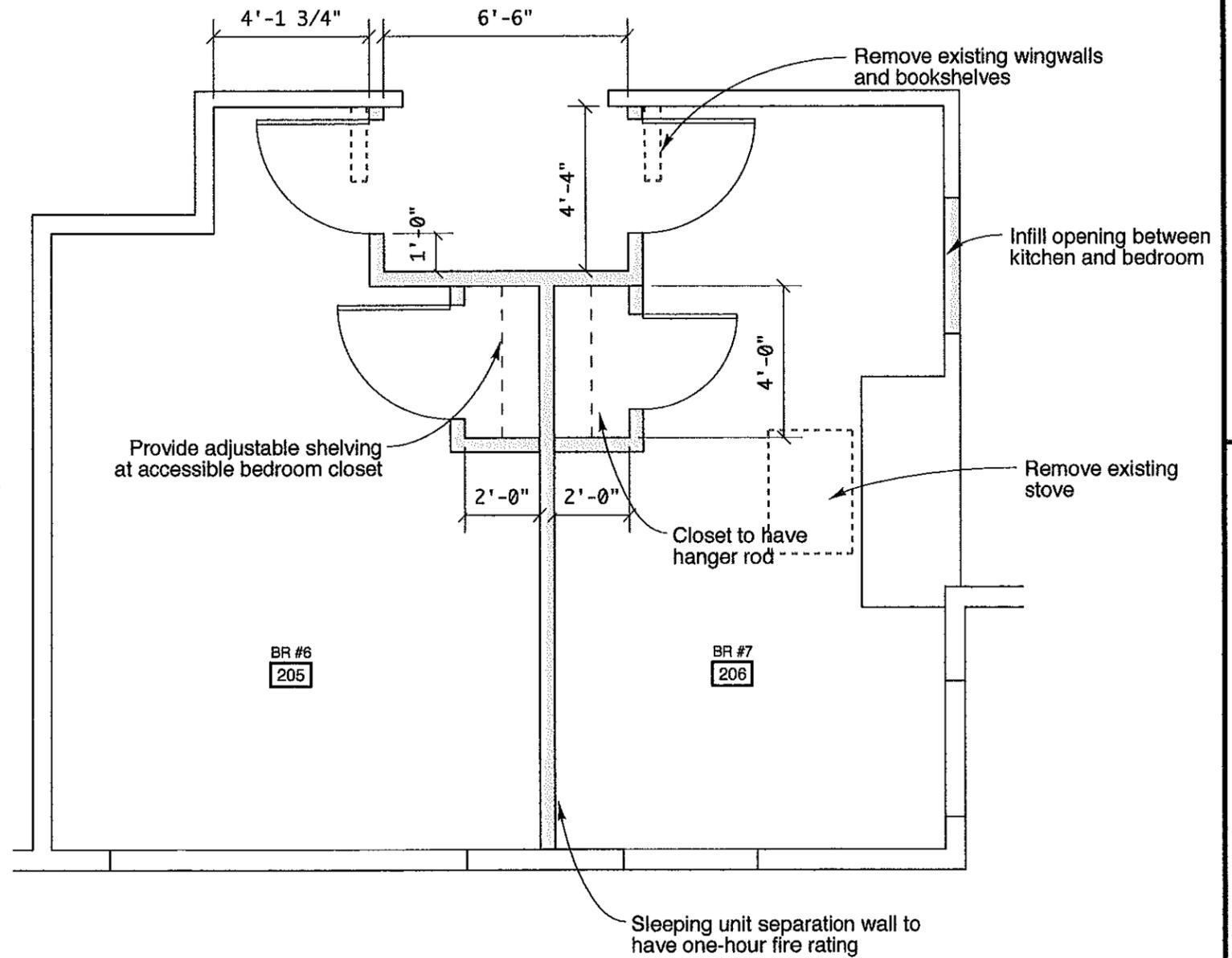


SF Data does not include closet spaces

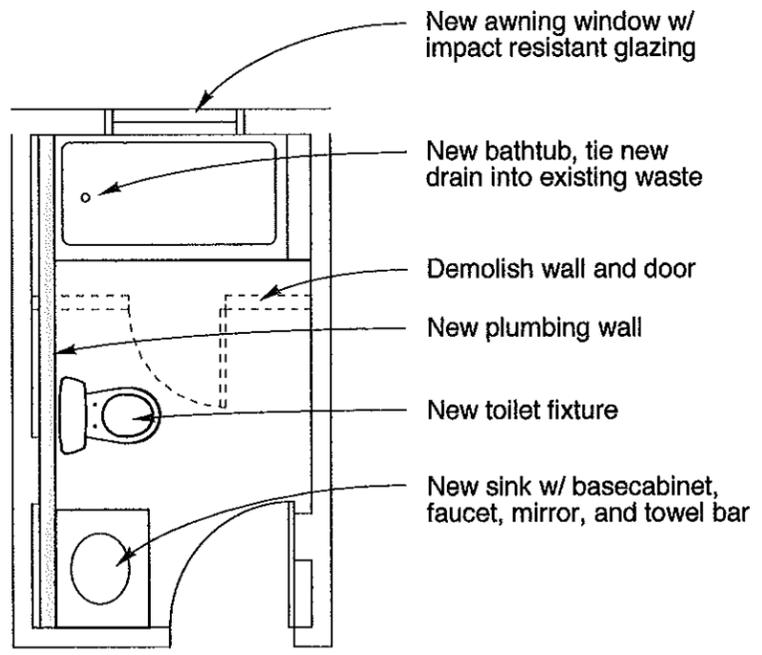




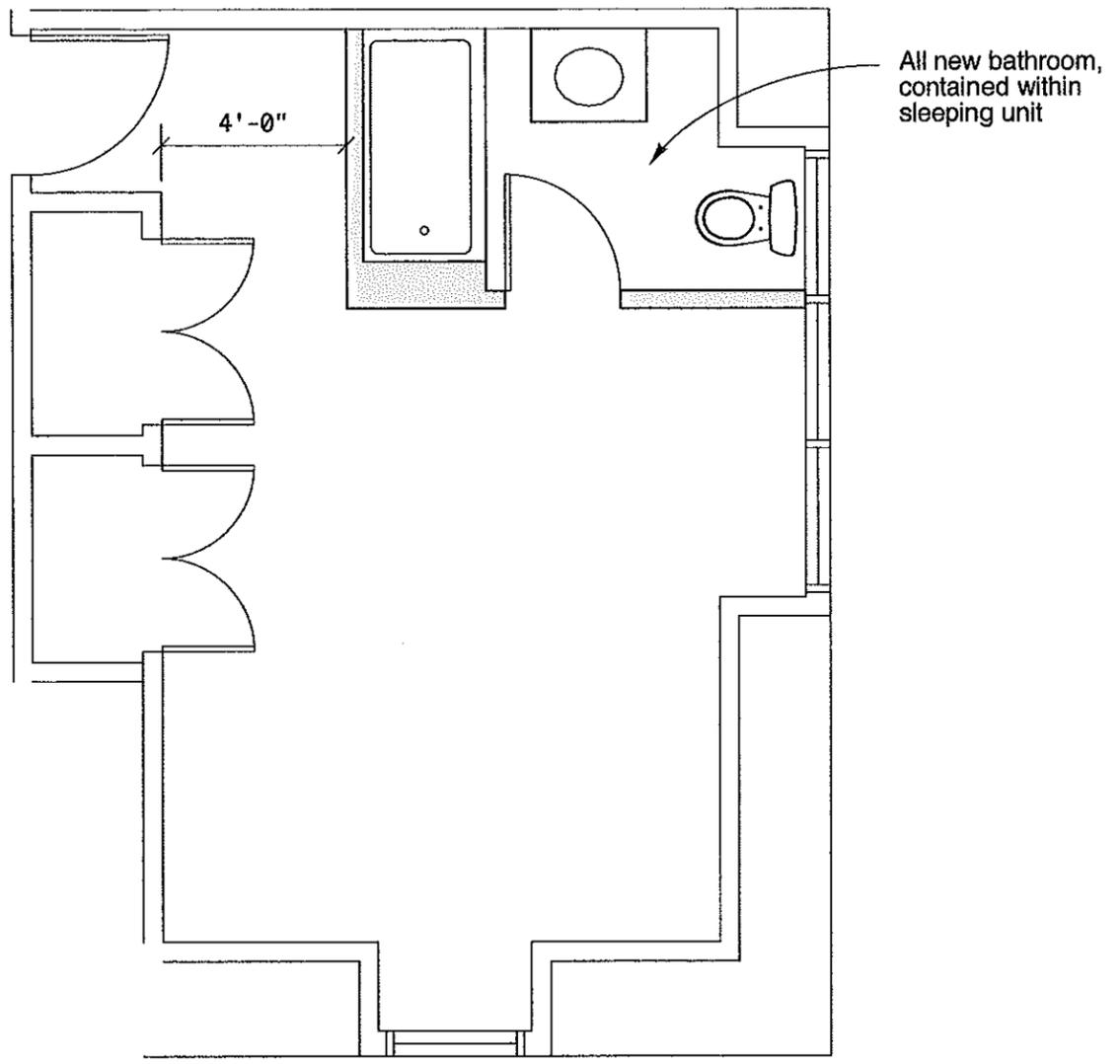
1 Bathroom 202
SCALE: 1/4" = 1'-0"



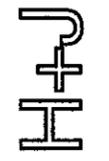
2 Rm 205 & Rm 206
SCALE: 1/4" = 1'-0"

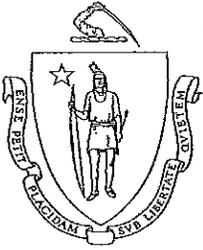


3 Bathroom 210
SCALE: 1/4" = 1'-0"



4 Bathroom 202
SCALE: 1/4" = 1'-0"





The Commonwealth of Massachusetts

Department of Public Safety

Architectural Access Board
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Boston, Massachusetts 02108-1618

Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

TO: Local Building Inspector
Independent Living Center
Local Commission on Disability
Complainant

Docket Number C 12 095

FROM: Architectural Access Board

RE: Sovereign Bank
1314 Washington Street
Newton

DATE: 6/13/2013

Enclosed please find a copy of the following material regarding the above location:

___ Application for Variance

___/ Decision of the Board

___ Notice of Hearing

✓ ___ Correspondence

___ Letter of Meeting

___ Stipulated Order

___ First Notice

___ Second Notice

The purpose of this memo is to advise you of action taken or to be taken by this Board. If you have any information which would assist the Board in this case, you may call this office, or you may submit your comments in writing to the above address.

Thank you for your assistance.

Dempsey, Mark (DPS)

From: Bergeron, Russell A [RBergero@extern.sovereignbank.com]
Sent: Tuesday, May 07, 2013 4:06 PM
To: Dempsey, Mark (DPS)
Subject: Newton, 1314 Washington St Docket Number C12 095
Attachments: W. Newton 2 (2).jpg; W. Newton 2 (1).jpg; W. Newton 3.jpg

Mark,

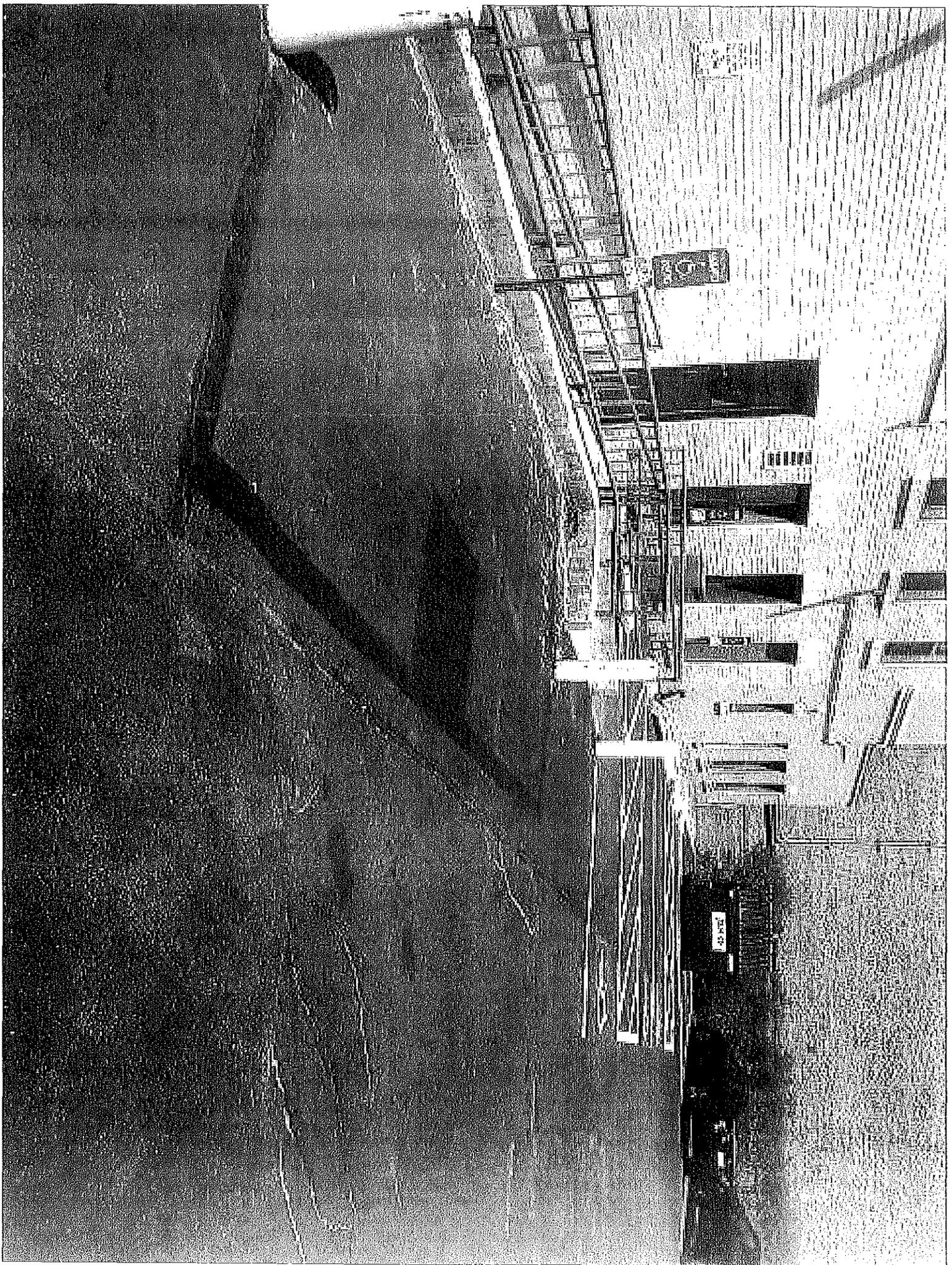
Attached are the pictures of the Newton parking lot after the restriping. As I mentioned on the phone, I will have the handicap parking sign moved to the new space from the space that was blackened out. Please let me know if there is anything else that you need me to do.

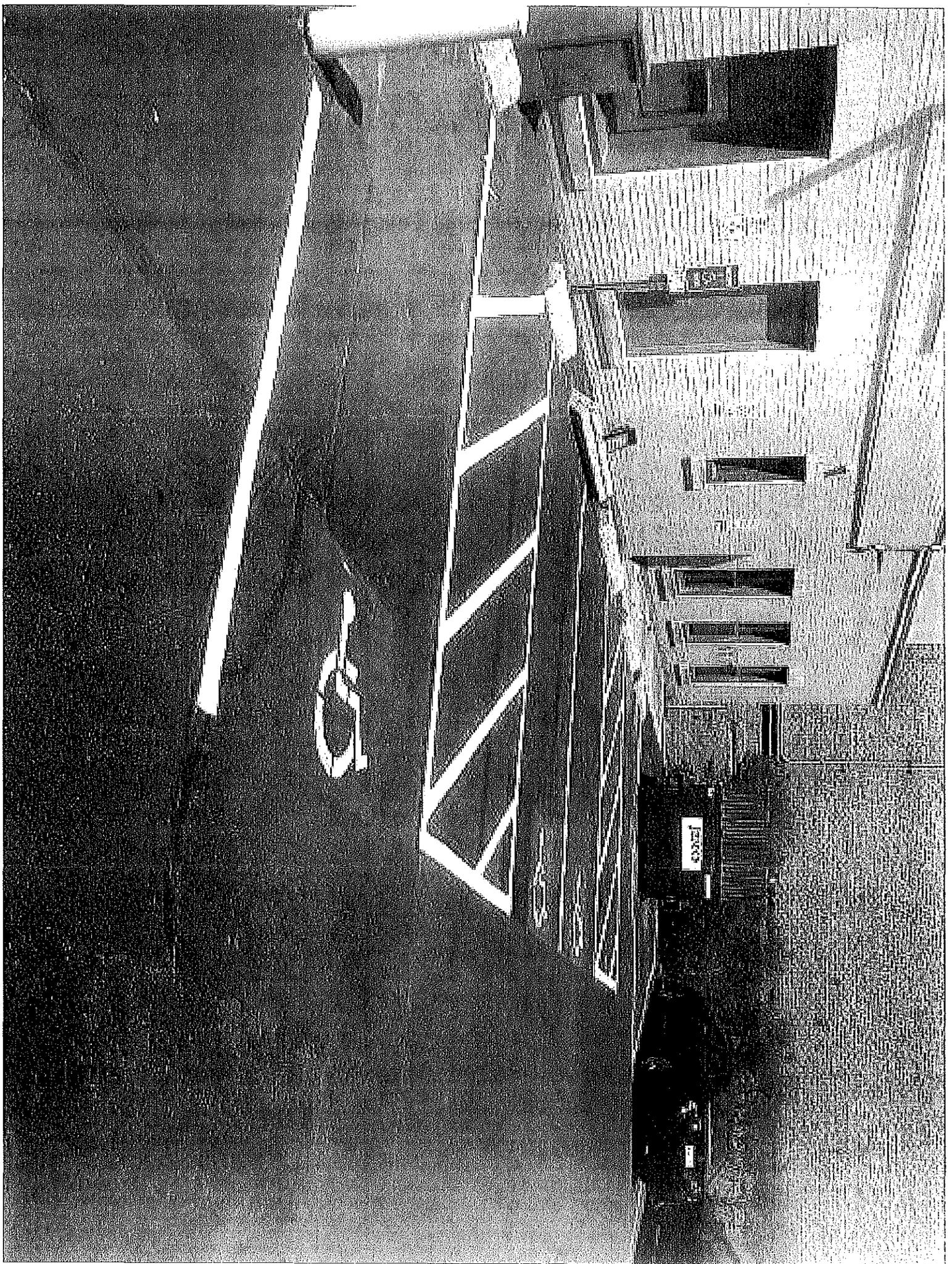
Thanks,
Russ

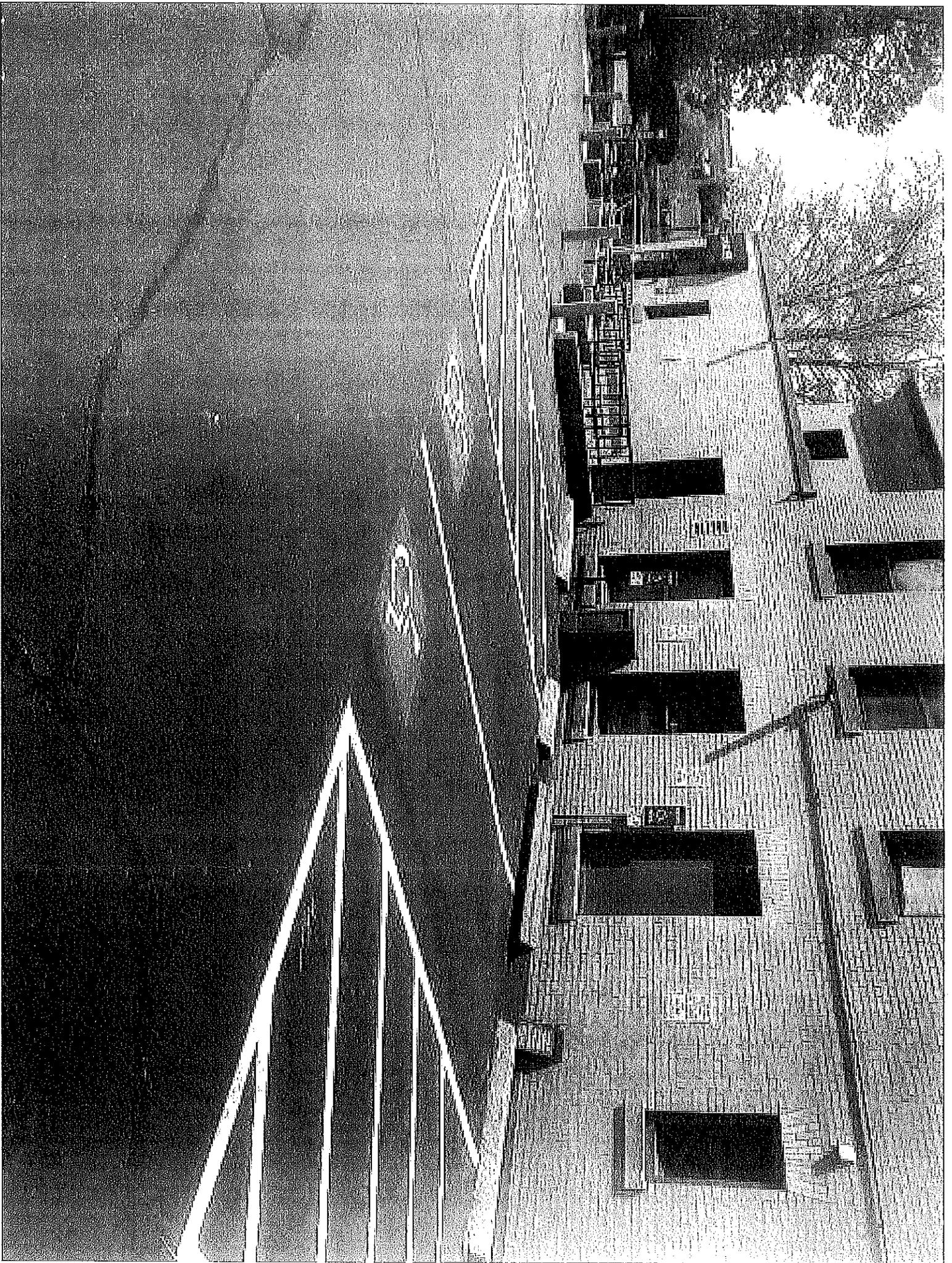
Russell Bergeron | Facilities Manager
CB Richard Ellis | Global Corporate Services
Santander Global Facilities Account
MA1-NBF-02-02 | One Sovereign Place, New Bedford, MA 02740
T 508 984 6132 | Int. 596132 | F 508 984 6305
rbergero@extern.sovereignbank.com | www.cbre.com

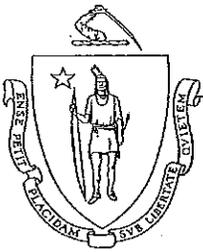
For routine maintenance requests please go to web site <https://workorder.cbre.com/CRSSovereign/> (Save to favorites) Should you have an emergency situation or an urgent matter call 101203 (digit dialing) or 610-401-2861 Option 3.

This email may contain information that is confidential or attorney-client privileged and may constitute inside information. The contents of this email are intended only for the recipient(s) listed above. If you are not the intended recipient, you are directed not to read, disclose, distribute or otherwise use this transmission. If you have received this email in error, please notify the sender immediately and delete the transmission. Delivery of this message is not intended to waive any applicable privileges.









The Commonwealth of Massachusetts

Department of Public Safety

Architectural Access Board

One Ashburton Place, Room 1310

Boston, Massachusetts 02108-1618

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www.mass.gov/dps

Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

TO: Local Building Inspector
Local Disability Commission
Independent Living Center

Docket Number V 13 072

FROM: ARCHITECTURAL ACCESS BOARD

RE: **Mixed Use retail, offices, health club**
200 Boylston Street
Chestnut Hill

Date: 6/11/2013

Enclosed please find the following material regarding the above location:

___ Application for Variance

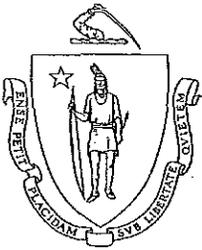
Decision of the Board - Amended

___ Notice of Hearing

___ Correspondence

___ Letter of Meeting

The purpose of this memo is to advise you of action taken or to be taken by this Board. If you have any information which may assist the Board in reaching a decision in this case, you may call this office or you may submit comments in writing.



The Commonwealth of Massachusetts
Department of Public Safety

Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618

Deval L. Patrick
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Secretary

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Fax 617-727-0665

www.mass.gov/dps

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

Docket Number V13 072

RE: AMENDED NOTICE OF ACTION

Mixed Use retail, offices, health club 200 Boylston Street Chestnut Hill

1. An application for variance was filed with the Board by Doug Anderson (Applicant) on March 21, 2013. The applicant has requested variances from the following sections of the 2006 Rules and Regulations of the Board:

Section: Description:

28.1 In new construction the petitioner proposes the installation of a Limited Use Limited Access (LULA) elevator that will comply with 521 CMR Section 28.12.3 et al. The lula will provide an accessible route from the lockers rooms to the pool deck.

20.1 The petitioner proposes to rely on "house elevators" just outside of the health spa to provide access from the spa reception area to the locker rooms below and the lula which provides access for persons with disabilities to the pool deck swimming area.

On April 16, 2013 Doug Anderson of C3 emailed to the Board specifications for a device entitled "Pal Pool Lift"

On May 10, 2013, Doug Anderson of C3 emailed to the Board specifications for a device entitled "Splash". The Board reviewed the submittal during an administrative discussion at their May 20, 2013 meeting.

2. The decision was reviewed by the Board on Monday, May 20, 2013
3. After reviewing all materials submitted to the Board, the Board voted as follows:

GRANT: the variances to Sections 28.1 and 20.1 as proposed in the application submitted, for the reason that impracticability (see definitions of impracticability in Section 5 of 521 CMR) has been proven in this case on the condition that a plan is provided showing the installation of access to the pool either by lift or by a zero entry design. The Board requires that if you choose a lift, that the product specifications are provided to the Board for review no later than May 3, 2013. The Board will review the swimming pool access solution at its May 6, 2013 meeting.

Upon reviewing the most recent submittal to the Board regarding the newly proposed "Splash" pool lift device, the Board voted to **ACCEPT** the proposed plan for access into the pool, on the condition that the lift is capable of being operated independently.

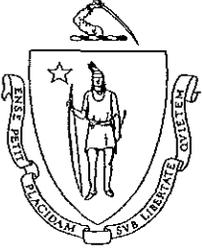
Any person aggrieved by the above decision may request an adjudicatory hearing before the Board within 30 days of receipt of this decision by filing the attached request for an adjudicatory hearing. If after 30 days, a request for an adjudicatory hearing is not received, the above decision becomes a final decision and the appeal process is through Superior Court.

NOTE: If the work being performed is reconstruction, renovation, addition, or alteration, compliance with this decision must be achieved by completion of the project and prior to final approval by the building department. Otherwise, if the work being performed is new construction, compliance with this decision must be achieved prior to the issuance of an occupancy permit.

- CC: Local Building Inspector
Local Disability Commission
Independent Living Center

Walter White
Architectural Access Board
Chairperson

Date: June 11, 2013



Deval L. Patrick
Governor

Andrea J. Cabral
Secretary

The Commonwealth of Massachusetts
Department of Public Safety
Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618
Phone 617-727-0660
Fax 617-727-0665
www.mass.gov/dps

Thomas G. Gatzunis, P.E.
Commissioner

Thomas P. Hopkins
Director

June 13, 2013

Paulette Bowes
Artistic & Executive Director
All Newton Music School
321 Chestnut Street
West Newton, MA 02465-2904

Re: Notice of Amended Decision of the Board; All Newton Music School, 321 Chestnut Street, West Newton; Docket Number V11-138

Dear Ms. Bowes,

On January 8, 2013 the Architectural Access Board ("Board") received your letter addressing the requirement from the December 14, 2012 amended decision of the Board to submit a written report of the fundraising campaign and available balances, along with a schedule of the proposed work. The December 14, 2012 decision also required that the contract for the work be submitted to the Board by April 1, 2013. Your January 4, 2013 letter stated the following: "As of January 4, 2013, All Newton Music School has completed two of the three phases of the building renovation project, totaling \$1.1 million. The school is currently raising funds for the third and final phase, estimated at \$700,000. To date, the campaign account has a balance of \$85,000. With these funds, we will complete tasks 1-3 on the enclosed attachment. Estimated start date for these items are March 2013." Your letter also noted that an additional \$515,000 would need to be raised to complete the required work outlined in the attached "All Newton Music School Third Phase accessibility/safety plan" (Attached).

The Board reviewed the submitted documentation during an administrative discussion at their regularly scheduled January 28, 2013 meeting and voted as follows:

- *GRANT* the extension to the deadline for compliance for the installation of a compliant limited-use-limited-application (LULA) elevator (521 CMR 28.12.3) (Item 1 and 2) to be installed, inspected by a State Elevator Inspector, and ready for use no later than *August 30, 2013*. The Board also extended the deadline for the remodel of the rooms surrounding the LULA (Item 2) and the installation of extension hinges on entire second floor (Item 3) to

August 30, 2013. Both written and photographic verification of compliance with the applicable requirements of 521 CMR for the items in question shall be received by the Board on or before said date.

- GRANT the extension to the deadline for compliance for Items 4-14 (See Attached) to February 1, 2014. Both written and photographic verification of compliance with the applicable requirements of 521 CMR for the items in question shall be received by the Board on or before said date.

ARCHITECTURAL ACCESS BOARD

By:



Walter White, Chair



Diane McLeod, Vice Chair

Andrew Bedar, Member (not present)

Myra Berloff, Director of Massachusetts
Office on Disability (not present)

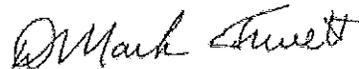


Raymond Glazier, Executive Office of Elder
Affairs Designee

Gerald LeBlanc, Member (not present)



Carol Steinberg, Member



D. Mark Trivett, Member

A complete administrative record is on file at the office of the Architectural Access Board.

cc: Local Building Inspector
Local Disability Commission
Independent Living Center

Item Number	Item	Estimated Cost	Estimated Timeline
1	Study for accessible LULA	\$2,500	February
2	Installation of LULA and remodel surrounding rooms	\$65,000	March
3	Installation of extension hinges on entire second floor	\$2,000	March
4	ADA compliant restroom on second floor	\$30,000	TBD
5	Installation of front door electric push bar	\$1,500	TBD
6	Rear building ADA accessibility (level floor, electric push, etc)	\$15,000	TBD
7	Rear building rescue platform	\$4,000	TBD
8	Fire surpression system study	\$2,000	TBD
9	Fire surpression water pressure test	\$2,000	TBD
10	New water main to street for fire surpression system	\$14,000	TBD
11	Installation of fire surpression system	\$115,000	TBD
12	Parking lot study	\$5,000	TBD
13	ADA accessible ramp	\$15,000	TBD
14	Parking lot redesign	\$250,000	TBD
	Total Phase Three Accessibility/Saftey items	\$523,000	74.71%
	Other non accessibility/saftey items	\$177,000	25.29%
	Total Phase Three	\$700,000	

All Newton Music School Third Phase accessibility/saftey plan
January 2013

Newton Commission on Disability
CDBG Access Projects Report
July 8, 2013

Audible Pedestrian Signals (Project CD13-03R. Budget: \$6,609.25; Expended: \$0; Balance: \$6,609.25). No update.

Curb Cuts

FY13 Curb Cut Funds	\$55,900.00
Reprogrammed Senior Center Vestibule Funds (in progress)	\$61,860.00
FY14 Curb Cut Funds	\$68,495.00
TOTAL AVAILABLE	\$186,255.00*

*Total does not include the balance of projects that will come in under budget.

<u>Current Projects</u>	<u>Total Budget</u>	<u>Expended</u>	<u>Remaining</u>
Commonwealth & Washington	\$83,170.60	\$53,410.77	\$29,759.83
Pearl & Jackson	\$42,669.00	\$11,033.46	\$31,635.54

<u>Potential Projects</u>	<u>Total Budget</u>
Newton Centre	\$103,000.00
Washington & Walnut	\$75,000.00
Lincoln/Floral & Walnut	\$75,000.00

Commonwealth & Washington: The two curbs cuts at the corner with the Fire Station have been moved to line up with the pedestrian crossings from the eastern part of the island in Commonwealth Avenue, and at the southern side of Washington Street. The truncated dome pads have also been installed. The final step will be moving the APS units so they are close to the new curb cuts, and then the project will be complete.

We will be talking about Newton Centre as well as several other projects at the July meeting.

Historic Newton/The Jackson Homestead – Archives Preservation and Access (CD11-03F. Budget: \$40,000, Expended: \$0, Balance: \$40,000). No update.

Newton Centre Playground Pathway Phase IV - (CD12-03M. Budget \$40,000, Expended: \$0, Balance: \$40,000). No update.

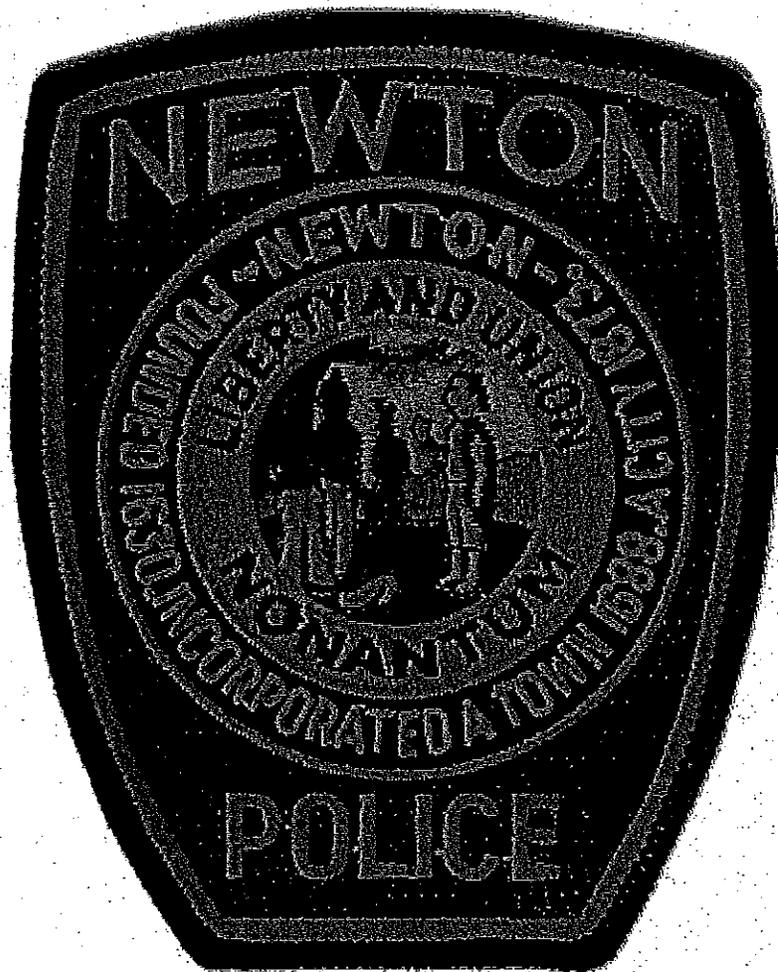
Retrofitting Curb Cuts (Project CD13-03Q. Budget: \$4,548.82, Expended: \$0, Balance: \$4,548.82). No update.

War Memorial Vertical and Acoustical Access Feasibility and Design – (CD13-03S. Budget \$80,000, Expended: \$33,820 Balance: \$46,180). The study is underway and there will soon be more information about the feasibility of each option and a cost estimate for the preferred alternative.

NEWTON POLICE DEPARTMENT

HANDICAP PARKING STING PROGRAM

2013



**NEWTON POLICE DEPARTMENT
TRAFFIC BUREAU**

**HP PARKING
STING PROGRAM**

JANUARY 12 - MARCH 30, 2013
RESULTS

HP VIOLATIONS: CITY ORDINANCE
79 @ \$200.00 = \$13,800.00

TAXI CAB STAND VIOLATIONS: CITY ORDINANCE
30 @ \$300.00 = \$9,000.00

TAXI-LIVERY METER VIOLATIONS - CITY ORDINANCE
3 @ \$100.00 = \$300.00

CITY ORDINANCE - MV VIOLATIONS
0

CITY ORDINANCE PARKING VIOLATIONS
92 @ \$20.00 = \$1,545.00

MGL - TRUCK VIOLATIONS
1 = \$50.00

MGL VIOLATIONS:
35 = \$1,630.00

TOTAL CITATIONS ISSUED:
177

TOTAL STINGS

13 {DAYS}

TOTAL HOURS DURING THE STINGS

195

TOTAL MONEY VIOLATIONS ISSUED:

\$26,940.00

TOTAL HP FINES ISSUED

\$13,800.00

TOTAL OTHER FINES ISSUED

\$13,140.00

TOTAL PAYROLL COST

\$7,612.80

Calendar Year	Violation Code	Start Date	End Date	Number Tickets	Fine Amount	Penalty 1	Penalty 2
2012	26	1/1/2012	3/31/2012	61	\$5,200.00	\$0.00	\$0.00
2012	26	4/1/2012	6/30/2012	71	\$6,100.00	\$0.00	\$40.00
2012	26	7/1/2012	9/30/2012	114	\$14,000.00	\$0.00	\$50.00
2012	26	10/1/2012	12/31/2012	78	\$14,600.00	\$0.00	\$35.00
Sub-Total				324	\$39,900.00	\$0.00	\$125.00
2013	26	1/1/2013	3/31/2013	169	\$32,600.00	\$0.00	\$65.00
2013	26	4/1/2013	6/30/2013	138	\$24,700.00	\$0.00	\$15.00
Sub-Total				307	\$57,300.00	\$0.00	\$80.00
Grand Total				631	\$97,200.00	\$0.00	\$205.00

Penalty 3	Penalty 4	Penalty 5	Reduction Amount	Total Paid	Unapplied Amount	Ticket Amount Due
\$0.00	\$0.00	\$0.00	\$2,000.00	\$3,020.00	\$20.00	\$180.00
\$100.00	\$0.00	\$0.00	\$2,400.00	\$3,165.00	\$10.00	\$675.00
\$40.00	\$0.00	\$0.00	\$4,095.00	\$9,410.00	\$20.00	\$585.00
\$80.00	\$0.00	\$0.00	\$5,390.00	\$8,275.00	\$30.00	\$1,050.00
\$220.00	\$0.00	\$0.00	\$13,885.00	\$23,870.00	\$80.00	\$2,490.00
\$180.00	\$0.00	\$0.00	\$13,490.00	\$16,450.00	\$55.00	\$2,905.00
\$0.00	\$0.00	\$0.00	\$9,800.00	\$6,040.00	\$40.00	\$8,875.00
\$180.00	\$0.00	\$0.00	\$23,290.00	\$22,490.00	\$95.00	\$11,780.00
\$400.00	\$0.00	\$0.00	\$37,175.00	\$46,360.00	\$175.00	\$14,270.00



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Candace Havens
Director

DATE: July 1, 2013

TO: Commission on Disability

FROM:

Planning and Development Dept.

Candace Havens, Planning and
Development Dept. Director

Anne Marie Belrose, Community
Development Manager

Alice Walkup, Community Development
Senior Planner

Transportation Div., Dept. of Public Works

Bill Paille, Transportation Director

Patrick Baxter, Transportation Engineer

RE: Proposed Newton Centre Improvements and Other Potential Projects

PURPOSE

At its meeting in April 2013, the Commission on Disability voted to prioritize a proposed project in Newton Centre along Centre Street at Pelham and Pleasant Streets and Langley Road, to provide \$103,000 in architectural access funding to complete the construction of seventeen curb cuts and seven sidewalks. At the June meeting, the Commission requested the installation of a traffic light at this location in the place of the curb extensions and sidewalk improvements.

The purpose of this memo is to provide more detailed information about the analysis completed in consideration of a traffic light, identify the existing conditions the proposed design needs to address, and finally, explain why the proposed design is the City's recommendation for this location.

BACKGROUND

In 2011/2012, the City of Newton received \$25,000 from Panera Bread as part of their special permit request to improve pedestrian safety near their business. The City's Engineering, Transportation, and Current Planning Divisions, studied a variety of alternatives to determine the best means to ensure safe crossing of Centre Street in the vicinity.

EXISTING CONDITIONS

The current configuration of Pelham, Pleasant, and Langley along Centre Street presents several challenges:

- Pedestrians must cross three travel lanes and two parking lanes, a distance of approximately 52 feet.
- Pedestrians either stand at the curb until it is safe to cross or stand in the parking lane (at times hidden behind a parked vehicle) until there is a sufficient gap for them to cross.
- Although there are painted pedestrian crosswalks across Centre Street, pedestrians often ignore them and cross where they choose, resulting in driver confusion and increased risk of pedestrians being hit. Last fall, two pedestrians were struck within this block.
- A common problem with the two southbound travel lanes along Centre Street is the westernmost vehicle will stop for a pedestrian, while the easterly lane will continue thru the crosswalk, thus increasing the risk of a pedestrian being hit. Increased visibility would clearly improve the crossing.

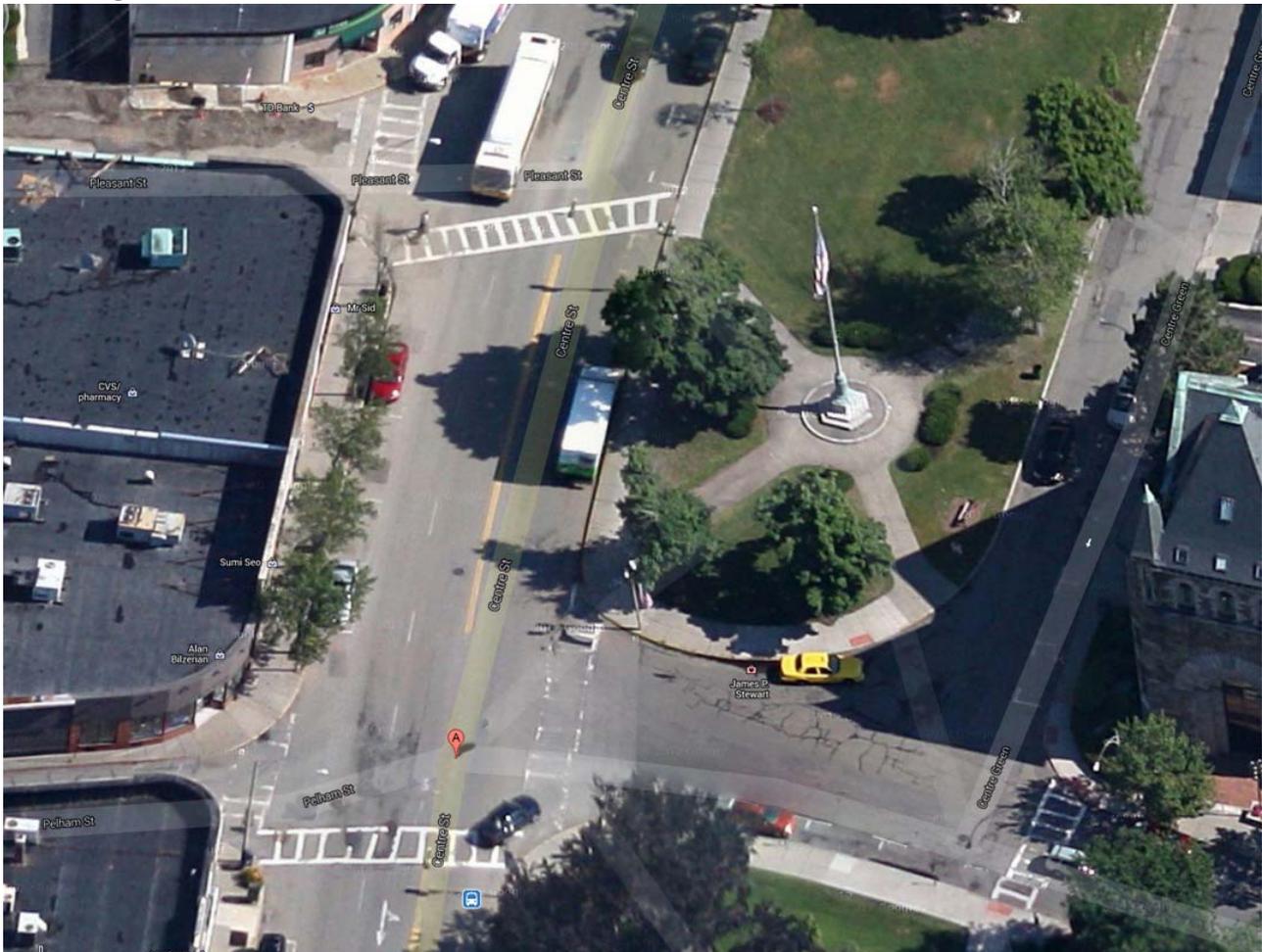
Curb Cut Conditions

- None of the existing curb cuts are compliant with current Massachusetts Architectural Access Board (MAAB)/Americans with Disabilities Act (ADA) requirements, as they lack the tactile warning strips for persons with visual impairments. Some also have too steep of a slope. Given the existing dimensions, the curb cut at Pleasant Street on the northwestern side of Centre Street (in front of the TD Bank) lacks the space to provide a compliant wheelchair landing area with the current configuration.
- At three corners, apex curb cuts lead to six pedestrian crossings (two across Centre Street). Apex curb cuts are at the corner of an intersection and require someone using a wheelchair to maneuver at the base of the curb

cut, in the street, making the crossings much more dangerous. Perpendicular crossings are preferred and recommended by the MAAB, which serve one pedestrian crossing per curb cut, allowing wheelchairs and users with visual impairments to square up on the sidewalk and cross the street directly.

- The curb cuts for the pedestrian crossing at 10 Langley Road, were installed several years ago using the stamped method and have degraded over time. The curb cut directly in front of 10 Langley has been prioritized for repair by the Commission, as the base of it floods in rain and freezes in cold weather, limiting or making its use hazardous during those times.

Existing Conditions



TRAFFIC LIGHT CONSIDERATION

The initial proposal considered was to install a pedestrian-activated flashing yellow beacon at either the Pelham or Pleasant Street intersection. In 2010, pedestrian counts were performed at both of these intersections mid-week and as a result the Transportation Division recommended a flashing yellow beacon be installed at the Pleasant Street intersection. In 2012, additional pedestrian counts were performed at both of these intersections mid-week and on Saturday. The study showed that both of these intersections experienced similar pedestrian volumes. Based on observations since 2012, Engineering staff does not recommend a flashing yellow beacon at either of these intersections for several reasons:

- Proximity to the Beacon Street intersection could result in significant queues northbound along Centre Street into the intersection.
- Vehicles would most likely ignore the flashing yellow light and not stop/yield to pedestrians.¹
- Pedestrians may simply cross Centre Street on their own without activating the signal, thus making the pedestrian light ineffective.

Other options investigated included installing a HAWK (High-intensity Activated cross-Walk) pedestrian-activated light and a fully-actuated traffic signal. HAWK systems are ideal for mid-block pedestrian crossings but are not recommended at intersections, primarily due to the fact that they cause confusion for entering/exiting vehicles. This conclusion is based on experience and thus the City's Transportation Department does not recommend their use in this location.

A fully-actuated traffic signal at either of these intersections would have to meet pedestrian volumes, as well as 4-hr and 8-hr traffic volumes to fulfill the requirements guiding their installation (Manual on Uniform Traffic Control Devices warrants). Although either of these intersections may meet pedestrian volumes, they do not meet vehicular volumes and therefore the traffic signal is not recommended.

¹ Flashing yellow pedestrian beacons were installed in three locations in the City since 2010, including Crafts & Linwood, Waverly & Arlington, and Waverly & Franklin. Feedback indicates that many Newton drivers fail to stop at those yellow signals. In fact, the yellow signal at Crafts & Linwood was removed.

Based on the geometry of these two intersections, pedestrian/vehicular flows and proximity to the signalized intersection at Beacon, it was determined that a traffic signal is not appropriate at this location and the best solution is the use of curb extensions (i.e., bump-outs), a traffic-calming device which provides the following benefits:

- Improved visibility of pedestrians to approaching drivers
- Shortened crossing distance for pedestrians
- Reduced vehicle speeds through physical and visual narrowing of the road
- Larger waiting space for pedestrians
- Decreased illegal parking at crosswalks
- Enables the installation of perpendicular, rather than apex, curb cuts

PROPOSED DESIGN

The design for Pelham and Pleasant Streets and Langley Road along Centre Street that the Commission on Disability approved to fund in April provides many advantages over the existing conditions:

- The curb extensions, where the now compliant curb cuts would be located, allow pedestrians to safely be further out in the road and be more visible to drivers.
- The length of the crossing is significantly smaller, reducing the amount of time pedestrians are in the roadway (in this case, 16 feet).
- The design only consists of perpendicular curb cuts, significantly increasing the safety of users in wheelchairs who are crossing the street.
- The design channels pedestrians to cross at certain locations, reducing the likelihood of illegal mid-block crossings that surprise drivers and put both drivers and pedestrians in danger.
- The scope will restripe the pedestrian crossings with more reflective, more durable pavement markings. The pedestrian crossings will feature the City's new standard ladder striping with 3' spacing.
- Four new decorative, LED lights will be installed along the west side of the street from Pelham to Pleasant, to improve lighting at night.
- This project can be coordinated with the overlay schedule that includes this section of Centre Street this summer.
- The landscaped green space across from CVS would be expanded, and a large amount of asphalt would be removed, improving aesthetics and making that location a more pleasant place to be.

TIMELINE

The Department of Public Works is prepared to begin this five-week project by July 15th. Without the Architectural Access funds, the project cannot move forward during this construction season (as the project must happen during the summer when traffic is lighter). If the project does not happen this summer, the existing conditions will remain until at least spring 2014, if not longer.

OTHER POTENTIAL PROJECTS

Washington and Walnut Streets – Newtonville

The intersection of Washington and Walnut Streets on the north side of the Turnpike in Newtonville has been an intersection in need of access improvements. The design of this project has been approved, and the City is ready to install these improvements.

Lincoln and Floral Streets along Walnut Street – Newton Highlands

Commission members and members of the general public have expressed a strong desire to improve and make compliant the intersection at Lincoln and Walnut Streets in Newton Highlands. At the same time, O'Hara's at Walnut and Floral Streets is planning to install a curb extension at this location to increase its sidewalk space. Transportation Director Bill Paille has proposed completing the improvements together to increase safety and access in the Highlands. An additional component of the project could be the installation of updated Audible Pedestrian Signals at this location, if the Commission were to reprogram the FY13 Access Project to be Determined (\$5,500) funds for that purpose.

The funding levels that are currently available and are proposed for curb cut improvements are as follows:

FY13 Curb Cut Funds		\$55,900.00
Reprogrammed Senior Center Vestibule Funds (in progress)		\$61,860.00
FY14 Curb Cut Funds		\$68,495.00
TOTAL AVAILABLE		\$186,255.00*
Newton Centre Improvements		\$103,000
Washington and Walnut Streets	est.	\$75,000
Lincoln and Floral along Walnut	est.	\$75,000

*This amount does not include the balance of projects that will come in under budget. For instance, the work at Pearl and Jackson is nearly complete (only restriping the crosswalks remains), but only slightly more than 25% of the estimated budget (\$42,669) has been used. It is likely that the final costs for Newton Centre, Washington and Walnut, and Lincoln/Floral and Walnut will also come in under budget.

RECOMMENDATION

The City's Engineering and Transportation Divisions of the Department of Public Works and the Planning and Development Department recommend the alterations shown in Attachment A as they address many of the existing problems at these intersections. Additionally, these Departments recommend utilizing the remaining curb cut funds for the other locations the Commission has identified as having great need for immediate improvement. By programming the balance of the existing curb cut funds (and funds from any projects that come in under budget) to the recommended projects in Newton Centre, Newtonville, and Newton Highlands, the City could improve the accessibility of three villages in a matter of months.

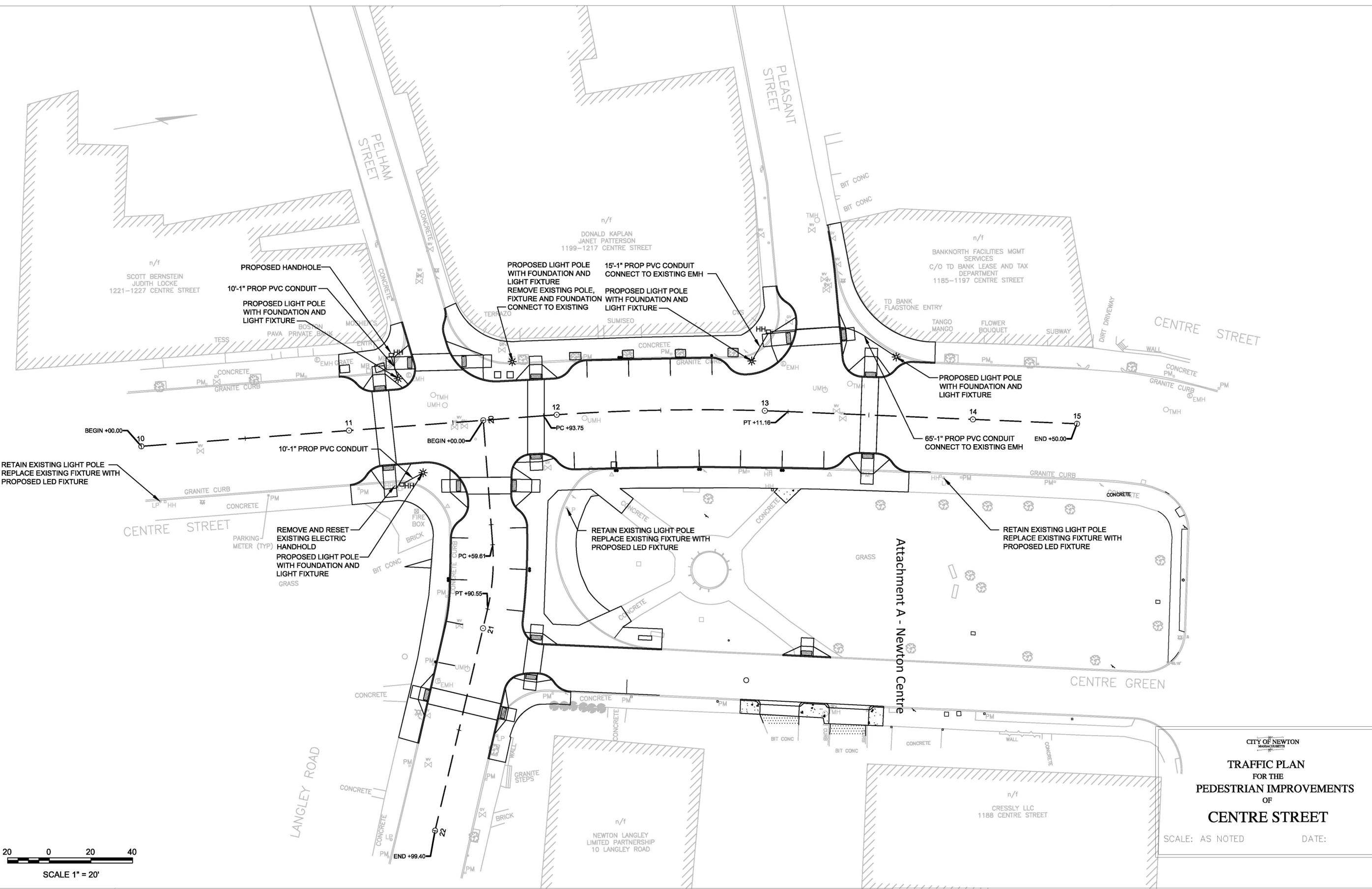
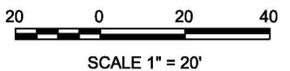
Attachment A – Proposed Design for Newton Centre

Attachment B – Proposed Design for Washington and Walnut Street

**Attachment C – Proposed Design for Lincoln/Floral along Walnut Streets
(available at 7/8/13 Commission on Disability Meeting)**



DESIGNED BY:
 DRAWN BY:
 CHECKED BY:
 APPROVED BY:



CITY OF NEWTON
 MASSACHUSETTS

TRAFFIC PLAN
 FOR THE
PEDESTRIAN IMPROVEMENTS
 OF
CENTRE STREET

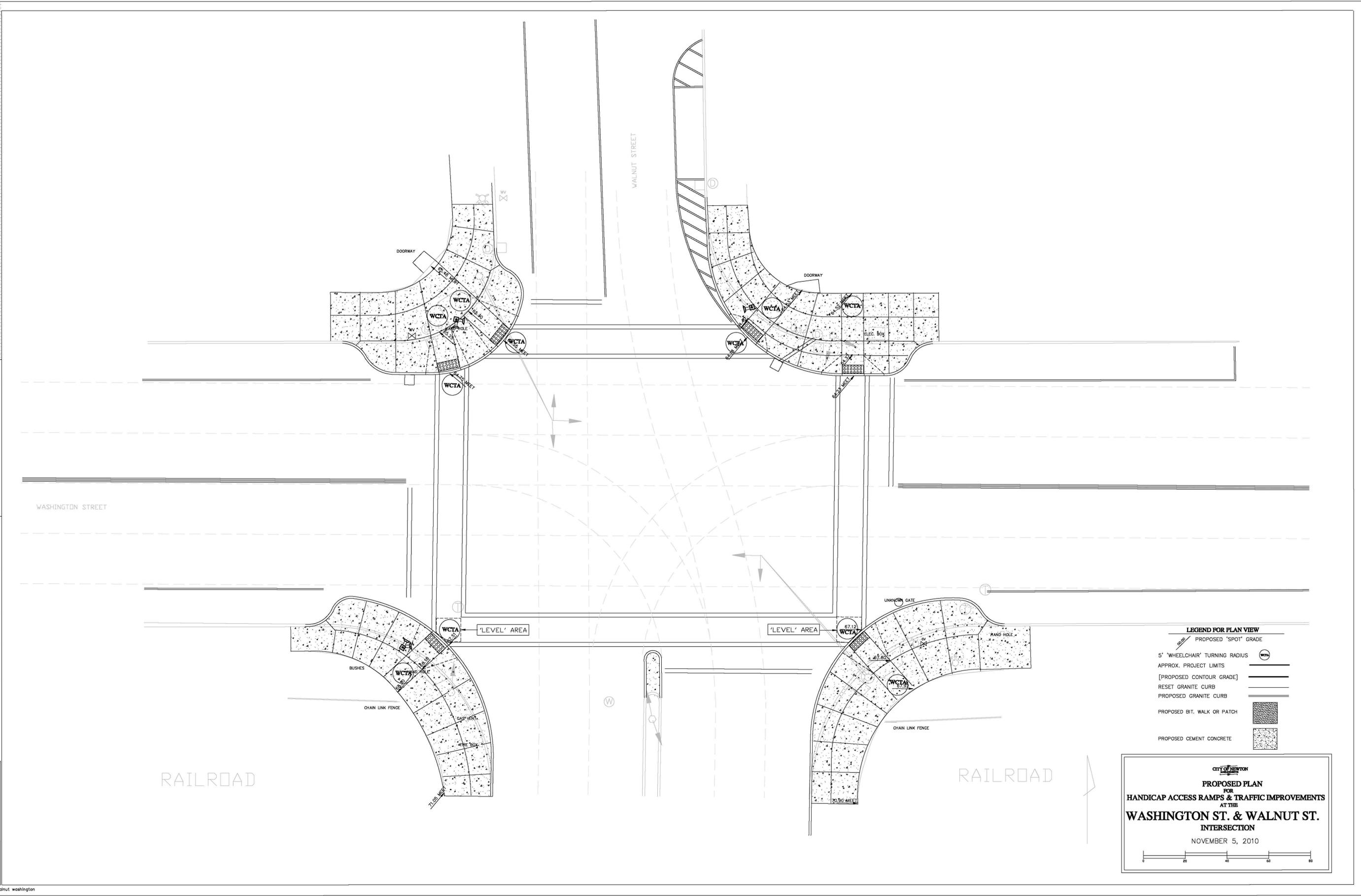
SCALE: AS NOTED DATE:



CITY OF NEWTON
 HP RAMPS & TRAFFIC IMPROVEMENTS
 AT
 WASHINGTON ST. & WALNUT ST.

DESIGNED BY: _____
 DRAWN BY: _____
 CHECKED BY: _____
 APPROVED BY: _____

F:\U\G\mb\walnut washington



LEGEND FOR PLAN VIEW

	PROPOSED 'SPOT' GRADE
	5' 'WHEELCHAIR' TURNING RADIUS
	APPROX. PROJECT LIMITS
	[PROPOSED CONTOUR GRADE]
	RESET GRANITE CURB
	PROPOSED GRANITE CURB
	PROPOSED BIT. WALK OR PATCH
	PROPOSED CEMENT CONCRETE

CITY OF NEWTON
 PROPOSED PLAN
 FOR
 HANDICAP ACCESS RAMPS & TRAFFIC IMPROVEMENTS
 AT THE
WASHINGTON ST. & WALNUT ST.
 INTERSECTION
 NOVEMBER 5, 2010