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# CITY OF NEWTON, MASSACHUSETTS

## Commission On Disability

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Meeting date: May 8, 2017  
Room 204  
Time: 6:30 pm

MINUTES

Setti D. Warren  
Mayor

Barney Heath,  
Director, Planning &  
Development

Rachel Powers  
Manager  
Community Development

**Members**  
Rob Caruso, Co-Chair  
Girard Plante, Co-Chair  
Jane Brown  
Lucie Chansky  
Rosemary Larking  
Barbara Lischinsky

Jason Rosenberg  
Chairman Emeritus

**Advisor**  
Sergeant Jay Babcock  
Newton Police Department

**Staff**  
ADA/Sec 504 Coordinator  
Jini Fairley  
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### Commission Members Present:

**Rob Caruso, Co-chair**

**Girard Plante, Co-chair**

**Jane Brown, Treasurer, participating remotely**

**Lucie Chansky**

**Barbara Lischinsky**

**Rosemary Larking, participating remotely**

### City Staff Present:

Jini Fairley, ADA Coordinator

Sgt. John J. Babcock, Police

**Rachel Powers, Planning**

### Guests:

**Sandra Lingley**

**Representatives from Sunrise Assisted Living**

#### 1. Introductions (6:30-6:35)

**Rob welcomed back Rosemary, who has been ill, and joining the meeting remotely by phone, as is Jane.**

#### 2. Approval of April 12, 2017 Meeting Minutes (6:35-6:40)

**Rob asked if there were any changes to the draft of the minutes for the April 12 meeting. Hearing none, Lucie made a motion to accept the minutes as read and distributed. Barbara seconded the motion. The motion passed unanimously by a vote of 6-0.**

#### 3. CDBG Report (6:40-6:45)

**Rachel gave the following CDBG Access Projects Report:**

★ **FY17 Curb Cuts Funding Pool** – (CD17-03A Budget: \$87,125 Committed: \$0; Expended: \$0; Balance; \$87,125). Funding pool for new curb cuts projects. CD staff asks that the COD develop a plan for these funds as soon as possible and for projects that can be done in a relatively short time frame. **Project in development. Working with DPW/Engineering.**



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★ **FY15 Curb Cuts** (Project CD15-03Y). Budget \$21,375.92; Committed: \$0; Expended: \$0; Uncommitted Balance: \$21,375.92). Remaining funds need to be allocated toward identified priority locations.

**FY15 Accessible Pedestrian Signals** – (CD15-03Z Budget: \$20,800; Committed: \$20,800 Expended: \$0; Balance: \$20,800). The MOU for the installation of 32 APS units has been executed with DPW. **Project started April 24<sup>th</sup>. APS installations are underway.**

Currently, signals are planned at the following intersections:

- Beacon @ Chestnut (units to be determined)
- Commonwealth @ Centre (8 units)
- Centre @ Walnut (4-8 units)
- 1600 Washington Street @ Warren House (2 units)
- Lincoln Street @ Walnut Street (8 units)
- **Centre and Church Street**

**Carroll Center Accessibility** – (Budget: \$110,473; Expended: \$0; Balance: \$110,473). The Carroll Center Accessibility Project was approved by the Planning and Development Board January 11, 2017. **Bid opening on May 4, 2017.**

**Highlands Playground Access** – (CD15-032 Budget: \$99,000; Expended: \$0; Balance: \$99,000). The contract with David White & Son has been executed. The accessible pathways component will begin in spring 2017. **No updates.**

**Newton Corner Curb Cuts** (Project CD15-034 Budget: \$72,500; Expended: \$0; Balance: \$72,500). The project will include the installation of 11 accessible curb cuts on Washington Street and around the Newton Corner Circle. The Highway Division completed several curb cuts in and around Park Street. Engineering will be put out the remaining for public bid this winter for construction in spring 2017. **APS component of project began April 24<sup>th</sup>.**

**There was discussion as to which intersections should be up for a vote for the installation of APS using FY18/FY17 CDBG funds. One addition to the CDBG Ideas list, which Jini will update, is Washington & Beacon St, which**

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**is either an upgrade or a new installation, hard to tell since the APS are not working there. Also talked about how to equip the APS with a voice recording as to which street the pushbutton is for, since Lucie experienced that in Dedham recently. Jini mentioned that is very helpful in concurrent walk phase, when the pedestrian crosses with parallel traffic. However, sometimes the voice is not really loud enough above the traffic sounds. Jini said that it appears the recording has to be made before installation, but she will look into this, especially for Beacon & Centre St intersection.**

**4. Identify Locations for FY18/FY17 CDBG funded Access Projects (6:45-7:00)**

**Rachel led a discussion, mostly regarding APS to select for FY18/FY17 CDBG funding:**

Ideas/Locations for CDBG-Funded Access Projects

Distributed in Advance of the April 12, 2017 COD Meeting

Curb Ramps:

77 Fair Oaks Ave (1)  
46 Wyoming Rd. (1)  
51 Thaxter Rd. (1)  
529-521 California St. Rear (Thaxter Rd. side) (1)  
60 Parkway Rd. (Thaxter Rd. side) (1)  
503 California St. (1)  
495 California St. (Bemis Rd. side) (1)  
246 Linwood Ave. (Broadway side) (1)  
600 California St. (Linwood Ave side) (1)  
Fessenden at Fair Oaks Rd. (3)  
Schofield at Fair Oaks Ave. (3)  
Nevada at Churchill (3)  
Linwood at Nevada (4)  
Nevada at Wyoming (3)  
Linwood at Watertown St. (3)  
Linwood at Walnut St. (8)  
Watertown St. at Page and Walker (7)

APS:

New Installation:

\*Centre & Church Streets- actually, an upgrade- 4 pushbuttons  
Newtonville Ave & Harvard- 5 Pushbuttons  
Tremont & Waverly-4 pushbuttons

Upgrades:

\*Walnut & Lincoln Streets- 5 pushbuttons  
Beacon St. & Langley Road- 7 pushbuttons  
Centre St. & Cabot St. & Sargent- 3 pushbuttons

\*Locations where older APS funds will be used

Park Accessibility

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-Needs Parks & Rec staff to survey possible choice of one below

Cold Spring Park- add more accessible pathways to connect other pathways and to fields/possible perimeter pathway  
Albemarle/Halloran – Perimeter pathway or continuous pathway throughout  
Weeks Field- create pathways to and around fields from parking  
Cabot Park- add pathways to fields or perimeter

**5. HP Fines Report (7:00-7:10)**

**Sargent Babcock gave the following 2 Fines reports, first for the month of April and second for the 10 months of FY17:**

**CODE #26 & CODE #27**

**APRIL 2017**

**CODE #26 (TOTAL PAID) ACCESSIBILITY SPOTS**

.....\$1,800.00  
**9 TICKETS @ \$200.00**

**CODE #26 (OUTSTANDING)**

.....\$3,500.00  
**16 TICKETS @ \$200.00**  
**1 TICKET @ \$300.00**

**TOTAL FINES**

.....\$5,300.00

**CODE #27 (TOTAL PAID) CURB CUTS**

.....\$1,200.00  
**6 TICKETS @ \$200.00**

**CODE #27 (OUTSTANDING)**

.....\$5,500.00  
**26 TICKETS @ \$200.00**  
**1 TICKET @ \$300.00**

**TOTAL FINES**

.....\$6,700.00

**COMBINED TOTALS**

**TOTAL PAID {COLLECTED}.....\$3,000.00**

**TOTAL OUTSTANDING.....\$9,000.00**

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**TOTAL FINES ISSUED.....\$12,000.00**

**FINES**

**CODE #26 & CODE #27**

**JULY 1, 2016 – APRIL 30, 2017**

**(10 MONTHS)**

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**CODE #26 (TOTAL PAID) ACCESSIBILITY SPOTS**  
.....\$12,000.00  
**CODE #26 (OUTSTANDING)**  
.....\$28,000.00  
**TOTAL**  
.....\$40,000.00

**CODE #27 (TOTAL PAID) CURB CUTS**  
.....\$11,500.00  
**CODE #27 (OUTSTANDING)**  
.....\$20,500.00  
**TOTAL**  
.....\$32,000.00

**COMBINED TOTALS**

**TOTAL PAID {COLLECTED}.....\$23,500.00**  
**TOTAL OUTSTANDING {NOT COLLECTED}.....\$48,500.00**  
**TOTAL DISMISSED ON APPEAL.....(\$8,935.00)**  
**TOTAL FINES ISSUED.....\$63,065.00**

**Sargent Babcock introduced a new category on the year-to-date report, the dollar value of tickets that were dismissed on appeal. Some of the**

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reasons would be someone not hanging the disability placard properly or face down on the dashboard. Sargent Babcock reported a new practice, at hotel parking lots, the hotel is issuing something to affix to an out-of-state placard, but it blocks the expiration date or the photo. This doesn't make any sense since, although looking slightly different, out-of-state placards always have the International Symbol of Accessibility (ISA) and are recognized as legal in every state. Also, some states allow the placard holder to cover up all the information, such as the photo, ID number, and the expiration date, which is not the practice here in MA. In our state, the ID number and the expiration date must be showing so that officers can verify if it is a valid placard or not.

**6. Treasurer's Report (7:10-7:15)**

**Jane, COD Treasurer, gave the following Treasurer's Report:**

As of May 4, 2017, the balances of the COD accounts have not changed since the April COD meeting and are as follows:

Account #14-3314M3, H-P Fines-Disability Commission

Type: Receipts Reserved for Appropriation (These funds have to go before the City Council to be appropriated before being used)

Balance = \$8,809

Account # C108006-513001 Operation Access – Disability Commission Set up to pay for targeted enforcement of accessible HP Fines violations by the Police Department

Type: Special Appropriations

Balance = \$2322.04

Account #13D10901 Set up in Fall 2015 to receive Community Access Monitor Program fees and pay expenses)

Type: Revolving Account

Balance = \$1114.65

Account# 29B22001 Disability Commission Gift

Type: Gift/Donation Account

Balance = \$0.00

**7. ADA Coordinator's Report (7:15-7:20)**

**Jini gave the following ADA Coordinator's Report:**

Site Visits:

- Oak/ Christina/Needham Streets- attended meeting with business community on upcoming construction at this intersection
- Austin St. Parking Lot- consulted on where to place Kiosks for paying for parking spaces

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Meetings/Events/Conference Calls:

- CD Week at DARE Family Services – major accessibility renovations at this group home with Community Development funds
- Met with Representative Kay Khan and others on the Accessibility Project of the Auburndale Commuter Rail Station
- Regional COD Meeting with MOD staff in Brookline
- ADA Municipal Grant Overview- at MOD in Boston
- Community Meeting on the Walnut Street/Newtonville Improvements Project
- In the News: Article on APS in the Public Health Post
- Fair Housing Committee- I attend this monthly

**Rob asked if we are applying for an ADA Municipal Grant through MOD. Jini said that there was not enough time to apply and put a project together for the FY17 funds, as this grant was just opened in April and the invoice for work completed must be submitted by June 30, 2017. However Jini is hoping to apply for a grant in July for the FY18 deadlines. She and Elaine Gentile, from Parks & Recreation, attended the Overview/Technical Assistance meeting to find out more details about this grant opportunity. As for the project, one consideration is improving park accessibility, by creating an All Person Trail in Newton or perimeter paths for the more popular parks. Jini is working on the criteria to apply for a access project grant rather than a planning grant , since the Self-Evaluation of the city’s facilities and programs and Transition Plan are being updated. Jini suggested that the COD take some time in the next meeting or two to discuss possible projects as a municipality can apply for more than one grant for specific projects. Lucie asked about the status of the Auburndale Commuter Rail Station Accessibility project. Jini said she nor the co-chairs know the status as of yet, since Rep. Kay Khan had a follow-up meeting to the one Jini attended, a small private one with the Secretary of Transportation. There should be more information forthcoming. Lucie said that she heard in the papers that Oak & Christina was being delayed again, until 2019. Jini said that the Needham St. project by Mass DOT has been postponed, but the piece of Needham St. at the intersection of Oak & Christina on Needham St. will go forward this summer. In fact, there will be APS installed there making the crossings a little safer for all.**

**8. MAAB Variance-Avalon at Chestnut Hill (7:20-7:40)**

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The owner of Avalon at Chestnut Hill was unable to attend this meeting but we weren't made aware of that until today. They are seeking a variance for the depth of the kitchen sinks they are replacing. They are installing kitchen sinks that are 9" deep, instead of the required maximum of 6.5". They also submitted their Reasonable Accommodation policy statement, which does not specifically refer to switching out the sinks if someone requests that, but will do so, at no cost to the tenant with the disability, and they will stock this shallower sink so there would be no delay to fulfillment of their request. In their variance application, Avalon said that they would include language to this effect, in the lease for this housing complex. Lucie felt that this accommodation should be included both in the rental application and the lease agreement. Lucie made a motion to support the variance sought by Avalon at Chestnut Hill with the condition that there is clear language regarding the availability of the less deep sink in the lease. Jane seconded the motion. The motion passed unanimously by a vote of 6-0.

**9. Taken out of order-Old/New Business (8:15-8:30)**

Rob reported that the waiver sought by Brimmer & May School, who came to our last meeting, was denied by MAAB. Jini sent out the MAAB decision to all when she received it. Coincidentally, Jini called Tom Hopkins, Executive Director of MAAB, on another topic and he happened to mention this denial. He explained that if it was truly going to be used as a portable lift and stored somewhere else when not needed, the waiver would have been granted. However, the school wants to use this portable model as a permanent lift, because they have no room to store it, and to avoid elevator rules and inspections and blocking the sight lines that the permanent model of this lift would entail.

**10.Sponsor AHVP in State Budget (7:40-7:50)**

Due to the time, Girard chose to table this agenda item.

**11.Sunrise Senior Living (7:50-8:15)**

Representatives of Sunrise Senior Living gave a presentation on their plans to build on the former Clay Chevrolet/Nissan car dealerships property. Sunrise has been in business for the past 35 years and has 315 buildings in US, Canada, and the UK, including 12 assisted living locations in MA. The development will be an 85 unit assisted living and memory care facility, in a home like environment, senior-friendly, providing meals, activities, transportation, and assistance with Activities of Daily Living (ADLs),



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including medication management, toileting, grooming, walking, etc. Every location has a secure area for seniors with dementia or Alzheimer's. For the most part, the local area residents and employees are served by their beautiful environment. As in all of their locations, aging in place with dignity is foremost, to enhance their residents lives. The building will be fully accessible and 2 public parks will be part of the design of this facility. Rosemary asked if there would be any rooms/beds that would be affordable for low-income individuals, since the cost of living here is quite high. This facility is a private pay model, they don't take Medicare or Medicaid. Because they are not providing affordable units, they will be paying the city a fee instead, to satisfy the inclusionary ordinance. She also asked what the staff/client ratio is, and their response was that it depends on the needs of each client, but on average, it is about 1 staff person to 3 residents in the building at any given time. Rosemary asked if they have also bathtubs. Every unit has a roll-in shower but on every floor there are bath suites for residents and their families or care managers to assist them. Jane asked what the cost is to live there. If you share a unit, it might only cost \$2500-3000 per month, which includes meals, transportation and much more, but that cost goes up as your needs increased, or if you require a private unit/not sharing. Girard asked how many square feet is the building. It is just over 70,000 square feet, but they pointed out that around 50% is common area, which is not typical of other housing complexes, but is more like a home. The upper 2 floors of this 4-storey building is their memory care unit for residents with Alzheimer's or Dementia. Girard asked if they have dining rooms, and they do on 3 of the 4 floors, as the units do not have kitchens, so most eat in the dining rooms. They have been meeting with other groups in the city to gain more knowledge where the COD's expertise is, and for support of this project if the COD wants to do that. Barbara related a personal experience with an assisted living, and she felt that the care promised to the family went away when the family was not around. What really counts is how well the resident is cared for, not how beautiful the building or the grounds are. Girard had questions about the staff they hire, if they are paid well, and spoke of the MassHealth Personal Care Attendant program in Massachusetts which allows people with disabilities to live in their home rather than in a nursing home. Lucie asked what they pay, as she finds that the quality of care can be poor in group homes and other settings. Their direct care staff is paid around \$15, and Girard said that is what MassHealth pays PCAs and in 2018 they will earn more than

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that. Sunrise will often pay higher than the current pay scale for like positions, as their reputation is based on the quality of care their residents receive. Lucie asked what the neighbors are saying, any objections? Sunrise is getting quite a lot of support both from organizations, like the Council On Aging, and many neighbors, but others are saying that is not a good use of the land, some want a park, or a garage/lot (remain as is), that there will be more traffic, but, according to Sunrise, it will cut down 75% that the car dealership created. The scale of the building was an issue originally with the neighbors, which was a 100 unit, so it has been decreased to 85 units, and in the back towards the neighborhood, the building is tiered, so that its height is not as high as in the front. There are plans to provide a buffer of trees and park, more aesthetic than what is there now back there. Some of the public/neighbors in the community meetings said they didn't want the care workers in their neighborhood, a bit of NIMBY-ism. All 3 Ward 1 Councilors are very supportive of this project and organized the community meetings. Girard and Jini asked about the accessibility of the grounds and within the building, including sidewalks around the perimeter of the building and land. Sunrise will be fixing up all the sidewalks around the land they will occupy, 3 lots, will improve the signalization at Church and Washington which is directly across from the facility, and being new construction, they will follow all the Federal and State accessibility laws within the building and in the surrounding landscaped areas. Because Church St. enters Washington St. just opposite the pocket park, Lucie asked if there will be protection from a vehicle accident there. Yes, Sunrise is installing bollards and fencing to protect those in the park. They are also signalizing their driveway,, making it more of a plus intersection instead of a T intersection, where vehicles exiting the facility will have to wait for a traffic light before they can proceed into the intersection. Jini mentioned that if they are creating a new traffic light, that Newton requires Accessible Pedestrian Signals (APS) to also be installed. Sunrise did not know that and they will work closely with the city on this to insure that the same product is installed that already exists there, which are the newer models that were recently installed by the city. Barbara asked if there will be security or a sign in area in the lobby as you enter the facility. Safety and security are first and foremost for their residents and there will be a concierge present until evening and when the concierge leaves, the front entrance will be locked. Jini asked how the units are configured, there are studios/1-bedroom, 2 bedrooms with a common sitting area and a wet bar, where a

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refrigerator is, but no cooking equipment. If a resident who is more independent and not in the memory care unit desires a microwave, they can have that in the unit. At this point with the hour getting late, Barbara had to leave. Girard encouraged Sunrise to stay in touch with the Commission as they proceed through the construction of the facility and landscaping, so as to avoid any accessibility issues. Jini and Girard gave scenarios where brand new constructed buildings had serious accessibility issues and the correction was very costly to the contractor/owner of the building. Our point was well taken and they welcome continued dialogue with the Commission as they move forward in the process. They are looking for the Commission's support of the project, if possible, as they have a Land Use Committee meeting coming up on May 23, and it would be very helpful if the COD decides to support this assisted living project. At this point, Girard had to leave to get The Ride home, just as Rob asked about medical coverage. They will have 24-hour nursing coverage, but if there is a medical need for direct nursing care, they are not providing that, the resident would need to go to the hospital. The nursing provided is to assist with wellness plans, for medication management, etc. Lucie is in favor of the project but wants to drive by the site, and asked about the greenspace. Sunrise will only be building on the 2 lots that have the existing building and the parking lot. The building will not be in the greenspace that exists now, but will be enhancing this area into a park.

There were 4 members remaining at the meeting, a quorum, and Rosemary made a motion to support this project. Jane is also in favor of supporting this needed facility in Newton, and seconded the motion. The motion passed by a vote of 3 in favor (Rosemary, Jane, and Rob)-0 opposed-1 Abstention (Lucie), who wanted more opportunity to gather information, and 1 Absent-Girard. After the vote, Rosemary asked a couple of questions, one was where was the smoking area, and if the assisted living will have worship services. Sunrise will have a designated smoking area, only outside, but not at the front entrance, and there will be worship services both inside the building and will provide transportation for those residents who wish to worship at their temple, mosque, or church. They will have accessible vans or provide busses and take residents to many fun field trips. Timeline was brought up by Rosemary. Sunrise hopes to begin construction by this November and will open in the first quarter of 2019. In Rob's thank you to the Sunrise representatives, Rob mentioned that he had invited them to present here at the COD meeting as he is a neighbor, and felt it was a

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worthy endeavor as there are very few assisted living options in Newton and our population is aging in place. Also, he wanted them to know about the COD and to hear the questions members would have. Sunrise asked if a letter would be sent to the Land Use Committee, and Rob said yes that the COD would provide that. Asked if anyone from the COD could also be present at the Land Use Committee of the City Council, Rob thought that either he or Girard would be able to attend on May 23.

**12.Adjournment (8:30)**

**The meeting adjourned at 8:55PM.**

**NEXT MEETING DATE: June 12, 2017**

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec.504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. For Telecommunications Relay Service, please dial 711 or call City Hall's TTY/TDD line at 617-796-1089.