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# CITY OF NEWTON, MASSACHUSETTS

## Commission On Disability

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Meeting date: January 11, 2016  
Room 204  
Time: 6:30 pm

MINUTES

Setti D. Warren  
Mayor

James Freas, Acting  
Director, Planning &  
Development

Lydia Scott  
Senior Planner  
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  
617-796-1253

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Newton, MA 02459  
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#### Commission Members Present:

**Rob Caruso Co-Chair**

**Girard Plant Co-Chair**

**Jane Brown**

**Lucie Chansky**

**Rosemary Larking- Remote Participation via phone**

**Barbara Lischinsky**

#### City Staff:

Jini Fairley, ADA Coordinator- Remote Participation via phone

Lydia Scott, Planning & Development

Sgt. John Babcock, Police

Carol Schein, Parks & Recreation

#### Guests:

Councilor Alison Leary

Heather Platt, The Carroll Center for the Blind

Sandra Lingley

Daniel **Brzycki**, from DLA

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

**Rob called the meeting to order at 6:35PM. Commission members and city staff and guests introduced themselves. Due to a fall on black ice this morning, Jini was participating remotely on the phone. Rosemary, who will be participating remotely was not yet available on the phone.**

### 2. Approval of December 14, 2015 meeting Minutes (6:35-6:40)

**When Rob asked if there were any changes, additions, deletions to the draft minutes for the December 14, 2015 meeting, Barbara asked for all references to her personal situation with Ride eligibility be deleted. Jane thought the topic was relevant however to be in the minutes. Jini said she would take out any reference to Barbara's personal eligibility status. A motion was made by Jane to accept the minutes as distributed and corrected, and Barbara**



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seconded the motion. The motion passed unanimously by a vote of 5(Rob, Girard, Jane, Lucie, Barbara)-0.

**3. Newton Corner Improvements-Councilor Leary (6:40-7:05)**

Councilor Leary presented her findings from her walkthrough in Newton Corner back in August with Girard and Alicia Bowman, in a report that was distributed to COD members for their reference. She also gave an update that she and DPW Commissioner, Jim McGonagle and DPW Director of Operations, Shane Mark, made a subsequent walkthrough at Newton Corner, looking at the entire area holistically to determine which improvements might be able to be remedied short term and others long term. She suggested the COD contact the DPW for their ideas as to what can be done, she and Girard mentioned specifically to make a high priority of the crosswalk at Centre St. and Centre Ave, where there are loose bricks making walking treacherous and impossible for those using wheelchairs and non-compliant curb cuts. She said that DPW might want to change the topography of that crossing, since it is part of diagonal through an island, but possibly move the crosswalk a little towards the south so that the crossing is straighter across. Girard gave his perspective as he observed on his walkthrough with Alison in the summer and recommended that the crosswalk and curb cuts in front of 425 Centre be a priority project. Lucie mentioned that several years ago, COD members did a site visit with the Traffic Engineer at that time discussing APS and possibly changing the crossing of Centre St. at the island. Councilor Leary is also interested in finding funding to make some of these improvements, such as with CDBG access funds. Rob asked her if the DPW staff she met with spoke of city funding for Newton Corner improvements. She said there was no discussion regarding funding during this recent walkthrough. She also mentioned that the Newton Corner Advisory Group is getting more active and she recently had a meeting with about 15 interested residents. There was discussion regarding the 4 different on and off ramps, especially the one where traffic comes off the Pike heading East bound and entering Newton Corner by the hotel and the Richardson St. lot. Some of the improvements here would be long term and might involve a pedestrian bridge, and possibly moving the entrance ramp further down into Brighton/Allston. Rob asked Councilor Leary if there was an outline of a specific project for Newton Corner that she or DPW has put together. She said that the crossing of Centre St. opposite 425 Centre St. is a possibility and she would need to review other issues there for additional improvements. Sgt. Babcock mentioned that in the 2015 construction season, Washington St. was paved but they ran out of time to complete crosswalks and curb cuts, especially on

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the north side of Newton Corner. This will be finished right after the Marathon, at the beginning of 2016 construction season.

**4. CDBG Report (7:05-7:15)**

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

Historic Newton/The Jackson Homestead – Archives Preservation and Access – (CD11-03F. Budget: \$40,000; Expended: \$33.98; Balance: \$39,966.02). Project is estimated to start in summer of 2015; a bid has been selected. It has been determined that the project will not require CDBG funding. The balance in this budget must be re-allocated. **Reallocation for this project must be voted on tonight. Please see attached reallocation document.**

FY14 Audible Pedestrian Signals (APS) – (CD14-03Z. Budget: \$13,000 Expended: \$0; Balance: \$13,000). **Eighteen (18) units have been purchased from this budget. Installation of the signals at all three intersections (Walnut @ Beacon; Hammond @ Beacon; Walnut @ Homer) is complete. CD staff is awaiting a transfer bill from DPW and the remaining balance will be transferred into another project.**

Audible Pedestrian Signals – Centre & Centre (Project CD13-03R. Budget: \$6,609.25; Expended: \$0; Balance: \$6,609.25). **Staff has requested the order of new APS units for installation at this intersection. Staff will draft MOU for purchase. The existing budget can fund up to ten (10) units.**

Curb Cuts (Project CD15-03Y. Budget \$193,987.71; Expended: \$0; Balance: \$193,987.71).

The following locations were approved for improvements in May 2014.

1. Newton Corner
  - a. Centre & Sargent and Centre & Cabot. **(survey work will be required and will be completed in winter 2015/2016.)**
2. Nonantum
  - a. Stearns Park at Jasset
3. West Newton
  - a. Wellington Park on Kilburn Street

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**Newton Centre Playground Pathway Phases IV-VI** – (CD15-03X. Budget \$130,000, Expended: \$165.10, Balance: \$129,834.90). All designs are complete. CD staff received DPW’s estimate of \$22,583 for the work on two phases. DPW has determined this work will be contracted out. CD staff is working with DPW staff to finalize bid documents this winter. Construction is still planned for spring 2016. **No update.**

**In addition, Lydia had drafted a memo that outlined the funding that needed to be reallocated, such as the Jackson Homestead ramp, and suggested several new possibilities for these reallocated funds. Later in the meeting, the Commission members will vote on new access projects using CDBG funds.**

**Barbara said that it didn’t appear that the new APS at Beacon & Hammond Sts. Was functioning. Lydia and Jini will check this and the new APS at Beacon & Walnut Sts, as sometimes the volume of the crossing tone may need to be raised, and the new APS do not have the overhead speakers, unless an old APS exist, so you need to be standing right next to the pole where the pushbutton is to hear the crossing tone. From Barbara’s observation, the locator tone was either too low or not working, as well. Barbara also mentioned that crossing Centre from the Starbucks side at Beacon & Centre Street, that the APS was not working, but other days, it does. Heather commented that she had not observed this issue at Beacon & Centre Streets, but the slip lane APS’ locator tone and “Wait” was not working on the Piccadilly Square side, at this same intersection, not on the island. In addition, Heather mentioned that she didn’t think that new APS at Centre/Sargent/Cabot were needed since there is an older APS there with the bird tones (Chirp/Cuckoo). Jini said that the new APS afford a locator tone and a vibrating button when it is time to cross, which are features making these new APS more accessible. Heather likes the volume of the older APS even though a locator tone would be helpful, but not necessary. She also said it must remain as an All Stop, if any signal work is done there. However, Heather did point out that the detectable warning pads on all the curb cuts at this same intersection are cracked and disintegrating and need to be replaced. Lydia said that this intersection is being surveyed this winter, especially since the topography is on a hill.**

**At this point in the meeting, The chair recognized Heather who wanted to bring up an issue with the design and construction of new curb cuts over the past couple of years in residential areas. Specifically, these curb cuts are located between Commonwealth Ave and BC Law School, not on Centre or Comm Avenue, but in**

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the residential area off these main roads, such as at Morton and Vineyard, Cedar and Royce, provide very little cement, mostly grass/berm, so that blind and visually impaired pedestrians can completely miss detecting the corner/curb cut with their white cane. She read an email she sent about 2 years ago regarding this issue, and she had DPW staff meet her on site, back in the spring of 2014, to discuss what could be done. She never heard back from the city, and with staff turnover, it must have slipped through the cracks. Sgt. Babcock said that he and Jini would follow up on this with DPW Engineering.

**5. HP Fines Report (7:15-7:25)**

Sgt. Babcock gave the following report of fines issued and collected to vehicles parking in an accessible (HP) parking space without a valid placard or plate, or vehicles blocking a curb cut:

**CODE #26 & CODE #27**

**JULY 1, 2015 – DECEMBER 31, 2015**

**(6 MONTHS)**

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**CODE #26 (TOTAL PAID) HP**

**SPOT.....\$12,960.00**

**CODE #26 (OUTSTANDING)**

**.....\$ 2,900.00**

**TOTAL**

**.....\$15,860.00**

- **NO TICKETS ISSUED IN DECEMBER**
- **OUTSTANDING WAS REDUCED THRU PAYMENTS**

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

**.....\$6,325.00**

**CODE #27 (OUTSTANDING)**

**.....\$1,605.00**

**TOTAL**

**.....\$7,930.00**

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**COMBINED TOTALS**

<b>TOTAL COLLECTED.....</b>	<b>\$19,285.00</b>
<b>TOTAL OUTSTANDING.....</b>	<b>\$ 4,505.00</b>
<b>TOTAL.....</b>	<b>\$23,790.00</b>

**Sgt. Babcock mentioned that there has been an influx of vehicles with placards parking all day at meter spaces near Boston College and now on Union St. in Newton Centre, and they belong to MBTA employees, even though there are free parking spaces for these employees in a nearby T-employee parking lot. This influx is impacting the businesses as their customers cannot find a parking space, same happens for St. Ignatius parishioners. Some towns have overruled the state with a Home Rule petition, such as limiting the amount of time one can park at a meter spot with a placard or plate. Some are not displaying their placard properly and should get a ticket rather than dismissing it when they come in with their placard, was suggested. Lucie said that she thinks the state is considering changing the length of time one with a placard/plate can park in a metered space, and possibly other changes.**

**6. Elections of Commission Officers (7:25-7:40)**

**Rob asked if there were any nominations for the office of Chair or Co-Chair. He also mentioned that, now that we have funds in several accounts, that it would be a good idea to also elect someone for the office of Treasurer. Several members were nominated for this position, Jane and Lucie, but Lucie declined. Jane would accept if she received help from members. Jini assured her that she would also help her obtain the information from the city for reports. Rosemary made a motion to establish the position of the office of Treasurer and nominated Jane as our first Treasurer. Lucie seconded the motion. The motion was passed unanimously, 6(Rob, Girard, Barbara, Lucie, Rosemary, Jane) -0. Then Rosemary made a motion to nominate and elect Rob and Girard for the office of Co-Chairs. Barbara seconded the motion. The motion passed unanimously 6-0. Rosemary asked what happens if both Rob and Girard are sick and cannot be at the meeting. Rob said that the Co-chairs have the authority and responsibility to appoint another member of the COD to chair that meeting when both of them are not available, as part of the new Remote Participation rules.**

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#### 7. ADA Coordinator's Report (7:40-7:50)

**Jini had distributed the following report to COD members in advance:**

##### Site Visits:

- Newton Upper Falls Greenway (Rail Trail)
- Angier School Driveway
- Waban Library
- Walnut & Homer St. new APS

##### Residential Issues Update

- Overhanging/protruding shrubs
- NWH West Entrance Driveway

##### Meetings/Conference Calls:

- MOD call on December 17
- Mayor's Celebration of Diversity event on December 20
- Mass Alliance of CODs call on January 6
- Newton Chief of Police Swearing In on January 6

**In order to save time, Jini just answered any questions members had. Lucie asked why there was a site visit to the Waban Library. Jini said that there were some accessibility needs there for it to continue to be a polling place that DPW was addressing. Lucie also asked about the protruding shrubs. This was an issue Barbara brought up last month as she had reported it several months ago to 311. The DPW Director of Operations, Shane Mark, met with the homeowner to explain the need for these shrubs to be cut back and not to overhang the sidewalk, as Barbara has been hit in the face by the branches. The homeowner agreed to take care of it over the past weekend, and Barbara will let Jini know if that happened or not. Lucie's last question was about the conference call MOD conducted with COD members around the state. Jini said that it was not a dialogue, just Jeff Dougan and the Director of MOD, David D'Archangelo, giving out information. Jeff promised some follow-up emails on some, such as the CMR regulations that have some relevance for people with disabilities, including the Senate Bill 1323 which would align the regulations of the MAAB (521CMR) and the ADA and making workplaces accessible. Other topics were regional meetings to be held in person around the state for COD members, and more**

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conference calls. Rob was also on the call and has the follow-up email from Jeff and will pass it on.

**8. Newton Highlands Playground Fund Request (7:50-8:05)**

Carol Shine updated us regarding the funding of the Newton Highlands Playground. The Community Preservation Committee funded 2.5 M, short of the 3.3M cost to renovate this park. So funding is still needed. Carol sent Jini a memo which she distributed to COD members listing the cost of several possibilities for funding access projects. The walkway system is more than  $\frac{3}{4}$  of a mile, connecting to every feature of the park. Barbara mentioned that getting there doesn't seem safe with respect to crossing on and off ramps of Route 9. Jay said that the state owns the section of road there on Winchester and the signal and crosswalks at Winchester/Dedham/Needham St. Rob said that making it more accessible by foot is out of the city's control, and the renovation of the park shouldn't be penalized, as the park will be used to capacity, even though it is best to use a vehicle or The Ride to get there. Jay recommended that he and Jini get together with DPW and DOT, if necessary, to explore ways to make a safer route for pedestrians approaching from Walnut and Centre Streets. Lydia's recommendation was to fund the entire park's pathways for \$99,000 using funds from the balance of the Jackson Homestead allocation, balance from the FY14 APS, balance for the Retrofitting Curb Cuts, and the remainder from the FY16 distribution. A motion was made by Lucie to set up a project to fund the asphalt pathways for the Newton Highlands Playground renovation for \$99,000 and the funds would come from the above mentioned remaining balances that Lydia described. Jane seconded the motion. The motion passed unanimously with a vote of 6-0. Lydia also recommended setting up a budget to purchase more APS units in the amount of approximately \$20,000 and those funds can be drawn from the large curb cut budget or the FY16 allocation. A motion was made by Barbara to set up an FY16 APS budget to purchase 32 APS units, in the amount of \$20,800, funded from the FY15 Curb Cut funding pool. The motion was seconded by Jane. The motion passed unanimously by a vote of 6-0. Lydia said that these recommendations will be presented to the Planning Board at the beginning of February and to the Mayor in early March, and at that point the funds will be available. While on the subject of access projects, Barbara proposed we use the CDBG funds to fix the stairs from the Waban T station up to Beacon St. Lydia said that the stairs belong to the T and we can only use CDBG funds for public and city facilities, not the MBTA. Girard suggested



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that he and Barbara contact BCIL about the settlement provisions of the class action lawsuit brought against the T several years ago all about access.

**9. AAB Variance Application-111 Elm St. (8:05-8:25)**

Dan Brzycki , from DLA Architecture, summarized the variances applied for with MAAB for new construction at 111 Elm Street. It is a 3-story building with 3 commercial establishments on street level, with 4 apartments above on the second and third floor. As a requirement of Newton’s zoning, a connector was built between this new building and the Mango Thai Restaurant. This restaurant is not accessible with steps out front. The connector will provide an accessible ramp and an accessible toilet facility, also non-existent in the restaurant. Additionally there will be a van-accessible parking space in the rear of the building, and, although not required, one of the apartments will be fully accessible, kitchen, bathroom, sundeck, and the other 3 apartments could be adapted to be more accessible. There was some discussion about the number of parking spaces behind the building,, as ADA would require one but MAAB only requires an accessible parking space when there are 15 or more parking spaces (there is only 9 in this lot). Jini pointed out that this is one of the reasons advocates want S1323 passed, so that MAAB would align itself with the ADA regarding parking spaces, among many other issues. Lucie suggested that perhaps a request from a resident or a business for an accessible parking space on Elm Street might be made, once tenants move in, which would go through Traffic Council, if accessible parking spaces are at a shortage. There are several accessible parking spaces in a nearby municipal parking lot. The first variance is that there was only enough space to build a 3 foot ramp, not the MAAB required 4 foot width, and however a 3 foot ramp is ADA-compliant. The second variance was relief from the depth of the sinks in the three Group 1 apartments, however, if the tenant requests, a deeper sink would be provided at no charge. The third variance is relief from the MAAB regulation that at the bottom of stairs, that the railing extension is the length of a stair tread and an additional 12 inches. Due to the space allowance, only the 12” extension is possible. After a discussion and questions answered, a motion was made by Lucie to support the variances that are being sought from the MAAB, as described above. Rosemary seconded the motion. The motion passed unanimously with a vote of 6-0. Dan asked about the Senate Bill 1323 that is currently in committee at the State House, which would align the MAAB regulations

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with the ADA. Jini pointed out, that even though there were some variances sought, for the first time this restaurant will be accessible with an accessible bathroom.

**10.Old/New Business (8:25-8:30)**

As old business, a letter to support Senate Bill 1323 had been distributed to the COD members, in order that CODs across the state, as well as individual members, could send it to their State Representative and State Senator. A motion was made by Lucie for the Co-Chairs to send the letter, on behalf of the Newton COD, to our State Legislators who represent Newton, to urge them to vote for S1323. Barbara seconded the motion. The motion passed unanimously with a vote of 4 (Rob, Barbara, Lucie, Rosemary)-0. Both Girard and Jane had just left the meeting.

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

The meeting was adjourned at 8:50PM.

**NEXT MEETING DATE: February 8, 2016**

The location of this meeting is 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 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.