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**ADA/504 COORDINATOR
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MEMORANDUM

From: Jini Fairley, ADA/504 Coordinator
To: Planning & Development Board
Date: Thursday, November 3, 2022
Subject: Adoption of the 2022 ADA/504 Transition Plan

The city of Newton is a covered entity under Title II of the Americans with Disabilities Act (ADA). As a covered entity, the city was required to develop a Transition Plan to identify facilities needing structural changes in order to become accessible. The city did comply with this requirement in 1991 and that ADA Transition Plan was adopted by the Planning & Development Board in April 1991.

It is best practices for cities and towns required to develop an ADA Transition Plan (50 or more employees, full or part-time), to update this plan periodically. Although the 1991 Plan was known to my predecessors, in 2015, I undertook an accessibility assessment, presented to the public in 2017, which formed the basis for this draft 2022 Plan. Another requirement of the ADA is to include people with disabilities in the development of a Transition Plan. In 1991, it was evident from the narrative that the Commission On Disability (although at the time known as the Mayor's Committee for People with Disabilities) was very involved, a Public Participation meeting must be held to review any updates. This Public Participation meeting was held on Thursday, October 27, 2022 and the final draft reflects appropriate comments/edits to the draft, which were received at that meeting and for one week prior and one week after this meeting.

March 28, 2022
Mr. James Kalinoski, Esq.
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A multi-year plan, see Appendix A, which identifies the accessibility issues that exist at 32 existing facilities requiring structural changes in order to become as accessible as possible, given the constraints of a building or topography. Appendix A includes target dates when the facility will achieve accessibility, unless infeasible, starting with this fiscal year, FY2023 to FY2028. It is the responsibility of the Title II ADA Coordinator to annually monitor the plan, especially Appendix A, and update accordingly. At the end of the 2028 fiscal year, an updated ADA/504 Transition Plan will be developed, and once again, adopted by the Planning & Development Board. This update also summarizes facilities becoming as accessible as possible, since the last update, accessibility and also reflects the evolution of disability language.

With this memorandum, You have received the final draft of the 2022 ADA/504 Transition Plan for your review. As established in 1991, I seek your adoption of this 2022 updated plan.

Americans with Disabilities Act (ADA)

and Section 504 Transition Plan

2022 Edition

City of Newton

Adopted November __, 2022

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Author's Note

Updated by Jini Fairley with the assistance of Grace Kellman, the Planning Department, and the Newton Commission on Disability. This Transition Plan is based on Newton's initial 1991 ADA Transition Plan. Correspondence concerning this document should be addressed to:

ADA/504 Coordinator: ADACoordinator@newtonma.gov

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Introduction

The Americans with Disabilities Act, commonly known as the ADA, is Public Law 336 of the 101st Congress, enacted July 26, 1990, and amended in 2008. The ADA prohibits discrimination on the basis of disability and ensures equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation. It also mandates the establishment of TDD/TTY (Telecommunications devices for the deaf/teletypewriters) and Telecommunication Relay Services (TRS).

Title II Subtitle A of the ADA is Nondiscrimination on the Basis of Disability in State and Local Government Services. Subtitle A is implemented by 28 CFR, Part 35. This subtitle protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments. It extends the prohibition of discrimination in federally assisted programs established by Section 504 of the Rehabilitation Act of 1973, as amended, to all activities of state and local governments, including those that do not receive federal financial assistance. This rule, therefore, adopts the general prohibitions of discrimination established under Section 504, as well as the requirements for making programs accessible to individuals with disabilities and for

providing equally effective communications. It also sets forth standards for what constitutes discrimination on the basis of mental or physical disability, provides a definition of disability and a qualified individual with a disability, and establishes a complaint mechanism for resolving allegations of discrimination.

The Intent of the Americans with Disabilities Act (ADA)

Signed into law by President George H. W. Bush on July 26, 1990, the ADA was intended to be much more than a set of architectural barrier removal guidelines. It was passed as a civil rights law with broad mandates for local officials. Cities and towns are required to take all necessary steps to treat residents, employees, and visitors with disabilities with the same respect accorded people without disabilities.

The ADA establishes a clear and comprehensive prohibition of discrimination on the basis of disability. In so doing, it extends the principles set forth in the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, as amended.

Definition of “Disability”

The ADA provides a working definition of “disability.” People with disabilities, under the ADA, are those persons with a physical or mental impairment, or history of such impairment, which limits one or more major life functions, including major life activities such as “caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working” (Americans with Disabilities Act of 1990, Pub. L. No. 101-336, § 12101 (2)(A)). Further, a person regarded as having an impairment, such as a burn victim, is also covered under the law. Some examples of disabilities include, cancer, diabetes, post-traumatic stress disorder, HIV, autism, cerebral palsy, deafness or hearing loss, blindness or low vision, epilepsy, mobility disabilities, intellectual disabilities, major mental illness, and traumatic brain injury. The ADA covers many disabilities not listed here.

Purpose of this Updated Transition Plan

This 2022 Edition of Newton’s ADA Transition Plan is an update based on the 1991 Edition. The language in this Plan reflects the evolution

of acceptable terminology and wording. In the disability community, the term “handicap” has a negative connotation and will not be used in this 2022 ADA/504 Transition Plan.

As required by Federal Regulation 28 CFR Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services, the city of Newton is required to develop a transition plan setting forth the steps necessary to make structural changes to facilities in order to provide program accessibility and to review on an annual basis.

As required by Federal Regulation 24 CFR Part 8, Non-Discrimination Based on Disability in Federally Assisted Programs and Activities of the Department of Housing and Urban Development, the city of Newton is required to develop a plan which will ensure that no qualified individuals will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any programs or activities receiving federal financial assistance from the Department of Housing and Urban Development.

Time Period

The updated Transition Plan will be enforced from the date of adoption by the Planning and Development Board in November, 2022.

Recommended structural changes, as determined in this updated

Transition Plan, will be made during the fiscal years 2023-2028, and will be monitored annually and updated accordingly (see Appendix A).

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Commitment by the City of Newton in Response to the ADA

The city of Newton continues to act vigorously toward implementation of the requirements included in Title II of the Americans with Disabilities Act. Through its elected and appointed officials, the City agrees to follow those steps required under Title II of the ADA. Moreover, it is the intent of the City that no qualified person with a disability shall be excluded from participation, denied benefits, services, or access to programs or activities of the City on the basis of a disability. The City will continue to make all reasonable efforts to assure people with disabilities an equal opportunity to participate in any program or service offered.

Equal Opportunity in Employment

The ADA prohibits discrimination in all employment practices, including job application procedures, hiring, firing, promotions, training, and compensation. The city of Newton has a comprehensive policy against any form of discrimination. This policy fully supports the prohibition of discrimination on the basis of disability as set forth by the ADA. Specifically, the city of Newton agrees to work toward the elimination of all forms of discrimination on the basis of disability in its employment practices.

The city of Newton will continue to give equal opportunity in employment to persons with disabilities. Such equal opportunity for employment will include jobs at all levels in all branches of City government. If an individual, with or without a reasonable accommodation, can perform the essential functions of a given job, that person shall not be disqualified from consideration on the basis of a disability.

Reasonable accommodations may include restructuring aspects of the position or the modification of equipment, so long as the essential purpose of the job remains the same. For example, a person with hearing loss shall be considered for a job answering phones if that person can perform adequately with a hearing aid or volume-control phone.

Structural Changes to Existing Facilities

The city of Newton will continue to assess the accessibility of all facilities owned and/or operated by the City. As a result of this self-assessment, the City will continue to convert buildings and facilities that can reasonably be made accessible (Appendix A). When it is not reasonably possible to convert facilities to full accessibility, the city of Newton will follow the principle of "program accessibility." Program accessibility means that every service offered will be available to all

citizens, even if it means offering the service separately, so long as separate benefits or services are delivered in the most integrated setting possible (Appendix B).

All City departments that occupy buildings or locations that are not fully accessible will devise the means to provide all public services in a way that those services can be obtained by, be used by, and otherwise benefit people with disabilities. The public school system will arrange to provide accessible sites for persons with disabilities wishing to take any class that is offered to the public. The city of Newton is committed to continually providing facilities which are required to carry out program access. The city of Newton will continue to work to assure that each service, program, or activity of the City will be conducted so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities.

Inclusion

Although it may be a necessity for the City to offer some programs separately, we recognize the intent of the ADA that programs and services must be offered in the most integrated setting appropriate to a person's level of need or ability to participate. We support all efforts to include

people with disabilities in an equal way in all aspects of government and community life.

In order to comply with the ADA mandate of the inclusion of people with disabilities in the planning and implementing of municipal services, the City recognizes the major roles that continue to be played by the full time ADA/504 Coordinator (hired in May 2015) and the Newton Commission on Disability (COD) (formerly known as the Mayor's Committee on the Environment of the Handicapped and the Mayor's Committee for People with Disabilities). All 13 members of the Commission on Disability are residents of Newton. The majority of the members are people with disabilities. The members who do not have a disability fall into one of the following categories:

- 1) They have a family member who has a disability.
- 2) They work in an agency that is dedicated to serving people with disabilities.
- 3) They are an elected official or representative appointed by the mayor.

The Newton Commission on Disability holds open public monthly meetings. The COD also advises the City's Planning and Development Department regarding access projects and services that will benefit people with disabilities. Such advice and recommendations are formulated into

annual action plans that are funded by the City's Community Development Block Grant Program (CDBG) (see Appendix C). The Office of the Mayor, the City Council, and all City departments will consult with the ADA/Section 504 coordinator and the COD regarding issues of accessibility and disability rights that affect the city of Newton. For further information, please visit the COD webpage at www.NewtonMA.gov/COD.

Civil Rights

The city of Newton will continue working toward the goal of creating an environment in which all persons with disabilities will have equal opportunities to acquire an education, to obtain and maintain employment, to exercise the right to vote, to participate in civic life, and to utilize public facilities in a satisfying way, without fear of discrimination.

Accommodations at Public Meetings or Events

The city of Newton will provide reasonable accommodations to people with disabilities at public meetings and events when requested. When any city department or office sponsors or holds a public meeting, the city notifies the public in advance as to how a person with a disability may

participate in said meeting. When any event, open to the public, is held on city property, the event sponsor will be informed, through the permitting process, how to set up their event accessibly and how a person with a disability can request a reasonable accommodation. The City provides specific communication access in the form of auxiliary aids and services upon the request of a qualified person with a disability. The appropriate auxiliary aid or service provided for a person with a disability shall typically be the type of auxiliary aid or service requested by that individual. The city of Newton does not assess charges for reasonable accommodations.

Public Facilities

The mayor, city council, ADA/504 coordinator and Commission on Disability will continue to increase access to all public facilities in the city of Newton. In addition to working toward accessibility in all public schools, the City has achieved the goal of making every City polling place accessible (for a list of polling places, see Appendix D). The city of Newton will increase the availability of accessible parking spaces in public lots and in business districts, work to provide accessible play structures and surfaces in all City parks and school playgrounds for children and increase the

number of compliant curb ramps in village centers to accommodate residents and visitors with disabilities (Appendix A).

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Grievances

If residents or visitors with disabilities have grievances or complaints that involve City services or facilities, those persons are encouraged to report such issues to the ADA/504 coordinator.

The city of Newton has established a formal grievance procedure to handle individual complaints (see Appendix E). The procedure outlines the steps the city of Newton will take to respond to the complaint and attempt to resolve the problem that has arisen. The City recognizes the right of all people with disabilities to receive prompt and equitable resolution of their complaints.

Transition Plan Process for Federally Funded Projects

All Newton federally funded projects, in accordance with Section 504 of the 1973 Rehabilitation Act as amended, will be reviewed for accessibility (Appendix F).

The ADA/Section 504 Coordinator advises Newton's Fair Housing Committee (NFHC) in its efforts to Affirmatively Further Fair Housing in the city of Newton and plays a significant role in ensuring that ADA/504 standards are complied with as well recommends accessibility

improvements to new affordable and mixed income housing developments proposed in Newton. The NFHC, with input from the ADA/504 Coordinator, has established the “Newton Fair Housing Committee Reviewing Project Consideration of City Fair Housing Goals” which specifically includes review of affordability, accessibility and visitability of new housing developments seeking zoning and permitting rights from the city. The ADA/504 Coordinator identifies and recommends accessibility improvements to multi-family and related commercial uses in new developments and has facilitated increasing affordable and accessible housing options for people with disabilities.

The ADA/Section 504 coordinator will evaluate each project for accessibility. All design projects will meet the standards set by the Architectural and Transportation Barrier Compliance Board Federal Regulation 36 CFR 1190 and the Massachusetts Architectural Access Board (MAAB) 521 CMR.

It is the responsibility of DPW staff and/or design consultants to pursue MAAB variances for atypical locations where existing features that impact the ability to fully comply with ADA standards and MAAB rules and regulations. Projects requiring variances to these regulations will be forwarded by the ADA/504 coordinator to the Commission on Disability for

their review and recommendations, which will be communicated to the MAAB in a timely manner.

Service programs funded with federal funds will be required to be reviewed by the ADA/504 coordinator. If it is determined that a program change is required to make the program more accessible, that change will be forwarded to the Commission on Disability for their information and recommendation.

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Oversight for Newton's Compliance with the ADA

The ADA/504 coordinator and the Newton Commission on Disability will act on behalf of the city of Newton to lead the planning for the City's compliance with the Americans with Disabilities Act. The ADA/504 coordinator and the COD will provide technical assistance to City officials and will also review progress in meeting transition goals.

The Newton Commission on Disability is devoted to fulfillment of the purpose of the Americans with Disabilities Act. Its two greatest goals are:

- 1) Removal of barriers that prevent people with disabilities from fully participating in community life.
- 2) Raising awareness of the general population concerning the right of people with disabilities to have opportunities and benefits that are equal to the opportunities and benefits afforded people who do not have a disability.

The Commission on Disability informs City leaders of the needs and priorities of Newton's residents with disabilities.

The mayor of Newton appoints local residents to membership in this Commission, who serve as the lead citizen group responsible for planning and developing strategies that will drive the City's transition to full compliance with the ADA.

The Commission has existed, in some form, for the past 49 years, advising the mayor as the City's foremost advocacy group on all disability-related matters. It was active in promoting respect for the rights of people with disabilities for many years before President George H. W. Bush signed the Americans with Disabilities Act into law on July 26, 1990.

In 1973, an *ad hoc* group of local disability rights activists met at the request of Newton mayor Theodore D. Mann to assess the City's accessibility and discuss the needs of people with disabilities. This meeting took place in conjunction with Newton's centennial celebration of its incorporation as a city (in 1874). The group continued to meet as an informal advocacy group and pressed for a permanent City task force on disability. In September 1975, mayor Mann officially appointed the members of this mayoral committee, now called the Newton Commission On Disability (COD). Mayor Mann charged the Committee to further explore the extent of the needs of people with disabilities and identify sources of funding, especially with respect to transportation, education, and recreation.

The Commission has acted as the unifying force to express the needs of all Newton residents who have disabilities. From 1975 through 2008, the Commission benefited from the insightful leadership of a local

attorney, Jason A. Rosenberg. In 1990, Mr. Rosenberg received the annual Human Rights Achievement Award from the Newton Human Rights Commission for his work as an advocate for the rights of people with disabilities.

In 2011 this mayoral committee became the Newton Commission On Disability organized under the state statute MGL Chapter 40, Sections 8J and 22G. Section 8J outlines the powers and duties of a city's disability commission, should one be established. The purpose of such a commission according to this section "is to cause the full integration of people with disabilities" (MGL Chapter 40, § 8J). This paragraph proceeds to outline the powers and duties of a disability commission as follows:

Such commission shall (1) research local problems of people with disabilities; (2) advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities; (3) coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts office on disability; (4) review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of said city or town as they affect people with disabilities; (5) provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; (6) coordinate activities of other local groups organized for similar purposes (MGL Chapter 40, § 8J).

The COD promotes adherence to federal, State and City laws and regulations that prohibit discrimination against people with disabilities such as the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, Massachusetts Architectural Access Board, and the Fair Housing Act as amended.

The residents who serve on the COD have consistently articulated a commitment to improving access to city facilities and services, including government, schools and recreational facilities, transportation, community centers, and commercial facilities. They have been able to make significant strides in all these areas because they have had the support of Newton's disability community. They have been successful in advocating for the expenditure of federal CDBG funds toward the implementation of changes in Newton's civic landscape in accordance with Massachusetts Architectural Access Board (MAAB) regulations, the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and the 2010 ADA Design Standards (ADADS). There has been a great increase in accessibility in the city of Newton during the past 48 years because of this utilization of CDBG funds. Some improvements made with CDBG funds since 1991 include the following:

- Many City buildings and offices have been made more accessible to the public
- City schools have been made more accessible through the installation of elevators, ramps, lifts, accessible doors, and accessible bathrooms
- Over 1,000 curb ramps have been installed City-wide
- The Senior Center and four other community centers throughout the City have been made more accessible
- Access improvements at all of the City's polling places
- Accessible play equipment and surfaces have been installed at school and community playgrounds
- Access improvements at four major recreation facilities
- Financial assistance has been given to non-profit organizations, open to the public, for improvements such as the addition of ramps, accessible bathrooms, accessible entrances, installation of elevators, and lifts

The influence of the Commission in directing CDBG funds toward architectural access projects has resulted in a remarkable expenditure of millions of dollars on access and barrier removal projects in the City since

FY1977 (see Appendix C). In addition to the expenditure of public funds, the informal effect of the Commission's advocacy effort has resulted in a considerable amount of private funds being committed to access improvements for businesses throughout the City, such as grocery stores, banks, pharmacies, retail shops, and restaurants.

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Accessibility Improvements Made Since 1991

Significant and meaningful improvements to the accessibility of the city of Newton have been made since the previous ADA Transition Plan was adopted in 1991. Many accessibility projects which began in the last 30 years are ongoing around the city. This is especially true for infrastructure improvements like curb ramps, Accessible Pedestrian Signals (APS), and accessible parking.

Thousands of curb ramps have been installed at previously inaccessible intersections and crosswalks primarily near schools and other municipal buildings, transportation nodes, village centers and nearby neighborhoods since 1991 and continue to be added throughout the City. There were no Accessible Pedestrian Signals (APS) or Rapid Rectangular Flashing Beacons (RRFB) in 1991, and the addition of APS and RRFBs around the city has made a significant difference for people with disabilities in Newton. Accessible parking is another area that has been a major focus of the various accessibility projects in Newton, and several such projects are currently in progress. These improvements allow people with disabilities to navigate the city more wholly where they may have run into access barriers related to parking in the past.

Public buildings in the city of Newton have also undergone immense improvement in terms of accessibility since 1991 and continue to be a main focus of current ADA projects. City buildings and offices have been made more accessible to the public, including City Hall and the main library. In 1991, most schools needed a ramp to allow students with mobility disabilities to get in the front door.

City schools have been made more accessible through the installation of elevators, ramps, lifts, accessible doors, and accessible bathrooms. Four schools have been renovated or newly built since 1991. Newton North High School and Angier, Zervas and Cabot elementary schools are now fully accessible and follow all pertinent accessibility codes and regulations. Renovating restrooms has been a priority over the last 30 years. In 2018, for example, a fully accessible, all gender restroom was constructed on the first floor of City Hall.

Access improvements have also been made at non-profit elder housing facilities and group homes for people with disabilities. These housing renovations were made possible through the utilization of CDBG funds. See Appendix G for a list of projects completed in the past five years.

Since the 1991 ADA/504 Plan was written, major accessibility improvements have been made throughout the city of Newton. Updates to infrastructure, public buildings and parks have made an important difference to residents and visitors with disabilities. This updated transition plan is intended to cover accessibility projects spanning the next five years and will be continually updated in five-year increments and reviewed every year (see Appendix A). It is important to acknowledge that Newton is both a large and old city, and there will continue to be areas to improve upon in terms of accessibility because of that.

Sidewalks

Accessible sidewalks are critical for a livable and accessible Newton. Sidewalks are walks immediately adjacent to a roadway or offset from the roadway by a uniform planting strip. The Newton “Street Design Guide” stipulates that designers must adhere to the standards outlined in the latest ADA standards for accessible design and are also encouraged to follow the most recent Public Right-of-way Accessibility Guidelines (PROWAG).¹ The

¹ <https://www.newtonma.gov/home/showpublisheddocument/80189/637787949972170000>

City must provide continuous, unobstructed paths that meet surface, clear width, grade, and cross slope requirements. Sidewalks are made up of several zones with their own requirements. The pedestrian zone must be level, slip resistant, clear, and exclusively for pedestrians. The amenity zone rests between the pedestrian and traffic, acting as a buffer and improving curb ramp and driveway design. The amenity zone must not have obstructions adjacent to accessible parking spaces. Lastly, frontage zones buffer the pedestrian from building entrances and other structures like fences and walls. The curb is the smallest portion of the sidewalk and sits between the sidewalk and the street. Depending on the type of street, the recommended pedestrian zone varies between five and 10 feet, with a universal minimum of five feet. Sidewalks are required to have curb ramps at any intersection that contains a street-level pedestrian walkway. Full compliance with the ADA requires an unobstructed four-foot minimum path of travel free from poles, mailboxes, etc. In general, no sidewalk should be constructed with less than four feet of walking space and should be a generally continuous plane with minimal warping. Changes in level shall not exceed $\frac{1}{4}$ inch.

A City-wide inventory of nearly 300 miles of sidewalk has been completed. The next step is for the City to collaborate with the Newton

disability community in prioritizing repairs and replacements required for compliance with the 2010 ADA Standards, PROWAG, and the MAAB.

Curb Ramps

A curb ramp, also called a curb cut, is a short ramp that cuts through the curb or is built up to it. It should provide an accessible route that people with disabilities can use to transition safely from a roadway to a curbed sidewalk and vice versa. It is difficult or impossible for people with mobility aids or vision loss to cross the street without a curb ramp. State and local governments must provide curb ramps at newly constructed or altered streets, roads, and highways where there is an intersection having curbs or other barriers from street-level walkways under Title II of the ADA.

There are specific standards under the ADA that curb ramps must meet regarding width, slope, cross-slope, placement and more. In constructing public facilities like walkways, governments can choose to either follow the ADA Standards for Accessible Design or the Uniform Federal Accessibility Standards. The city of Newton adheres to the ADA guidelines, as stipulated in the “Street Design Guide.” According to the ADA guidelines, curb ramps must have detectable warnings, raised domes, that extend the full width and at least 2 feet of the depth of the ramp (§

4.7.7). The slope of the ramp or ramp run must be no steeper than 8.33% and at least 36 inches wide not including flared sides (§ 4.7.3). Additionally, transitions from ramp to walkway or ramp to street must be level (§ 4.7.2).

There are a few different types of curb ramps, but the perpendicular curb ramp is preferred. This style of ramp intersects with the curb at a 90-degree angle. Ramps must have flared sides only where people are required to walk across them (§ 4.7.5).² An inventory of all 6,300 of the City's curb ramps, including missing curb ramps, has recently been completed, and the next step is to prioritize which curb ramps will first be constructed, reconstructed, or repaired to bring them into compliance.

Accessible Pedestrian Signals (APS)

Accessible Pedestrian Signals, or APS, are devices that communicate when to walk or not walk at signalized intersections for pedestrians who have vision loss or are deafblind by using audio signals and vibrating surfaces. APS may also provide information to pedestrians regarding the destination of the crosswalk and location of the curb. They may include intersection street names in braille, raised print, or through

² <https://www.ada.gov/pcatoolkit/chap6toolkit.htm>

verbal messages. The geometry of the intersection may also be communicated through tactile maps or speech messages. The use of push buttons for APS began in the mid 1990s in the United States³. Since then, over 600 individual buttons at nearly 100 signalized intersections have been installed around the city of Newton (see Appendix H).

The City's initiative to install APS push buttons at the remaining 50 existing traffic signals with pedestrian visual signal infrastructure began in 2019 and was completed in 2021. The project cost totaled \$245,000, including a \$50,464 grant from the Massachusetts Office on Disability (MOD). The newest style of APS, which is used at all locations, includes a locator tone and a vibrotactile arrow for use by pedestrians who are blind, have low vision or are deafblind. The tones used are consistent among all intersections. Additionally, the inventory indicates that most intersections in Newton employ the use of the "exclusive" crossing type instead of the "concurrent" crossing type (see Appendix H). The exclusive crossing type indicates that a signalized intersection will display a red light for all directions of traffic when the walk signals appear/sound. The concurrent crossing type indicates that a pedestrian may get a walk signal while not all

³ National Academies of Sciences, Engineering, and Medicine 2011. Accessible Pedestrian Signals: A Guide to Best Practices (Workshop Edition 2010). Washington, DC: The National Academies Press. <https://doi.org/10.17226/22902>.

directions of traffic are stopped. This initiative aimed to increase accessibility especially for residents and visitors of Newton who have vision loss or are deafblind.

Rectangular Rapid Flashing Beacons (RRFB)

RRFBs are one type of flashing beacon that can be used at crosswalks where there is no traffic signal. A pushbutton activates flashing yellow LED lights to warn vehicles that someone is crossing. The city of Newton requires that all RRFBs are equipped and installed with APS. The features of these APS include a push button and locator tone, a vibrotactile arrow that coordinates with the lights for those who are deafblind, and when pushed says “yellow lights are flashing.” The utilization of accessible RRFBs can increase accessibility and safety for pedestrians with disabilities who may not be able to see or hear when a vehicle is approaching the crosswalk, or who may need a longer time to cross and give warning to vehicles that they are in the crosswalk. At present, there are 17 RRFBs in the city of Newton, four of which were installed during FY20 using CDBG access funds.

HAWK Beacon

A HAWK beacon (High-Intensity Activated crosswalk beacon) is a traffic control device that allows pedestrians to cross the street safely. They are also called pedestrian hybrid beacons or PHB. This is an alternative to a traditional traffic signal. A HAWK beacon is activated only by a pedestrian wishing to cross. Pedestrian hybrid beacons are equipped with APS, making them more accessible for people with disabilities. The difference between a HAWK and an RRFB is that the lights on a HAWK turn to red instead of just yellow flashing lights, so that traffic must stop.

Polling Places

The right to vote is an essential right for all citizens. Therefore, accessibility of polling places has been a priority for the Commission on Disability and the city of Newton. In 2004, additional funds were dedicated to more access improvements to all 25 polling locations (Appendix D). Although there are 32 precincts in the city, some precincts share polling locations.

Local governments must ensure that individuals with disabilities have a full and equal opportunity to vote under Title II of the Americans with

Disabilities Act. While voting early and by mail is becoming more popular and accessible, the ADA particularly emphasizes the importance of accessibility at physical polling places so that people with disabilities may be able to participate in the American tradition of visiting one's polling place to cast their ballot. The ADA's comprehensive polling place accessibility checklist was most recently updated in 2016 and covers many possible types of barriers for people with disabilities that may be present at polling locations.⁴

The city of Newton currently has 25 polling places throughout the eight wards (see Appendix D). Newton uses the AutoMark Voter Assist terminal as the central assistive technology for voters who have disabilities. It has features to assist voters with quadriplegia and low vision or vision loss. All poll workers are trained in the use of the AutoMark machine to accommodate people with disabilities.

⁴ <https://www.ada.gov/votingchecklist.htm>

Facilities Requiring Structural Changes for Accessibility FY2023-FY2027

There are 33 facilities requiring structural changes for accessibility under Appendix A which are projected to be completed within the next five years. These projects generally consist of schools, parks and recreational buildings, infrastructure, and other municipal buildings. Several projects are currently underway or under design and eight are listed with target dates in FY2023. Projects will be updated every five years and reviewed on an annual basis. Target dates for the current projects span FY2023 through FY2027. Completion of these projects will greatly improve the general accessibility of the city of Newton and allow residents and visitors with disabilities to enjoy the facilities and amenities that the city has to offer.

Schools

Five school projects are slated for completion in the next five years. Franklin Elementary School and Countryside Elementary School both have designs in progress. Newton Early Childhood Program requires access adjustments to bathrooms and the addition of accessible vertical access. This renovation is expected to be complete in the fall of FY2023

Parks

Parks and recreational buildings make up most of the projects in Appendix A. Many parks, playgrounds and fields are lacking accessible pathways from parking, play structures and other amenities. Three recreational buildings are listed for multiple access issues. Several fields, including at Brown and Oak Hill Middle Schools, are currently in progress. Three parks and playgrounds are scheduled for completion in FY23. See Appendix I for Newton's Open Space and Recreation Plan.

Other Municipal Buildings

There are five municipal buildings other than schools or recreational buildings that are scheduled to have renovations to improve accessibility in the next five years or so. The main Newton Free Library project will be completed in FY23 with improvements made to the parking lot and the children's room and bathrooms. Inaccessible bathrooms are a common problem among the facilities scheduled for renovation.

Infrastructure

One of the most consistent access issues throughout Newton are pertaining to parking lots, sidewalks, walkways, and curb ramps. 50 City-owned parking lots were audited in 2018 and were found to require accessibility improvements. Many curb ramps are also not ADA compliant or are missing completely throughout the city. This project is in progress. Most sidewalks have access issues related to excessive cross slopes and tripping hazards, and that project is also in progress.

Parking Lots

The necessary parking lot improvement projects are organized with more detail in the separate Parking Lot Audit from 2018 which covers 50 City-owned lots. The types of parking lots included in the audit are the lots of Municipal Buildings, Municipal Parking Lots, Recreation Buildings, and Schools. Prominent issues with parking lots include missing accessible parking spaces, non-regulation cross slopes, signage issues, and problematic or missing accessible pathways (see Appendix J).

Other Achievements

Accessible Transportation

“Newton in Motion” or “NewMo” for short, is a city-sponsored on-demand ridesharing service that can provide transportation for residents throughout Newton for only \$2 per ride. NewMo operates Monday through Friday from 7AM to 6:30PM (Senior service runs 8AM-5PM). The service is particularly helpful for people with disabilities who may not be able to drive. There is also a subsidized rate for rides with NewMo of 50 cents for low-income residents. NewMo can be accessed through a smartphone application as well as by telephone. There are two wheelchair accessible vans which are available for riders with mobility disabilities upon request. Residents over 60 have the option to choose the senior service rather than the commuter service. The senior service brings residents to and from their exact desired location, rather than to and from nearby street corners. Other benefits of the senior service include rides to certain medical facilities outside of Newton, the ability to schedule rides in advance for medical appointments, and weekend service from 9AM-12PM. Seniors and

residents with disabilities seeking more information may visit the NewMo website⁵ or by calling the Senior Center at 617-796-1665.

The city of Newton, including the COD and the ADA/504 Coordinator, has also actively engaged with the Massachusetts Bay Transportation Authority (MBTA) to improve the accessibility of the three Newton commuter rail stations and four D line stations which have not been in compliance with ADA standards since their inception. After many years of advocacy, lengthy discussions and planning efforts between the city and the MBTA, these stations are under design to make them fully accessible and will be under construction in the next two years. In addition, the city of Newton has actively engaged with the MBTA to ensure that various transportation routes affected by changes during the Covid pandemic will continue to be accessible to local residents.

Violations of Accessible Parking

In 2012, the Commission was successful in increasing the violation fines for blocking curb cuts or parking in accessible parking spaces without a valid disability placard or plate, from \$25 to \$200, and \$300 for the

⁵ <https://www.newtonma.gov/government/seniors/transportation>

second and subsequent violation. Under MGL Chapter 40, Section 22G, the City is authorized to allocate all funds collected from fines for accessible parking violations to the Commission on Disability. The COD, with the Mayor's approval, plans for the expenditure of these funds to serve the disability community of Newton.

Awareness and Inclusion in Newton Public Schools

An increase in public interest regarding disability issues resulted in a change of the curriculum in the Newton Public Schools. A disability awareness program, created by the local nonprofit organization, Understanding our Differences (formerly Understanding Handicaps), became part of the curriculum for all Newton Fourth graders (now grades 3, 4 & 5).

On a macro level, the Newton schools made a commitment to full inclusion for all students with disabilities. Since 1990, the schools have practiced a policy of keeping all children with disabilities in their neighborhood schools. This has been made possible through accessibility modifications in most local public schools. Newton Public Schools is committed to serving all children with disabilities from the age of 3 through

high school graduation, and some students receive services until the age of 22.

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Conclusion

Through the continued efforts of Newton's mayors and their administrations, as well as the Newton Commission on Disability and the City's ADA/504 Coordinator, the city of Newton has become increasingly more accessible and has grown in its awareness of the importance of working toward equal civic access for people with disabilities. Although more changes are needed, the most encouraging characteristic of the effort in Newton to achieve the goals mandated by the ADA is its community participation.

As accessibility improvements continue to be made and areas requiring improvement continue to be identified, this document will change. The projects listed in Appendix A are especially subject to change as projects are completed and added. To keep this Transition Plan up to date, the project list will be reviewed on a yearly basis and updated every five years. Appendix A is the heart of this ADA/504 Transition Plan for compliance because it specifically outlines the structural improvements that the City can reasonably expect to make in the next five years. Through the completion and monitoring of the necessary access projects, the city of Newton will continue to improve and serve residents and visitors with disabilities. The city of Newton is fully committed to ensuring equal access

to all city programs, services, activities, and facilities to enjoy and take advantage of all opportunities of civic and community life.

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Appendices

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Appendix A

Facilities Requiring Structural Changes

Name of Facility	Location	Component	Accessibility Issue	Solution	Responsible Entity	Possible Funding Source	Target Date
Auburndale Library	375 Auburn St.	Interior	See KMA 2011 audit: No accessible toilet rooms on main floor (where books are checked out)	Create single-user, accessible toilet room on accessible route	Public Buildings	CIP	TBD
Bobby Braceland Park	Chestnut St. & Pennsylvania Ave.	Pathways to amenities.	No accessible path to play structure from entrances and to other park amenities	Complete Phase II of Master Plan	PRC		FY28
Charles Brown, Oak Hill, Burr, Halloran playfields	Wheeler Rd, Pine St & Albemarle Rd	Pathways	Many ball fields with no accessible route from parking or schools.	Provide accessible route to fields.	PRC		In progress
Cheesecake Foot Bridge	Albemarle Rd.	Approach to temp. accessible bridge from Albemarle Rd. (NB)	Steep slope from road to bridge	Provide ADA compliant curb ramp/accessible path to bridge	DPW/PRC		FY23
City Hall	1000 Commonwealth Ave.	Interior	Basement toilet rooms are non-compliant.	Increase accessible stall size in men's toilet room & increase size of women's single toilet room.	Public Buildings	CIP	FY23
City Hall/War Memorial	1000 Commonwealth Ave.	Exterior	See KMA 2011 audit: non-compliant stairs & railings at several entrances.	Provide compliant stair railings with extensions at entrances with stairs.	Public Buildings	CIP	FY24
City website	N/A	Throughout website	No captioning for videos; some inaccessible forms & PDFs	Bring website into compliance with WCAG 2.0 AA.	IT		FY24

City-owned parking lots	City-wide	Non-compliant accessible parking spaces and/or inaccessible routes.	See IHCD 2018 audit (appendix) for 50 parking lot locations; issues with no accessible route, and/or not enough accessible parking spaces, and/or access aisles.	Restripe/renovate accessible parking spaces & access aisles, construct accessible routes where necessary.	DPW/Public Buildings	CIP	In progress
Countryside Elementary School	191 Dedham St.	Exterior, interior	See access audit by HMFH for non-compliant features.	Renovate school.	Public Buildings/Schools/PRC	CIP	FY24
Crystal Lake Park	30 Rogers St.	Exterior, interior	See KMA 2011 audit: Accessible parking spaces are not level/compliant. Steep slope and non-compliant ramp to beach	Replace building or provide accessible parking, accessible route to beach and other amenities.	PRC/Public Buildings	CIP/Operating	FY25
Curb ramps	Throughout the City	Curb ramps	Many are ADA non-compliant or missing.	Prioritize from inventory and begin installation and replacement.	DPW		In progress
Emerson/Upper Falls Community Center	45 Pettee St.	Exterior, interior	See KMA 2011 Access Audit	Renovate to make toilet rooms accessible; provide accessible route from parking to building.	Public Buildings	CIP	TBD
Franklin Elementary School	125 Derby St.	Exterior, Interior	See access audit by HMFH for all accessibility issues.	Renovate school	Public Buildings/Schools/PRC	CIP	FY26
Jeannette Curtis West Recreation Center ("The Hut")	69 Tyler Terr.	Exterior, Interior	See KMA 2011 audit: No accessible route, entrance, vertical access, or toilet rooms	Renovate or replace	PRC/Public Buildings	CIP	TBD
Lincoln-Eliot Elementary School	191 Pearl St.	Exterior, Interior	See access audit by HMFH for existing accessibility issues.	Renovate	Public Buildings/Schools	CIP	In progress

Louise Levingston Cove	Lake Ave.	Pathways & amenities.	Accessible stone dust portion of pathway with benches, constructed years ago, now eroded and inaccessible. Fishing wall inaccessible.	Provide accessible routes to benches and shoreline from sidewalk entrance. Provide accessible fishing wall amenity.	PRC	CPC	FY23
Lyons Park	Commonwealth Ave. at Islington Rd.	Pathway	No accessible route to bleachers & other amenities from street parking.	Provide accessible route to amenities	PRC		FY23
Marty Sender Trail	Trail connects from Lyons Park to Auburndale Cove	Trail surface	Trail is inaccessible (mud & grass with undefined boundaries).	Create accessible trail (stabilized stone dust) with defined boundaries.	PRC		FY23
McGrath Park	1600 Washington St.	Pathway to fields from parking and street	No accessible route to fields and some park amenities.	Provide perimeter path to fields from parking and street.	PRC	CDBG & CIP	FY24
Newton Early Childhood Program (NECP), formerly Horace Mann Elementary School	687 Watertown St.	Interior, exterior	No accessible vertical access or toilet rooms	Renovate	Public Buildings/Schools	CIP	FY23
Newton Free Library (Main Library)	330 Homer St.	Exterior, Interior (Parking Lot & Children's Area)	See KMA 2011 audit. No access aisles in parking lot; inaccessible children's toilet rooms.	Renovate parking lot & children's toilet rooms	Public Buildings/Library Director	CIP	FY23
Play structures created or renovated since 2008	Throughout the city	Route to and around play elements	Inaccessible surfaces to and around ground play elements	Provide accessible route to ground level play elements with accessible mats	PRC		In progress
Police HQ	1321 Washington St.	Exterior, Interior	See KMA 2011 audit. Non-compliant parking lot; No accessible toilet room on the 2nd floor.	Renovate parking lot & provide single-user, accessible toilet room on 2nd floor	Public Buildings/Police Chief	CIP	FY24
Rev. Ford Playground	Crescent St.	Park entrance, playground, and pathways	Inaccessible park	Renovate park with accessible playground and accessible routes throughout	PRC	CIP	FY25

River Street Playground	River St.	Play equipment & surface	Outdated inaccessible play equipment areas with sand surface	Make ADA compliant with accessible route	PRC	Operating	FY24
Sidewalks	City-wide	Sidewalks	Many have excessive cross slopes and tripping hazards	Prioritize from inventory, repair and/or replace.	DPW		In progress
Solomon Schechter Playground	Stein Circle	Pathways	No internal pathways to outdated play equipment	Provide accessible playground & access routes to park amenities	PRC		FY23
Waban Library Center	1608 Beacon St.	Exterior, Interior	See KMA 2011 audit: Ramp has slope issues; no accessible toilet room	Improve ramp slope; create single-user accessible toilet room	Public Buildings	CIP	TBD
Ward Elementary School	10 Dolphin Rd.	Exterior, Interior	No accessible entrance, only gym accessible from outside; no accessible vertical access or toilet rooms.	Renovate or replace	Public Buildings/Schools	CIP	TBD
Ward Park	Montrose St.	Pathways to amenities.	No accessible pathways to fields and other amenities	Provide access route to park amenities	PRC		FY25
Weeks Park	Hereward Rd. /Paul St./Rowena Rd.(adjacent to Weeks House)	Pathways to amenities.	Soccer fields, ballfields, and raised passive area in the middle are inaccessible.	Provide accessible route to entire park	PRC		FY26

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Appendix B

Program Accessibility

28 CFR 35.150 - Existing facilities. This regulation adopts the program accessibility concept found in the section 504 regulations for federally conducted programs or activities (e.g., 28 CFR Part 39).

The concept of "program accessibility" was first used in the Section 504 regulation adopted by the Department of Health, Education, and Welfare (now Housing and Urban Development - HUD) for its federally assisted programs and activities in 1977. It allowed recipients to make their federally assisted programs and activities available to individuals with disabilities without extensive retrofitting of their existing buildings and facilities, by offering those programs through alternative methods. Program accessibility has proven to be a useful approach and was adopted in the regulations issued for programs and activities conducted by Federal Executive agencies. The Act provides that the concept of program access will continue to apply with respect to facilities now in existence because the cost of retrofitting existing facilities is often prohibitive.

Section 35.150 requires that each service, program, or activity conducted by a public entity, when viewed in its entirety, be readily accessible to, and usable by individuals with disabilities. However, the

regulation makes clear that a public entity is not required to make each of its existing facilities accessible (35.150(a)(1)).

Unlike Title III of the ADA, which requires public accommodations to remove architectural barriers where such removal is "readily achievable," or to provide goods and services through alternative methods, where those methods are "readily achievable," Title II requires a public entity to make its programs accessible in all cases, except where to do so "would result in a fundamental alteration in the nature of the program or in undue financial and administrative burdens" (28 CFR 35.150 (a)(3)). Congress intended the "undue burden" standard in Title II to be significantly higher than the "readily achievable" standard in Title III. Thus, although Title II may not require removal of barriers in some cases where removal would be required under Title III, the program access requirement of Title II should enable individuals with disabilities to participate in and benefit from the services, programs, or activities of public entities in all but the most unusual cases.

Paragraph (a)(3), which is taken from the Section 504 regulations for federally conducted programs, generally codifies case law that defines the scope of the public entity's obligation to ensure program accessibility. This paragraph provides that, in meeting the program

accessibility requirement, a public entity is not required to take any action that would result in a fundamental alteration in the nature of its service, program, or activity or in undue financial and administrative burdens.

This paragraph does not establish an absolute defense; it does not relieve a public entity of all obligations to individuals with disabilities. Although a public entity is not required to take actions that would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens, it nevertheless must take any other steps necessary to ensure that individuals with disabilities receive the benefits or services provided by the public entity.

Compliance with the corresponding provisions of the section 504 regulations for federally conducted programs would, in most cases, not result in undue financial and administrative burdens on a public entity. In determining whether financial and administrative burdens are undue, all public entity resources available for use in the funding and operation of the service, program, or activity should be considered. The burden of proving that compliance with paragraph (a) of 28 CFR 35.150 would fundamentally alter the nature of a service, program, or activity or would result in undue financial and administrative burdens rests with the public entity.

“The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or [their] designee... and must be accompanied by a written statement of the reasons for reaching that conclusion” (28 CFR 35.150 (a)(3)). The intention of this paragraph is that the determination must be made by a high-level official, no lower than a department head, having budgetary authority and responsibility for making spending decisions.

A complaint may be filed by any person who believes that someone has been injured because of a decision or lack of decision made by the head of a public entity. The city of Newton’s procedure for such grievances can be found in Appendix E.

Paragraph (b)(1) of 35.150 sets forth a number of means by which program accessibility may be achieved, including redesign of equipment, reassignment of services to accessible buildings, and provision of aides. In choosing among methods, the public entity shall give priority consideration to those that will be consistent with provision of services in the most integrated setting appropriate to the needs of individuals with disabilities (28 CFR 35.150 (b)(1)). Structural changes in existing facilities are required only when there is no other feasible way to make the public

entity's program accessible. It should be noted that "structural changes" include all physical changes to a facility; the term does not refer only to changes to structural features, such as removal of or alteration to a load-bearing structural member. The requirements of 28 CFR 35.151 for alterations apply to structural changes undertaken to comply with this section. The public entity may comply with the program accessibility requirement by delivering services at alternate accessible sites or making home visits as appropriate.

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Appendix C

CDBG funded Access Projects FY1977-2024

<https://www.newtonma.gov/home/showdocument?id=91432>

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Appendix D

Polling Place Locations

WARD	PRECINCT	POLLING LOCATION	ADDRESS
1	1	Lincoln Eliot School	191 Pearl Street
1	2	Grace Episcopal Church	76 Eldredge Street
1	3	Bigelow Middle School	42 Vernon Street
1	4	Pellegrini Playground Fieldhouse	11 Hawthorn Street
2	1	Albemarle Fieldhouse	250 Albemarle Road
2	2	Cabot Elementary School	229 Cabot Street
2	3	Newton Senior Center	345 Walnut Street
2	4	Newton Free Library	330 Homer Street
3	1	Scandinavian Living Center	206 Waltham Street
3	2	Peirce School	170 Temple Street
3	3	Franklin School	125 Derby Street
3	4	Franklin School	125 Derby Street
4	1	Burr School	171 Pine Street
4	2	Hamilton Community Center	545 Grove Street
4	3	Williams School	141 Grove Street
4	4	Burr School	171 Pine Street
5	1	Emerson Community Center	51 Pettee Street
5	2	Hyde Community Center	90 Lincoln Street
5	3	Zervas Elementary School	30 Beethoven Avenue
5	4	Zervas Elementary School	30 Beethoven Avenue
6	1	Bowen School	280 Cypress Street
6	2	Bowen School	280 Cypress Street
6	3	Hyde Community Center	90 Lincoln Street
6	4	Mason Rice School	149 Pleasant Street
7	1	Church of the Redeemer	379 Hammond Street
7	2	Bigelow Middle School	42 Vernon Street
7	3	Ward School	10 Dolphin Road
7	4	Ward School	10 Dolphin Road
8	1	Oak Hill Middle School	130 Wheeler Road
8	2	Temple Beth Avodah	45 Puddingstone Lane
8	3	Countryside School	191 Dedham Street
8	4	Shuman Community Center	675 Saw Mill Brook Pkwy

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Appendix E

Disability Discrimination Grievance Procedure

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act and Section 504 of the Federal Rehabilitation Act and the Massachusetts Architectural Access Board 521 CMR. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs, or benefits by the city of Newton.

The complaint should be in writing (preferably email) and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or their designee as soon as possible, but no later than 60 calendar days after the alleged violation to:

ADA/504 Coordinator,
1000 Commonwealth Avenue
Newton, MA 02459

Phone: 617-796-1253

Email: ADACoordinator@newtonma.gov

Within 15 calendar days after receipt of the complaint, the ADA/504 coordinator will meet or speak with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ADA/504 coordinator will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, braille, or audio tape. The response will explain the position of the city of Newton and offer options for substantive resolution of the complaint.

If the response by the ADA/504 coordinator does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision of the ADA/504 coordinator within 15 calendar days after receipt of the response to the mayor or their designee. Within 15 calendar days after receipt of the appeal, the mayor or their designee will meet or speak with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the mayor or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA/504 coordinator, appeals to the mayor or their designee, and responses from the ADA/504

coordinator and mayor or their designee will be kept by the city of Newton for at least three years.

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Appendix F

Section 504 Accessibility Checklist

HOME and CDBG PROGRAM MONITORING Civil Rights Program Access Checklist

(note: not all questions may be applicable; consult with staff if unsure)

A. Marketing, Outreach and Waiting Lists

1. Does the organization have a marketing program that targets groups of qualified applicants who might not apply because of race, national origin, age, disability, because they are not local residents, or because of other factors? Yes ____ No ____.

Describe:

2. Does the organization display the HUD-approved fair housing poster in its management offices, and use the HUD-approved fair housing statement and fair housing insignia on its marketing material?

Yes ____ No ____.

Describe:

3. Does the organization use methods that assure that all qualified applicants have an equal opportunity to apply (such as accepting applications over a period of weeks and by mail, use of lotteries to create waiting lists, and providing assistance in completing applications)?

Yes ____ No ____.

Describe:

4. Does the organization use methods to assure that qualified applicants with limited English-speaking ability have an equal opportunity to apply (such as translated written materials, and access to translators)?

Yes ____ No ____.

Describe:

5. Does the organization use auxiliary means of communicating with people with disabilities (such as TTY devices, access to sign language interpreters, and written materials in large print and electronic formats)?

Yes ____ No ____.

Describe:

6. Does the organization keep separate records, insofar as required, to keep track of the racial and ethnic origin, age, and disability of applicants and residents? Yes ____ No ____.

Please provide this demographic information

7. Are accessible dwelling units (rental) registered with the [Housing Navigator MA](#) or for home ownership, [MyMassHome](#) websites within 15 days of unit vacancy (MGL Ch. 151B §4)? Yes ____ No ____.
8. Does the organization provide timely notice that a wheelchair accessible unit is vacant or will become vacant to a person who has, within the past 12 months, notified the owner that such person is in need of a wheelchair accessible unit? Yes ____ No ____.

B. Physical Accessibility

9. Are the offices, meeting rooms, community rooms, and other spaces used by the residents and the public in connection with the housing, program, or activity accessible to people with disabilities?
Yes ____ No ____.

10. Are accessible dwelling units available at this address? Yes ____ No ____.

Total number of accessible units for mobility impairments: _____. Percent of total units _____.

Total number of accessible units for sensory impairments: _____. Percent of total units _____.

11. If the answer to #10 is yes, to what extent are persons requiring the features of the unit currently residing in the accessible dwelling units?):

<i># of accessible units _____</i>	<i># of residents requiring features: _____</i>
<i>for mobility impairments</i>	<i>currently residing in these units</i>

<i># of accessible units _____</i>	<i># of residents requiring features: _____</i>
<i>for sensory impairments</i>	<i>currently residing in these units</i>

12. Does the organization maintain policies for construction of accessible dwelling units, offices, meeting rooms, community rooms, and other spaces used by the public, applicants, or residents?
Yes ____ No ____.

Describe the policies, including the architectural design standards used in the program:

13. Does the organization maintain a written reasonable accommodation policy under which a person with disabilities may request a reasonable accommodation of a policy, procedure, or administrative practice? Yes ____ No ____.

Describe:

14. Does the organization maintain a written reasonable modification policy under which a person with a disability may request a structural change to interiors or exteriors of the

unit and to common and public use areas that are necessary to afford full enjoyment of the premises?

Yes _____ No _____.

15. Are the organization's reasonable accommodation and reasonable modification policies available

on-line? Yes _____ No _____.

C. Occupancy Policies

16. Does the organization maintain written policies governing applications, screening, admission, and occupancy? Yes _____ No _____.

17. Is there a statement of fair housing and civil rights compliance in the application, screening, admission and occupancy policies? Yes _____ No _____

18. Does the organization maintain occupancy policies that maximize the use of dwelling units for families with children, including large families with children? Yes _____ No _____.

19. Does the organization maintain policies under which an applicant or resident can appeal an adverse decision about program participation?

Yes _____ No _____.

Describe:

D. Fair Housing Counseling, Training

20. Is there someone designated by the organization to address fair housing and civil rights issues, or to provide referral and counseling to program participants and applicants about fair housing and civil rights concerns? Yes _____ No _____. *Provide contact information for the individual and describe the coordinator's duties:*

21. Does the organization maintain and carry out policies to monitor compliance with fair housing and civil rights requirements? Yes _____ No _____.

Describe:

E. Fair Housing Planning (Only recipients of a certain size are subject to this section; do not complete unless otherwise indicated by City of Newton Housing and Community Development Division staff)

22. Has the program or activity developed a fair housing plan such as a Section 504 self-evaluation of policies and procedures, architectural access transition plan, Language Assistance Plan for people with limited ability to speak English, or similar written analysis to examine civil rights access to the program or activity? Yes _____ No _____. Attach copies.

23. Does the fair housing plan for the program or activity identify specific barriers to civil rights access, and include a plan for addressing identified barriers? Yes ___ No ___.

Describe:

24. Does the program or activity maintain records that show that the plan for addressing fair housing barriers is carried out? Yes ___ No ___.

Describe:

26. Does the program or activity maintain policies to update any such fair housing plans no less than every 5 years? Yes ___ No ___.

Note: CDBG and HOME loan agreements require the following:

Equal Opportunity

The Subgrantee shall comply with all applicable federal and state laws governing discrimination and equal opportunity. In particular, the Subgrantee shall ensure compliance with CDBG Program regulation 24 CFR 570.601 and .602 and the following statutes and executive orders pertaining to Equal Opportunity: Fair Housing Act; Executive Order 11063 (Equal Opportunity in Housing); Civil Rights Act of 1964, Title VI (Nondiscrimination in Federally Assisted Programs); Age Discrimination Act of 1975; Rehabilitation Act of 1973, Section 504; Exec. Order 11246 (Equal Employment Opportunity); Housing and Urban Development Act of 1968, Section 3; Exec. Orders 11625 and 12432 (Minority Business Enterprise); Exec. Order 12138 (Women's Business Enterprise).

Fair Housing

General. The Subgrantee shall affirmatively further fair housing consistent with the City of Newton's Consolidated Strategy and Plan and with 24 CFR 570.601.

Affirmative Marketing requirements. The Subgrantee shall adopt and implement affirmative marketing procedures for the Property consistent with the requirements of the Newton Community Development Block Grant Program and WestMetro HOME Consortium Affirmative Marketing Plan. The Subgrantee shall summarize these procedures in an Affirmative Marketing Plan, subject to review and approval by the NCDA. The Plan shall be submitted to the NCDA for review and approval within one month of the date of this Agreement.

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Appendix G

Section 504 Transition Plan

Fiscal Year	Project Name	Organization	Description	Village	# Units/Households	Budget
FY2017	515 Walnut Street	Newton Housing Authority/ Advocates	ADA compliance, replacing an existing wheelchair ramp and paving walkways.	Newton Centre	10	\$141,702.00
FY2017	249 Mount Vernon Street	DARE Family Services	Installation of a lift and repairs to ramp and exterior porch to improve accessibility, widening of doorways throughout home and installation of accessible bathrooms.	West Newton	7	\$194,985.73
FY2017	1751 Washington Street	Barry Price Center	The project involves replacing the roof, gutting and rebuilding of accessible bathroom and repair of the basement ceiling.	Auburndale	4	\$37,900.00
FY2018	236 Auburn Street	CAN-DO/ MetroWest CD/ Barry Price Center	The project will include the new construction of a modular 5 bedroom congregate home for severely disabled adults in conjunction with the Barry Price Center in Newton. Additionally, the project incorporates the restoration of the historic home and construction of a two-family duplex for low-to-moderate income families.	Auburndale	5	\$1,020,000.00
FY2019	40 Orchard Road	Pathway 2 Possible	Replacement of roof and windows	West Newton	8	\$39,000.00
FY2020	18-20 Coyne Road	Pathway 2 Possible	A driveway redesign project to establish greater accessibility for our residents with disabilities and create additional parking spaces for our accessible van and 24-hour staff. Work underway.	Waban	6	\$80,000.00
FY2021	61 Pearl Street	CAN DO/NHA	Replacement of front porch/accessible, wheelchair ramp railing and possible deleading	Newton Corner	3	TBD - estimated at \$25,950

FY2021	677 Winchester Street	2Life Communities	Reconfiguration of all 146 apartments for seniors to meet 2Life's adaptable design standards and accessibility requirements to support residents in their apartments and their physical needs change. Preservation of building systems and redesign of program spaces.	Oak Hill	146	\$30,198,215
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FY2021	Golda Meir House Expansion Project	2Life Communities	Addition of 68 apartments (57 one-bedrooms and 11 two-bedrooms) to 2Life Communities' Golda Meir House (which currently contains 199 units of affordable senior housing) through two additions of new construction. Of the 68 proposed units, 60 will be income-restricted for low- and extremely low-income seniors with incomes ranging from 30% - 100% AMI. The project will also contain 9 units set aside for chronically homeless individuals with disabilities.	Waban	68	\$43,258,883.00
FY2021	Haywood House	Newton Housing Authority	Creation of 55 one-bedroom units of new construction rental housing, sited next to the existing Jackson Gardens Federal Public Housing Development. 32 of the units will be designated for seniors with incomes at or below 60% of the area median income (AMI). 11 of these units will be occupied by households at 30% AMI or below. 4 of the units will be set aside for individuals experiencing homelessness or at risk of becoming homeless.	Nonantum	55	\$31,447,624.00
FY2024 and FY2025	The West Newton Armory	Metro West Collaborative Development & Civic Development	Creation of 43 new units of inter-generational affordable rental housing for households with incomes up to sixty percent (60%) of the area median income (AMI), including a set aside for households with incomes up to thirty percent (30%) AMI. The new construction portion of the project will house 15 one-bedroom, 21 two-bedroom and 7 three-bedroom apartments. The project will be 100% visitable and five units will be fully accessible units (4 of which will be enhanced CBH units serving individuals with disabilities).	West Newton	43	\$27,844,312.00
					355	\$134,262,621.73

Appendix H

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Accessible Pedestrian Signals (APS) Inventory

[. https://www.newtonma.gov/home/showdocument?id=91434](https://www.newtonma.gov/home/showdocument?id=91434)

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Appendix I

Open Space and Recreation Plan FY20-27

Title II of the Americans with Disabilities Act (Public Law 101-336, 1990) requires state and local governments to address the issue of accessibility for people with disabilities. It states that "no individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity."

It is the intention of the city of Newton to abide by the regulations of the Americans with Disabilities Act. Public facilities, accommodations, services, and activities that are available to citizens without disabilities should be available to all people regardless of age or whether or not they have a disability. The City will make a concerted effort to provide equal access to its facilities to all residents and visitors and not, through neglect or failure to act, deny its facilities to anyone.

The city of Newton seeks to provide usable open space that is accessible to all residents of the City. Open space within the City will include public recreation areas, public parks, and public conservation lands. Thus, the City will increase accessibility to all its open space areas that are available to the public, accommodating people with disabilities in

as many of these parks, recreation areas, and conservation areas as can be achieved within reasonable financial and geographic constraints.

The City continues to assess its open space areas and make on-going efforts to provide accessibility for people with disabilities in public lands that have public uses and that are not now available to people with disabilities. The access needs of each publicly supervised and maintained park, recreation area, and conservation area will be addressed with a goal of providing site access to as many of these areas as possible. Access planning shall include parking facilities, pathways, trails, play areas, signage, equipment, and toilet facilities so that, whenever possible, they will be readily available to and usable by people with disabilities.

To view the city of Newton's PRC Accessibility Assessment from the Open Space and Recreation Plan, please click the link below.

<https://www.newtonma.gov/home/showpublisheddocument/78612/637753263236230000>

Appendix J

DRAFT

ADA Transition Plan for 50 Parking Lots

<https://www.newtonma.gov/home/showdocument?id=91436>

DRAFT

City of Newton
Zoning & Planning Committee

Village Center Rezoning Phase 3: District Mapping

October 24, 2022

Docket # 38-22

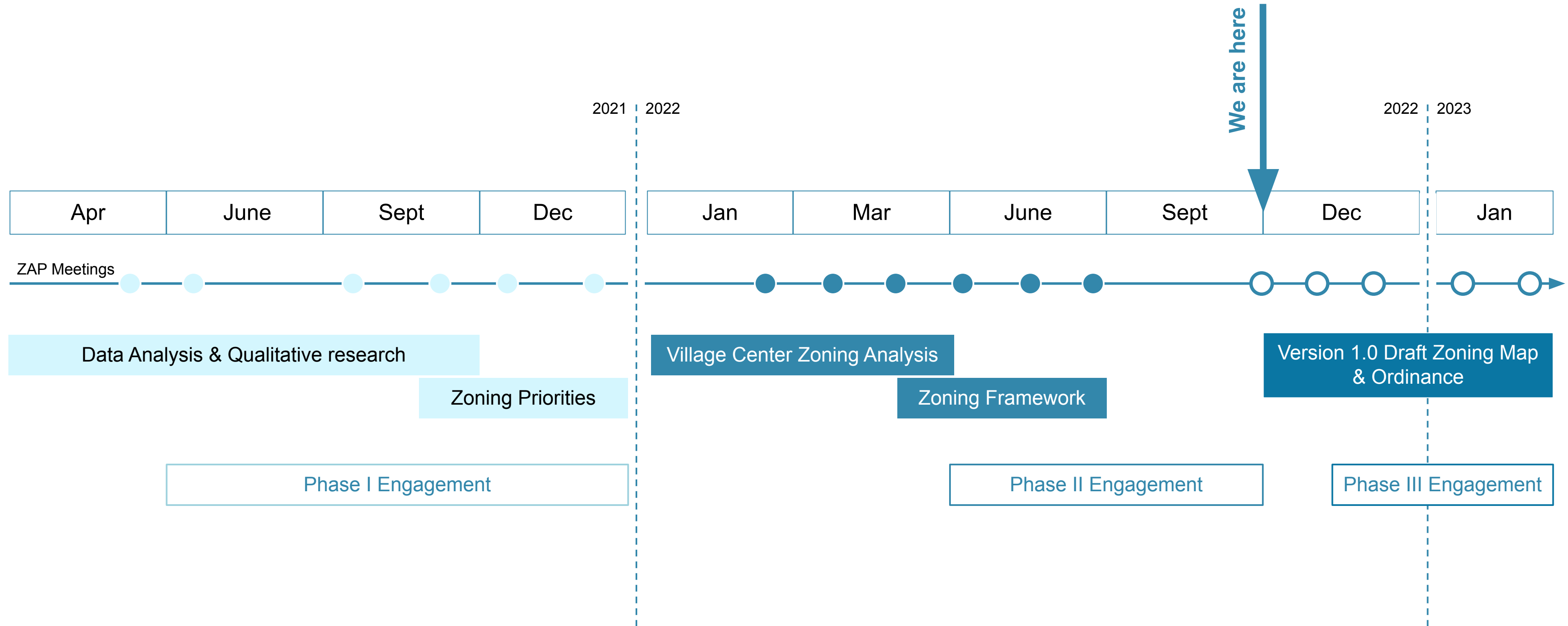


Agenda

1. Where we are
2. Recap of Zoning Approach
3. Draft maps of Village Center Districts
4. Next Steps
 - a. Engagement outcomes at 11/14 ZAP
 - b. Calendar

Timeline: Where we are

Building Upon A Multi-Year Effort

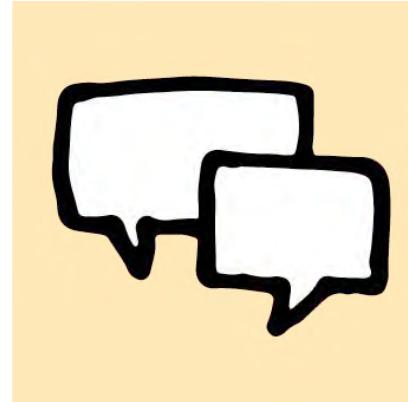


How We Got Here



Vision Kit

290 participants /
102 submissions



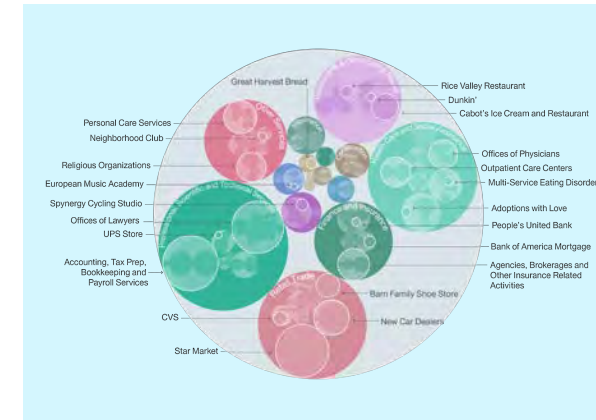
Online interactive forum

1,249 participants



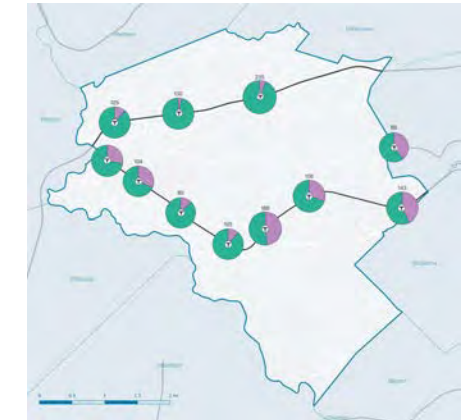
Quantitative Analysis

Number of people living
within walking distance of
Village Centers



Quantitative Analysis

Mix of businesses and
number of jobs



Quantitative Analysis

Transit ridership and
relationship to nearby retail



Equitable focus groups

139 participants
18 community facilitators



History presentation

88 attendees/
viewed 165 times



On-the-spot Surveying

Over 500 engaged in-person



Economic development engagement

41 participants



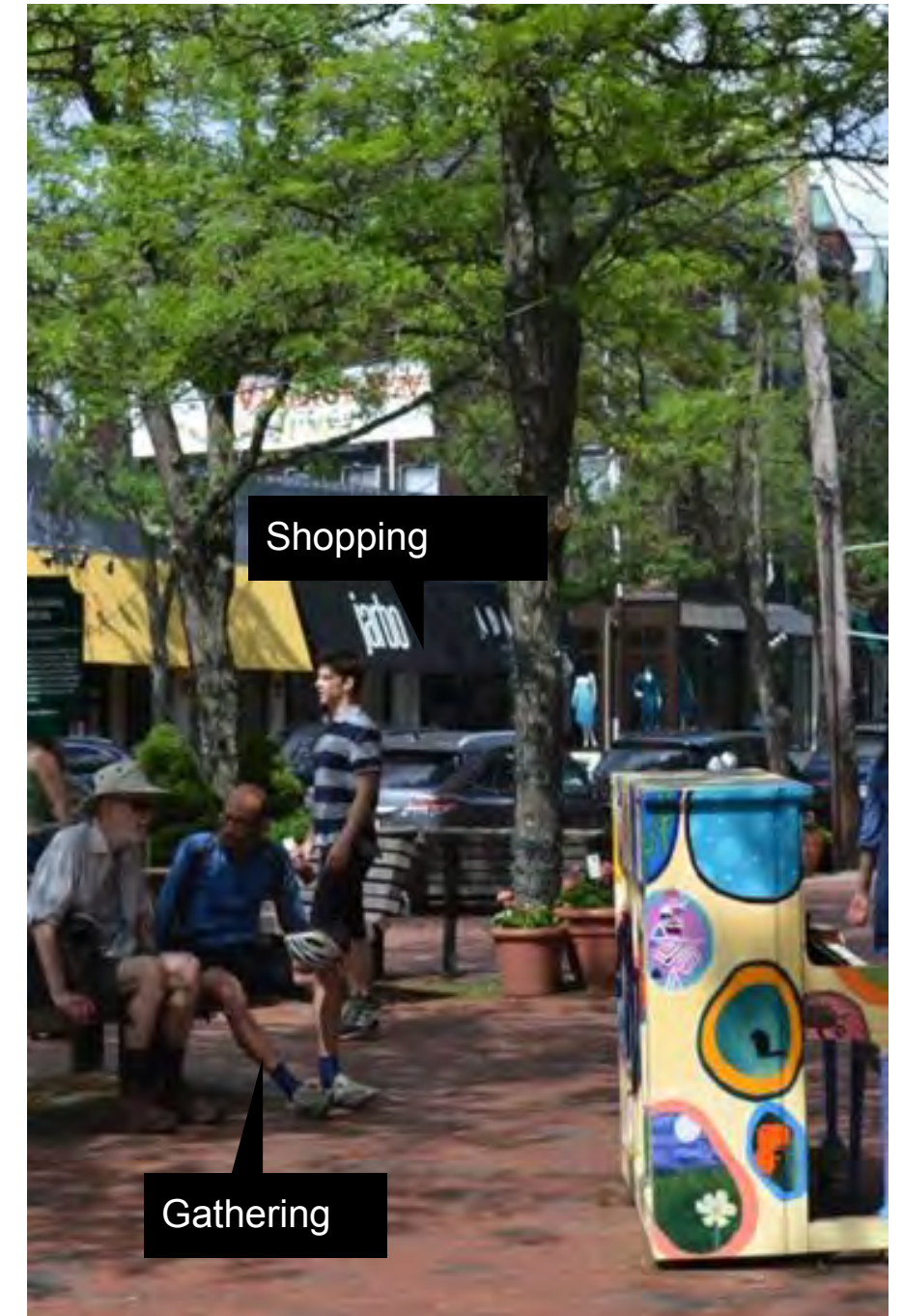
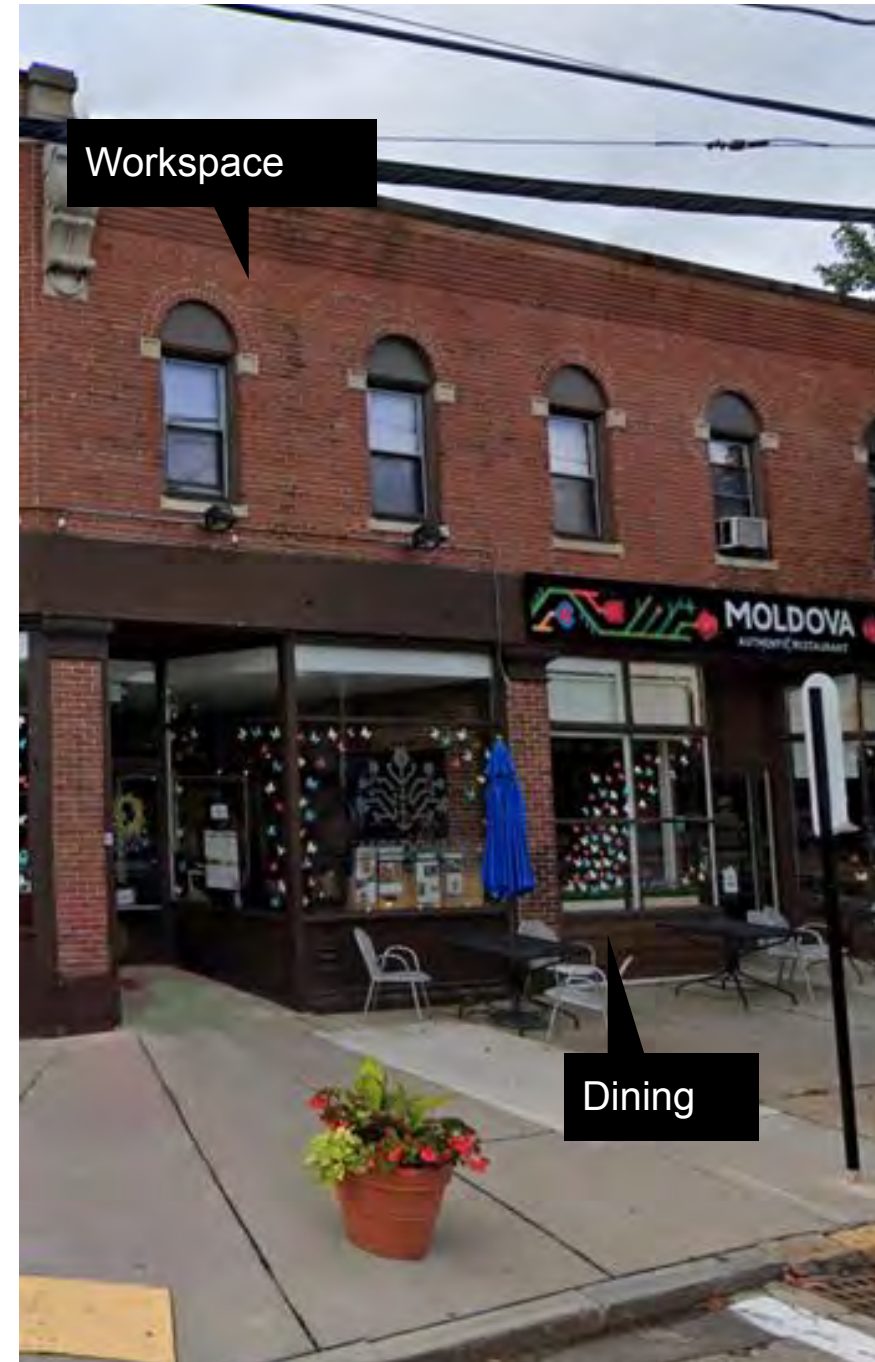
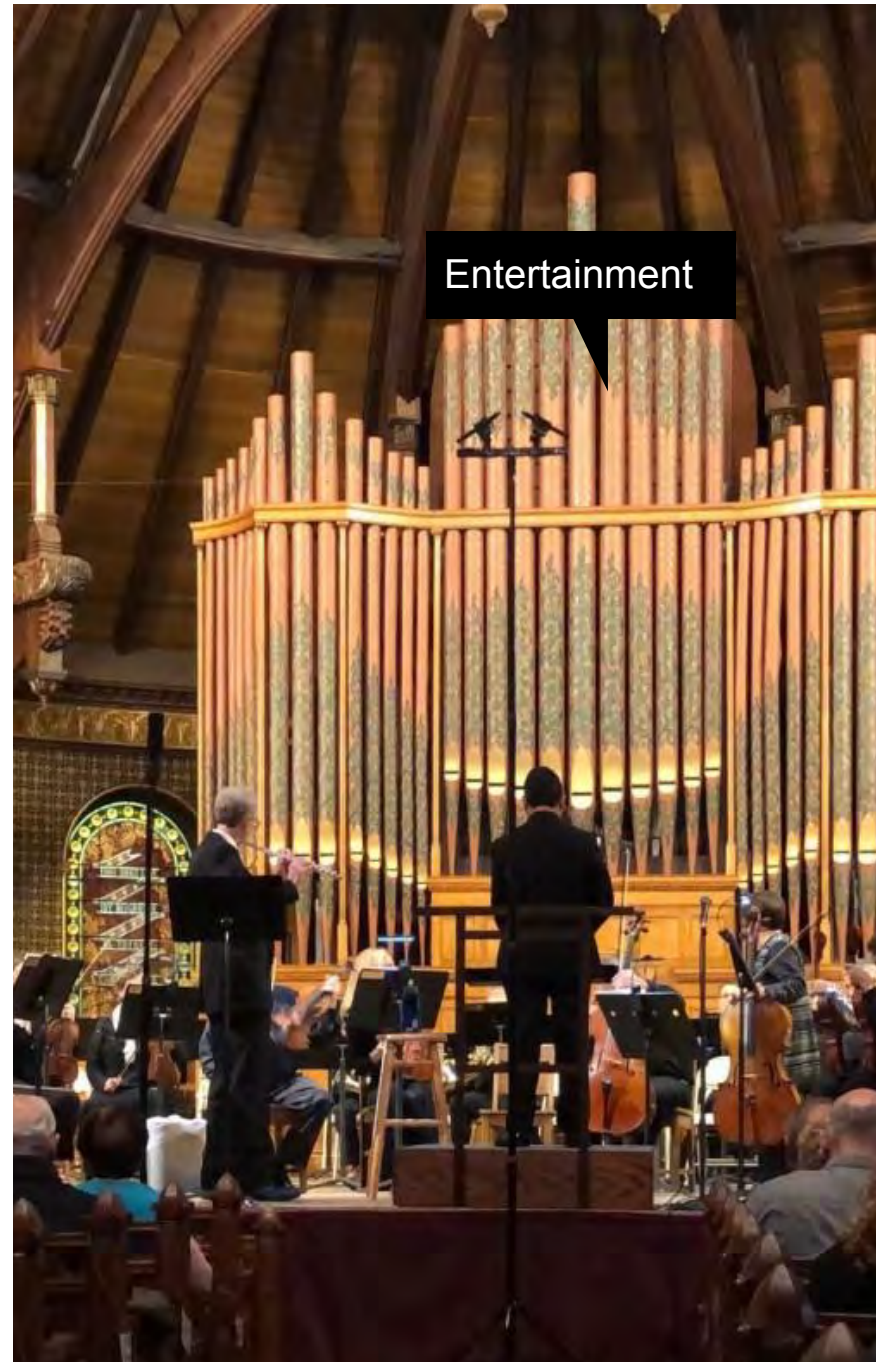
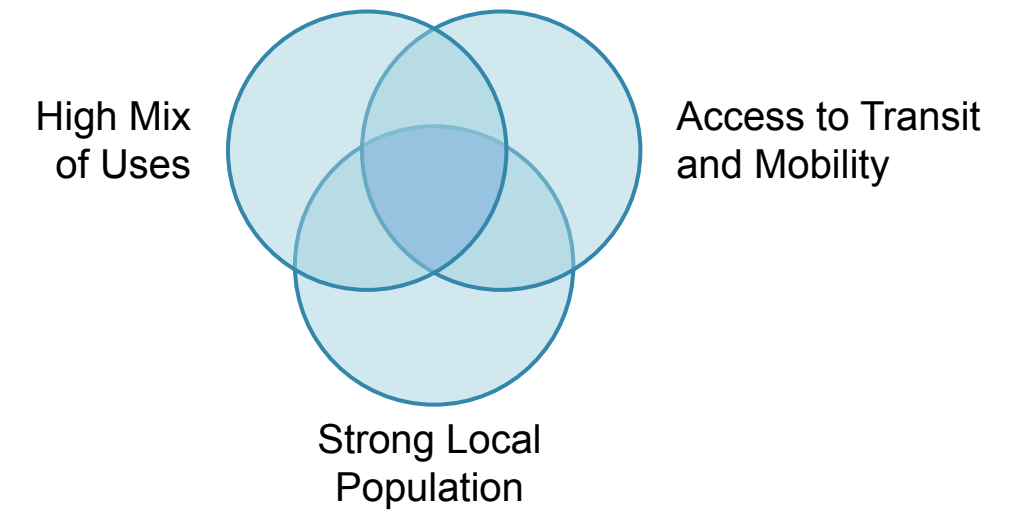
Qualitative analysis

Site observation of three
village centers for over
30 hours.

Facilitating Vibrant and Active Village Centers

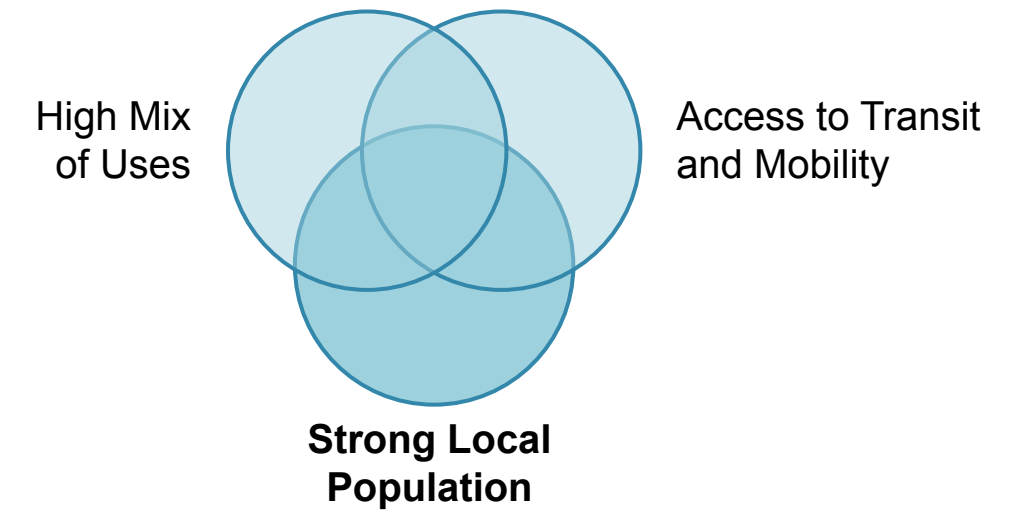
Why Updates are Needed

Build upon existing successes and strengths



Why Updates are Needed

Most village centers have little or no housing directly within them

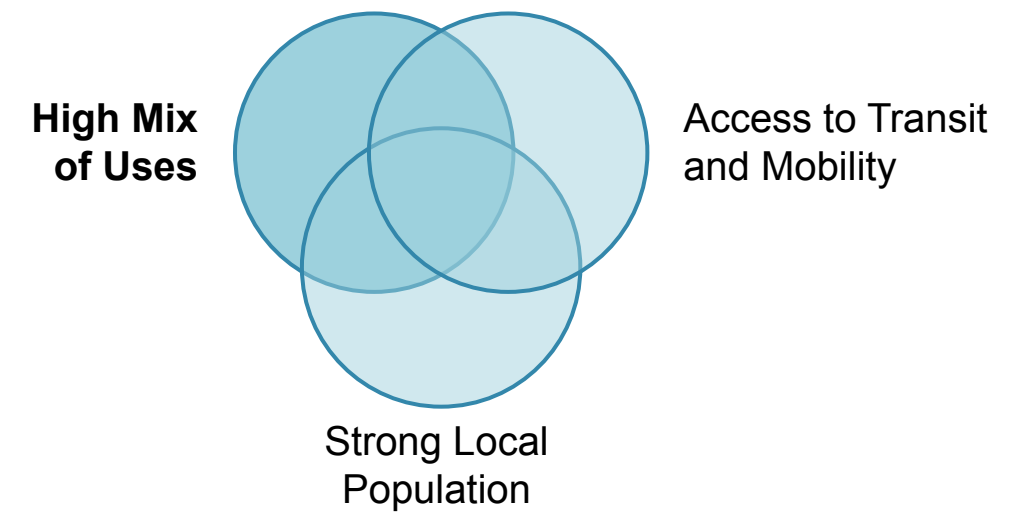


One and two-story retail in Newton Centre

Vision Kit submission of housing above retail

Why Updates are Needed

Attracting customers is major challenge for local businesses



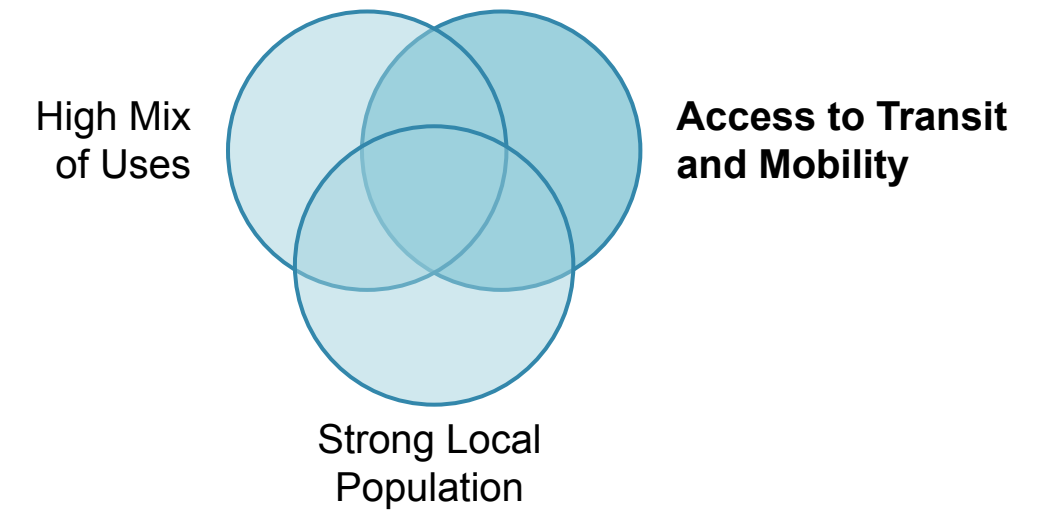
Vacant commercial spaces

Pop-up Commercial Space in Newton Highlands

Facilitating Vibrant and Active Village Centers

Why Updates are Needed

Emphasis should be on people within village centers



Austin Street parking lot, pre-development

Bram Way Plaza hosting live music

Intended Outcomes

- Diverse housing options
- New local businesses
- Active gathering spaces
- Safe sidewalks / streets
- Sustainable / accessible buildings



This code regulates urban form through the following principal mechanisms:

1 Building Footprint
Sets the maximum area per story

2 Building Height
Sets the maximum height in stories/feet

3 Roof Form
Provides options for a flat or pitched roof half-story

Zoning Approach

**The figures below represent proposed by-right zoning allowances*

Village Center 1 (VC1)

2.5 Stories

49 Feet tall, max.

5,000 SF, max. footprint

Residential development allowed

Village Center 2 (VC2)

3.5 Stories

62 Feet tall, max.

10,000 SF, max. footprint

Mixed Use/Commercial, & Residential development allowed

Village Center 3 (VC3)

4.5 Stories

75 Feet tall, max.

15,000 SF, max. footprint

Mixed Use/Commercial, & Residential development allowed

Proposed Development



Existing Development



Draft District Maps

1. Timeline: where we are
2. Recap of Zoning Approach
- 3. Draft maps of Village Center Districts**
4. Next Steps

The following pages present draft boundaries for the new Village Center Overlay Districts.

Mapping Principles:

- We customized the approach for each VC based on visual evidence, using Google Earth and site visits.
- Parcels are included within the proposed overlay districts if the current building(s) on site are inconsistent with the contextual pattern of the surrounding parcels and/or if they include large surface parking lots that interrupt the urban pattern.
- Where possible, the same district is proposed on both sides of key mixed-use streets.
- Zoning tiers step down along side and rear lot lines.

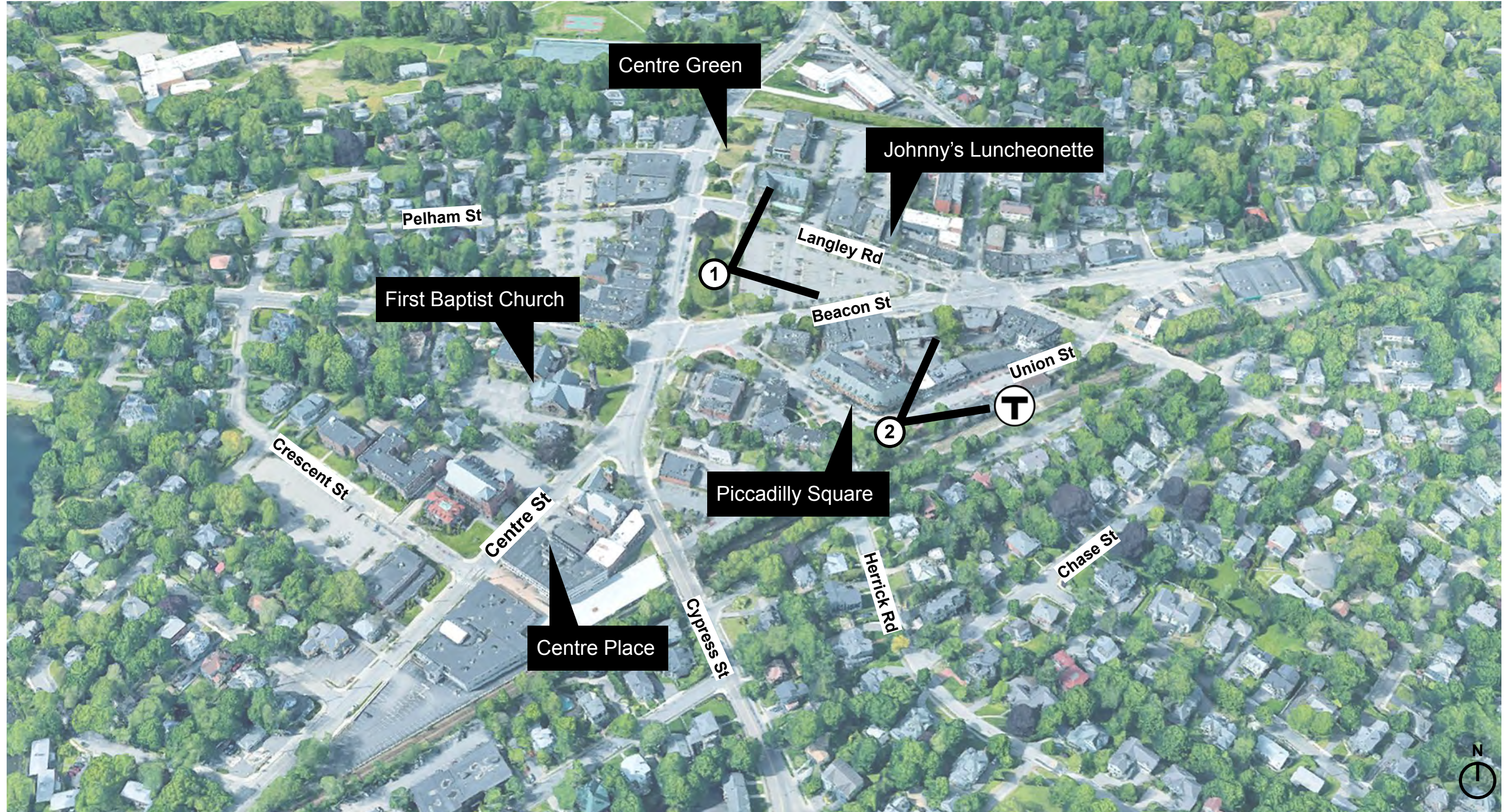
Newton Centre



1. Newton Centre Green across the triangle

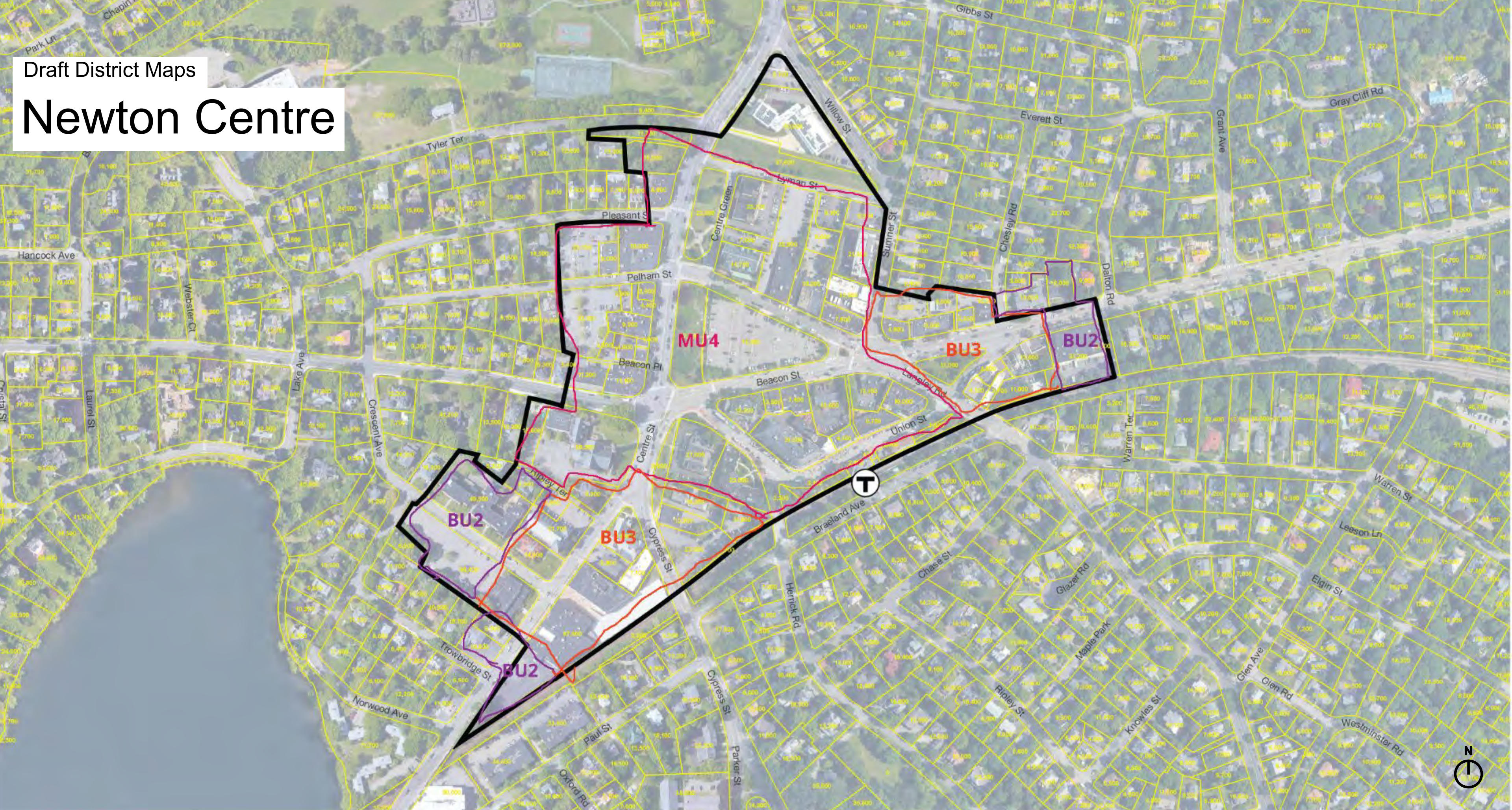


2. View down Union St



Draft District Maps

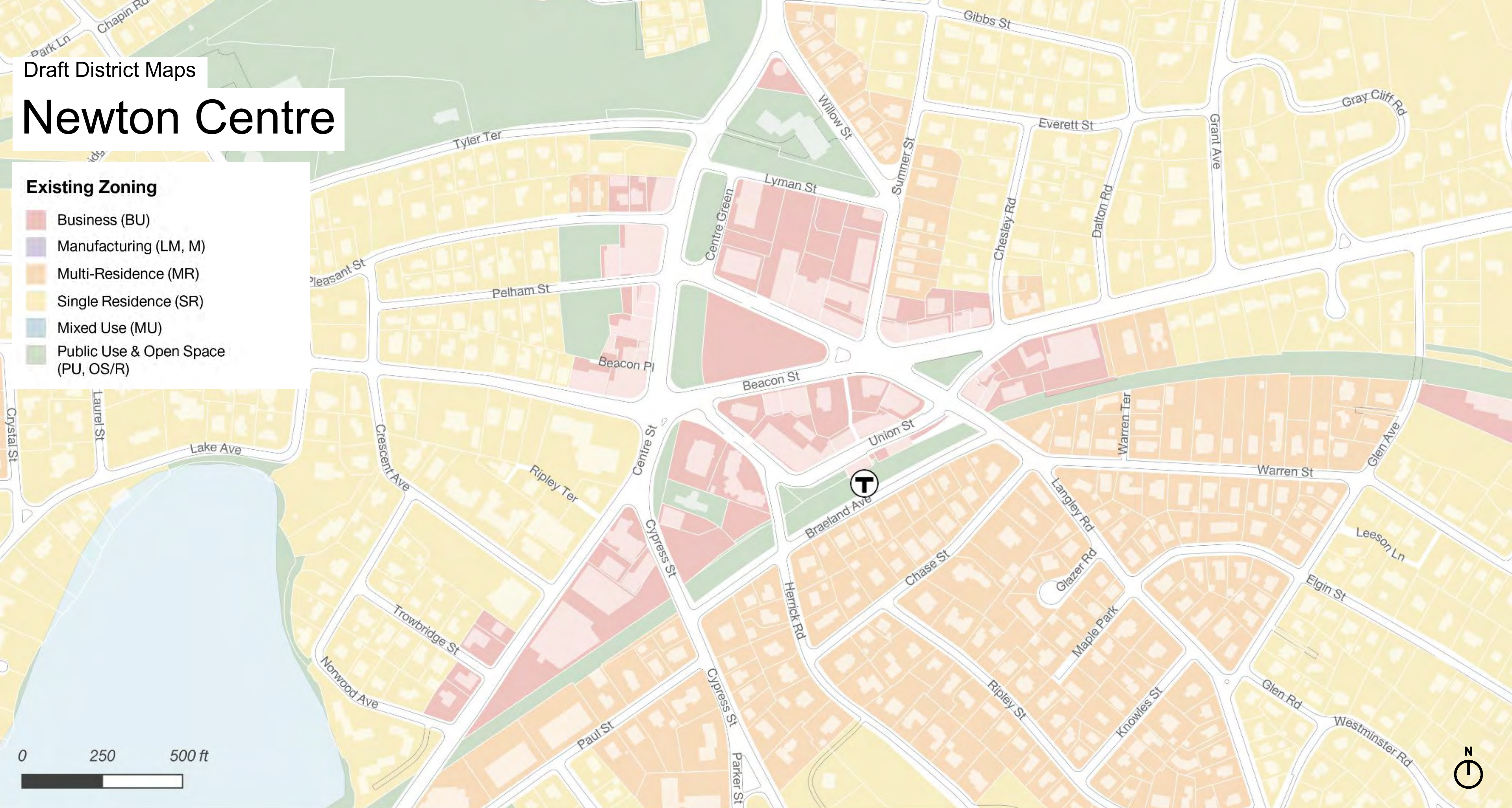
Newton Centre



Newton Centre

Existing Zoning

- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
- Public Use & Open Space (PU, OS/R)



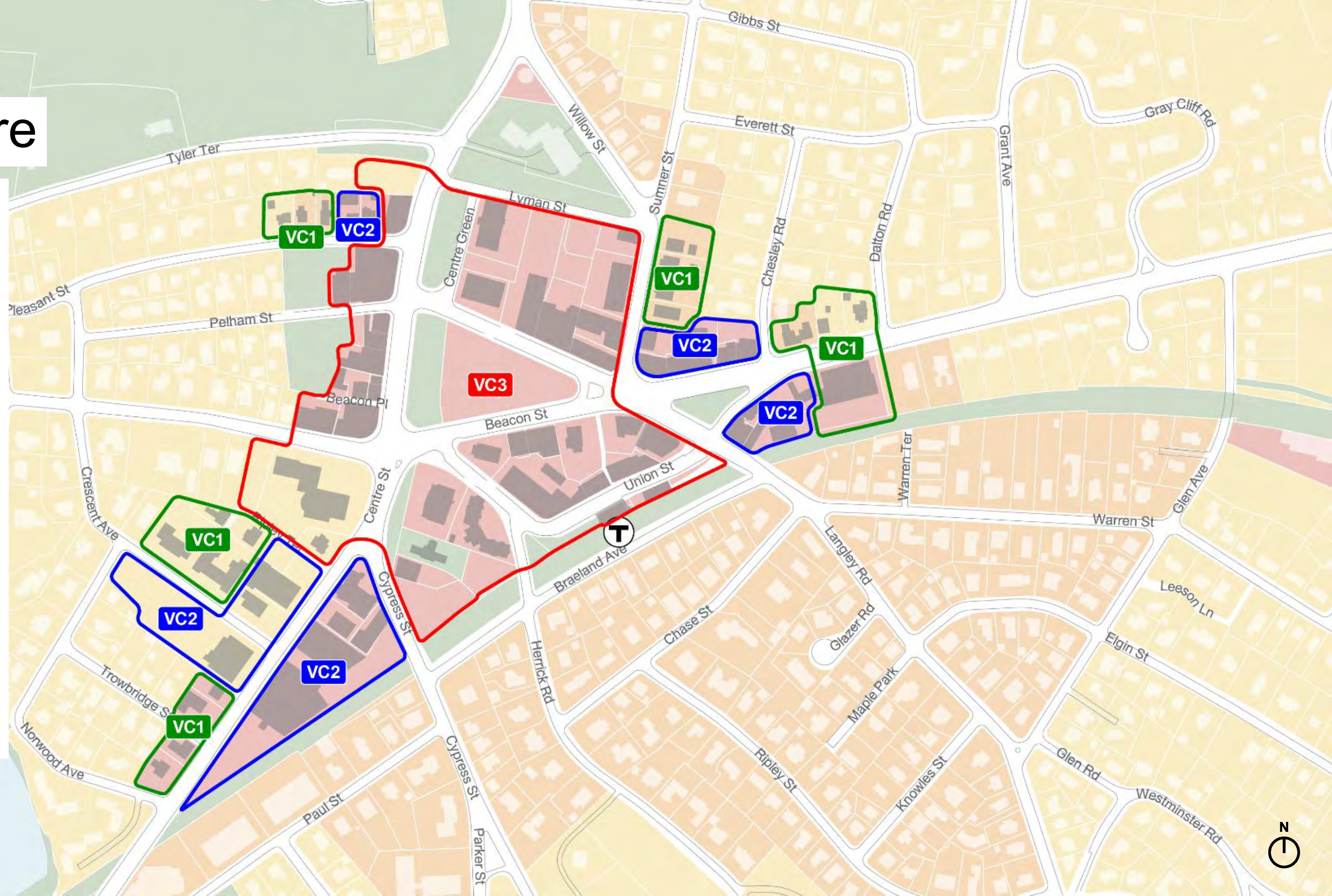
Newton Centre

Existing Zoning

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- Manufacturing (LM, M)
- Multi-Residence (MR)
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Proposed Zoning

- Village Center 3 (VC3)**
Category: By-Right / Special Permit
Footprint, max: 15,000 sf / 17,500 sf
Height, max: 4.5 stories / 5.5 stories
Use: Residential, Commercial, Mixed-Use
- Village Center 2 (VC2)**
Category: By-Right / Special Permit
Footprint, max: 10,000 sf / 12,500 sf
Height, max: 3.5 stories / 4.5 stories
Use: Residential, Commercial, Mixed-Use
- Village Center 1 (VC1)**
Category: By-Right / Special Permit
Footprint, max: 5,000 sf / 7,500 sf
Height, max: 2.5 stories / 3.5 stories
Use: Residential / Commercial, Mixed-Use



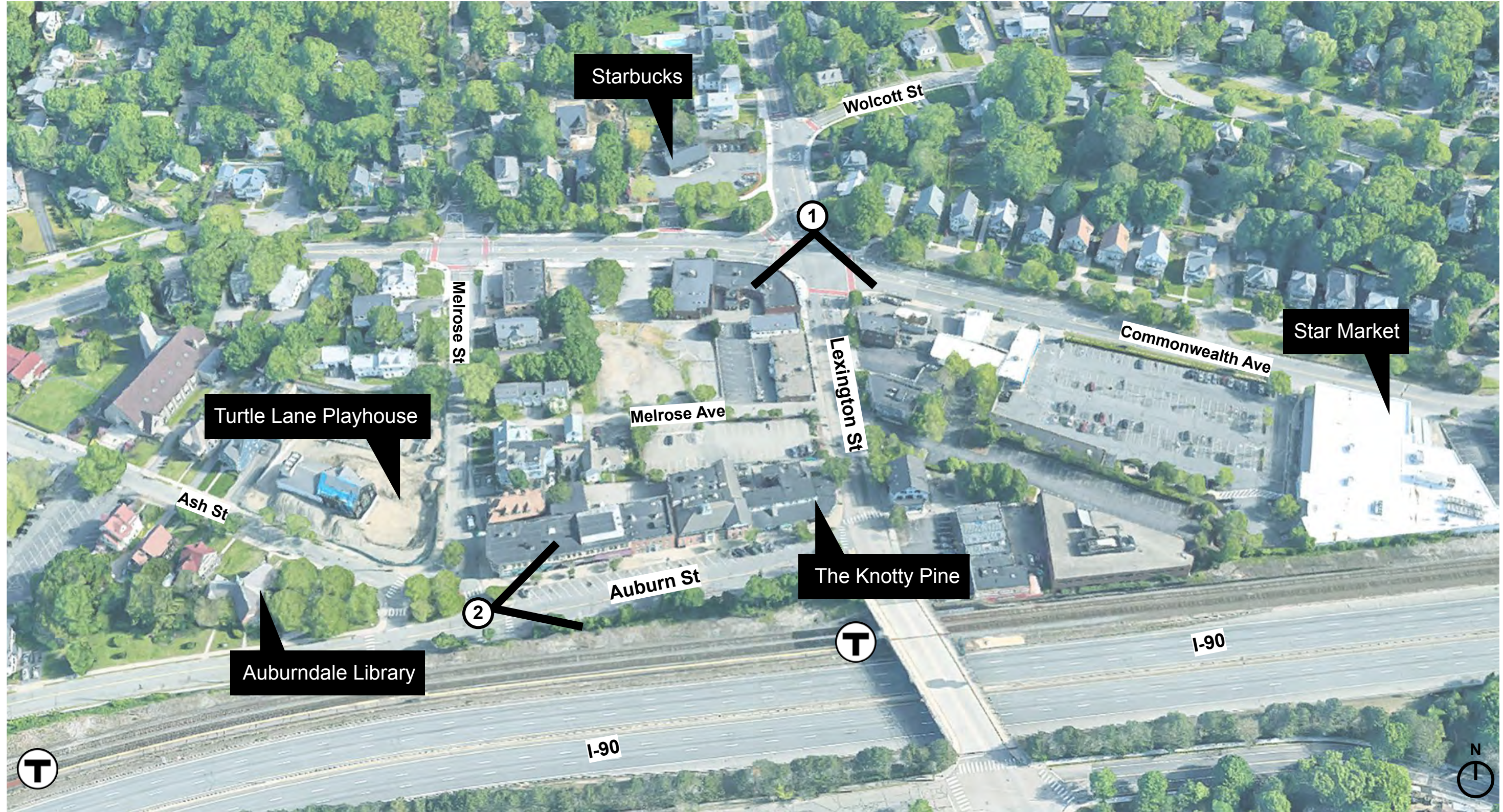
Auburndale



1. Lexington St and Commonwealth Ave intersection



2. View down Auburn Street

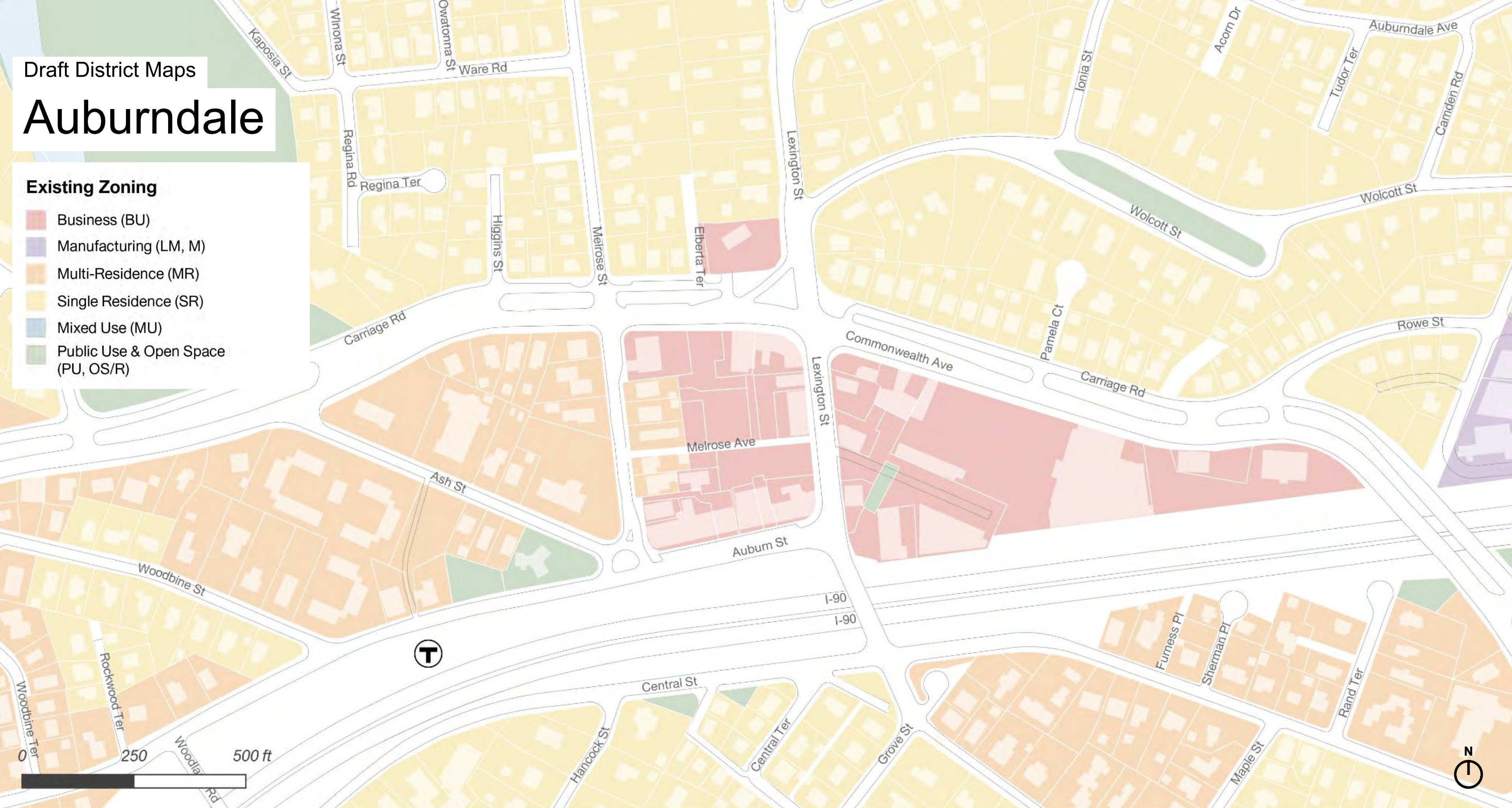


Draft District Maps

Auburndale

Existing Zoning

- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
- Public Use & Open Space (PU, OS/R)



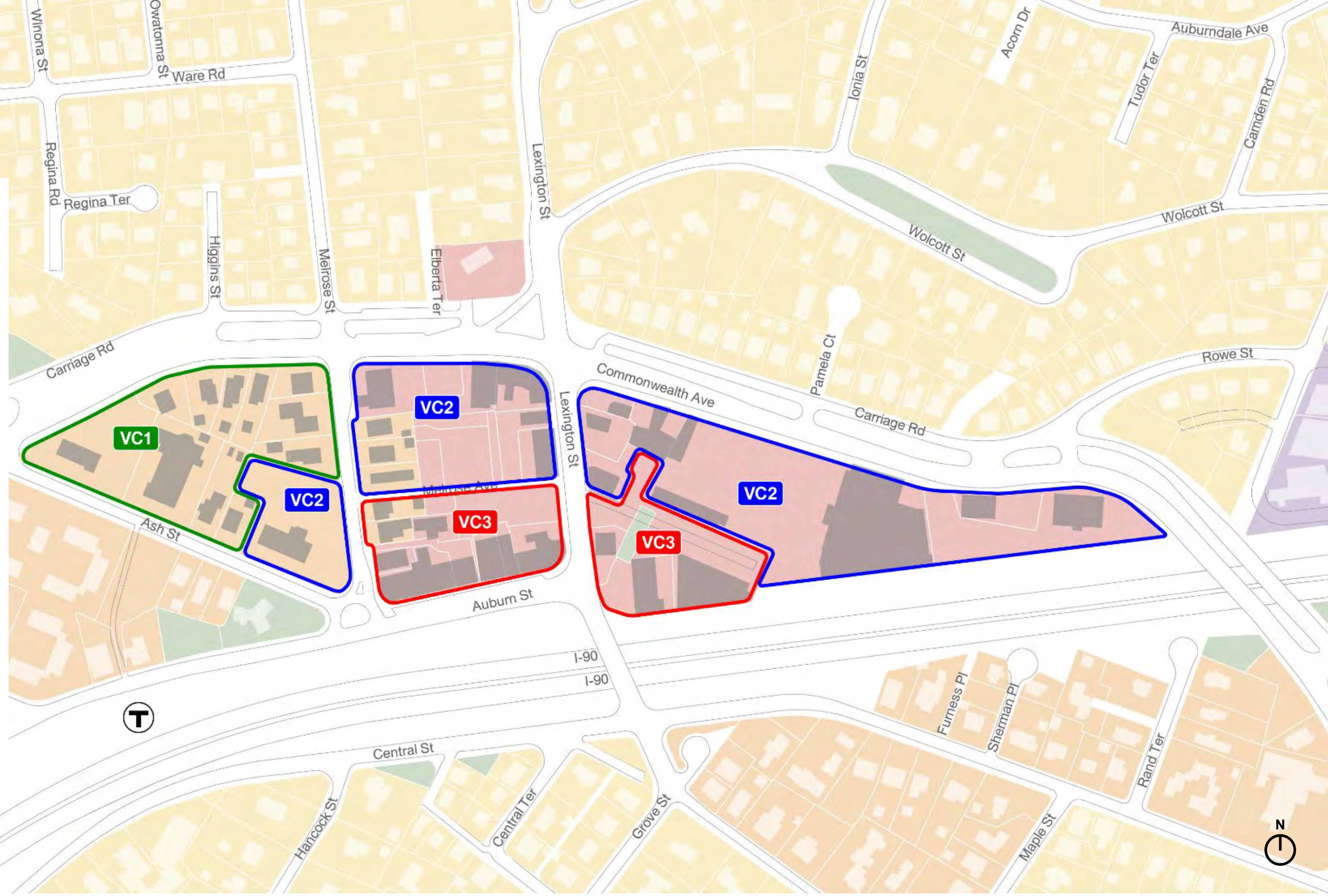
Auburndale

Existing Zoning

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Category: By-Right / Special Permit
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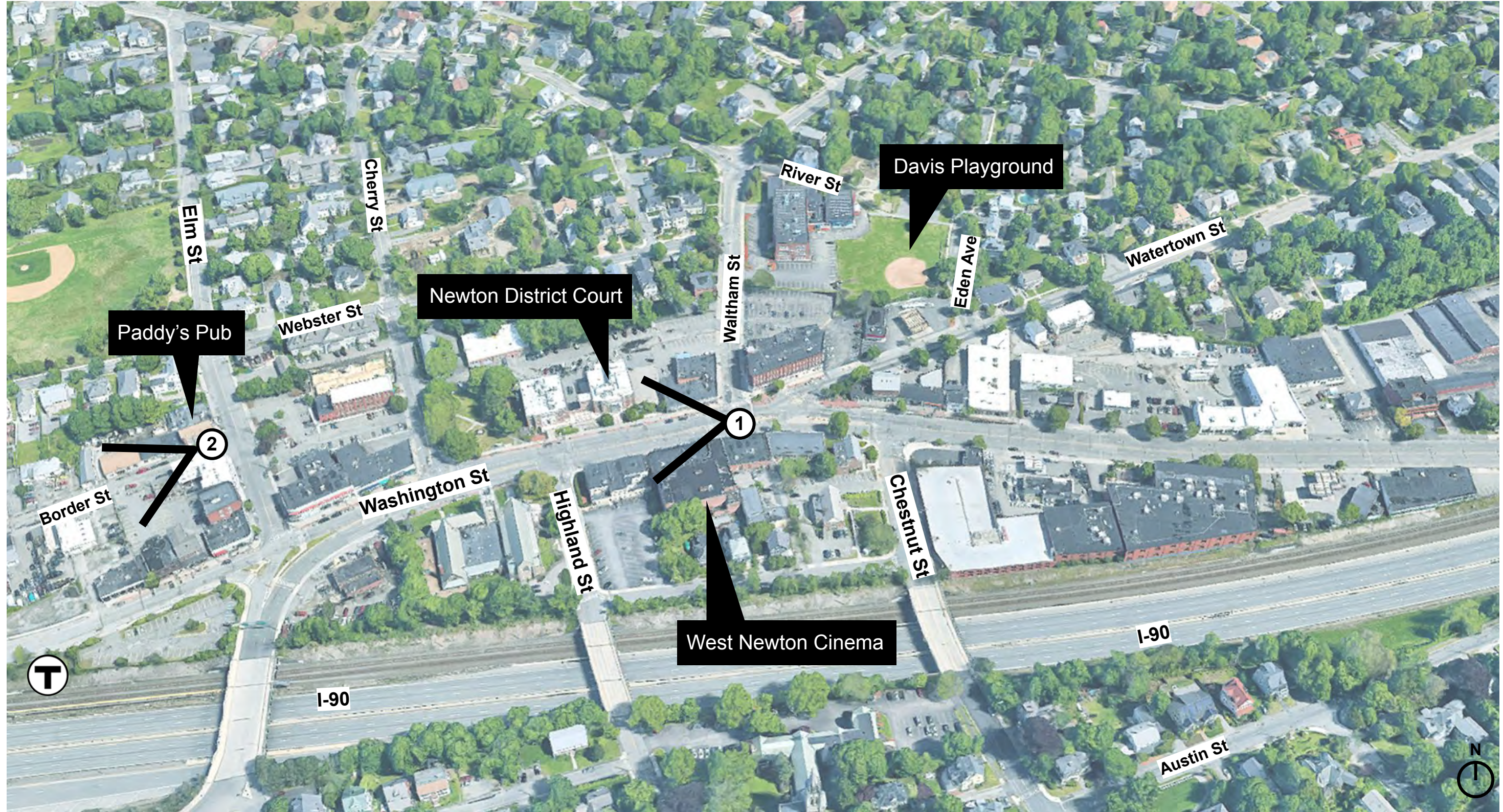
West Newton



1. View down Washington St



2. View down Border St at Elm St

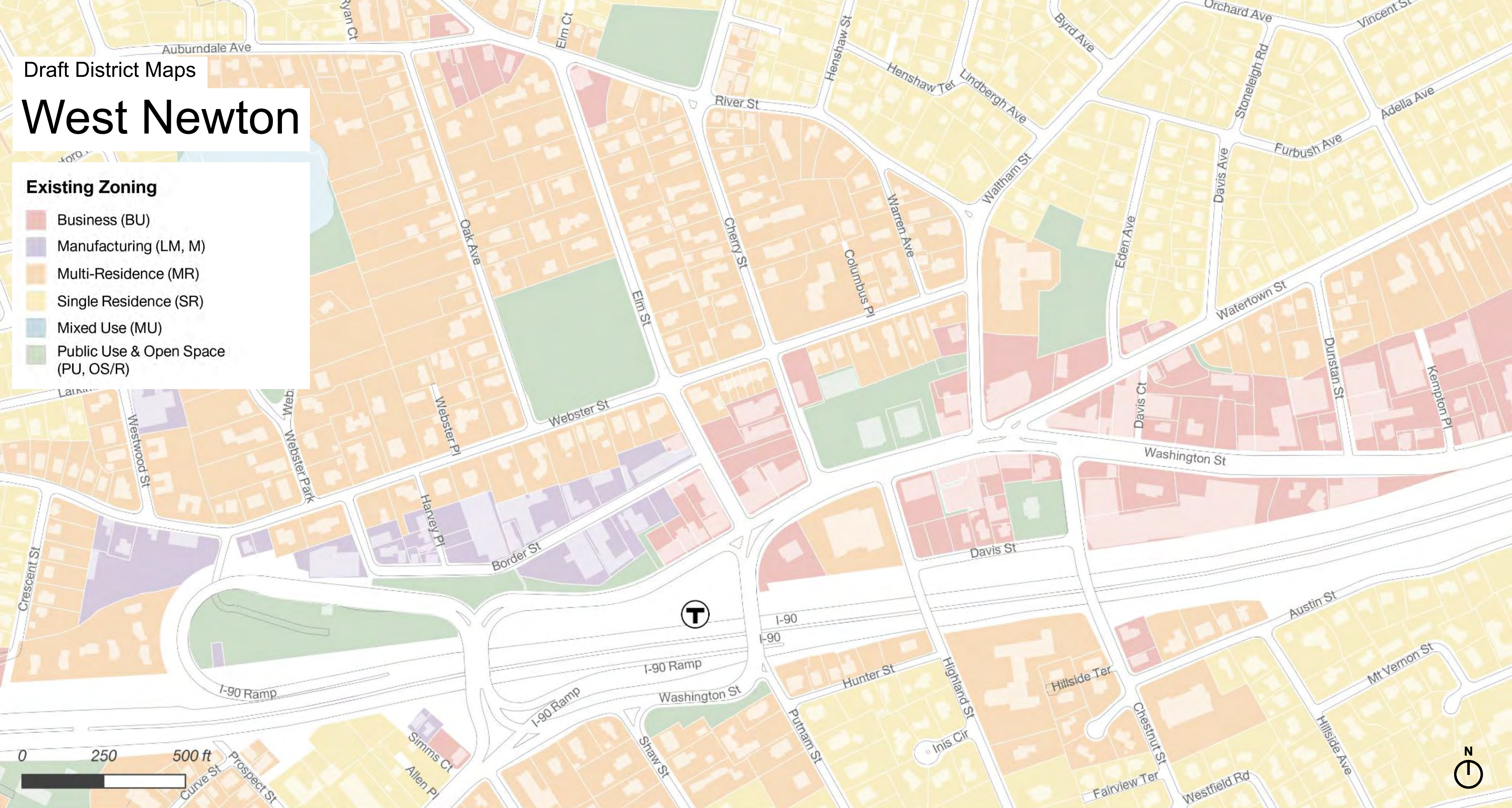


Draft District Maps

West Newton

Existing Zoning

- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
- Public Use & Open Space (PU, OS/R)



West Newton

Existing Zoning

- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
- Public Use & Open Space (PU, OS/R)

Proposed Zoning

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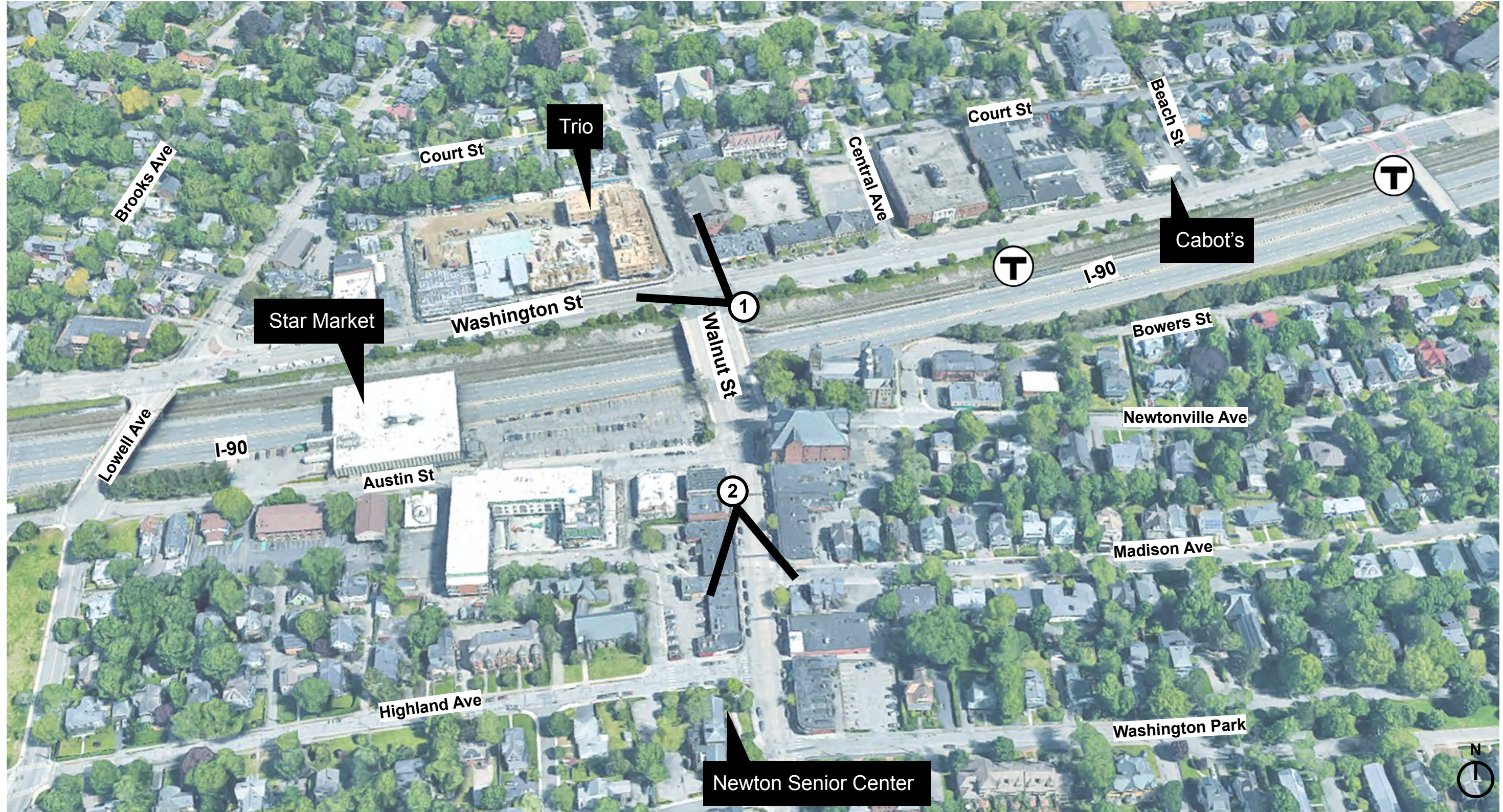
Newtonville



1. Washington St at Walnut St



2. View down Walnut Street

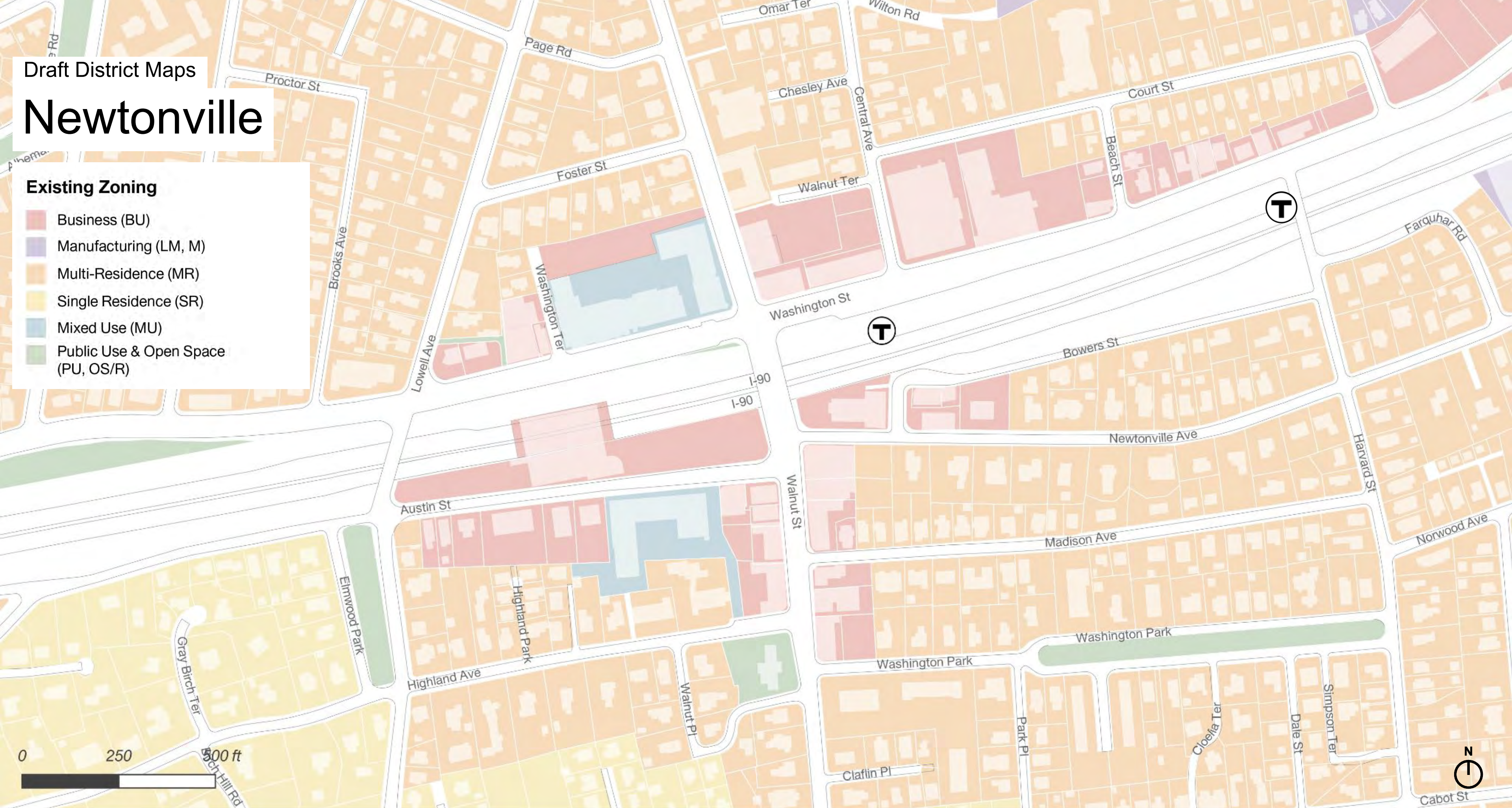


Draft District Maps

Newtonville

Existing Zoning

- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
- Public Use & Open Space (PU, OS/R)



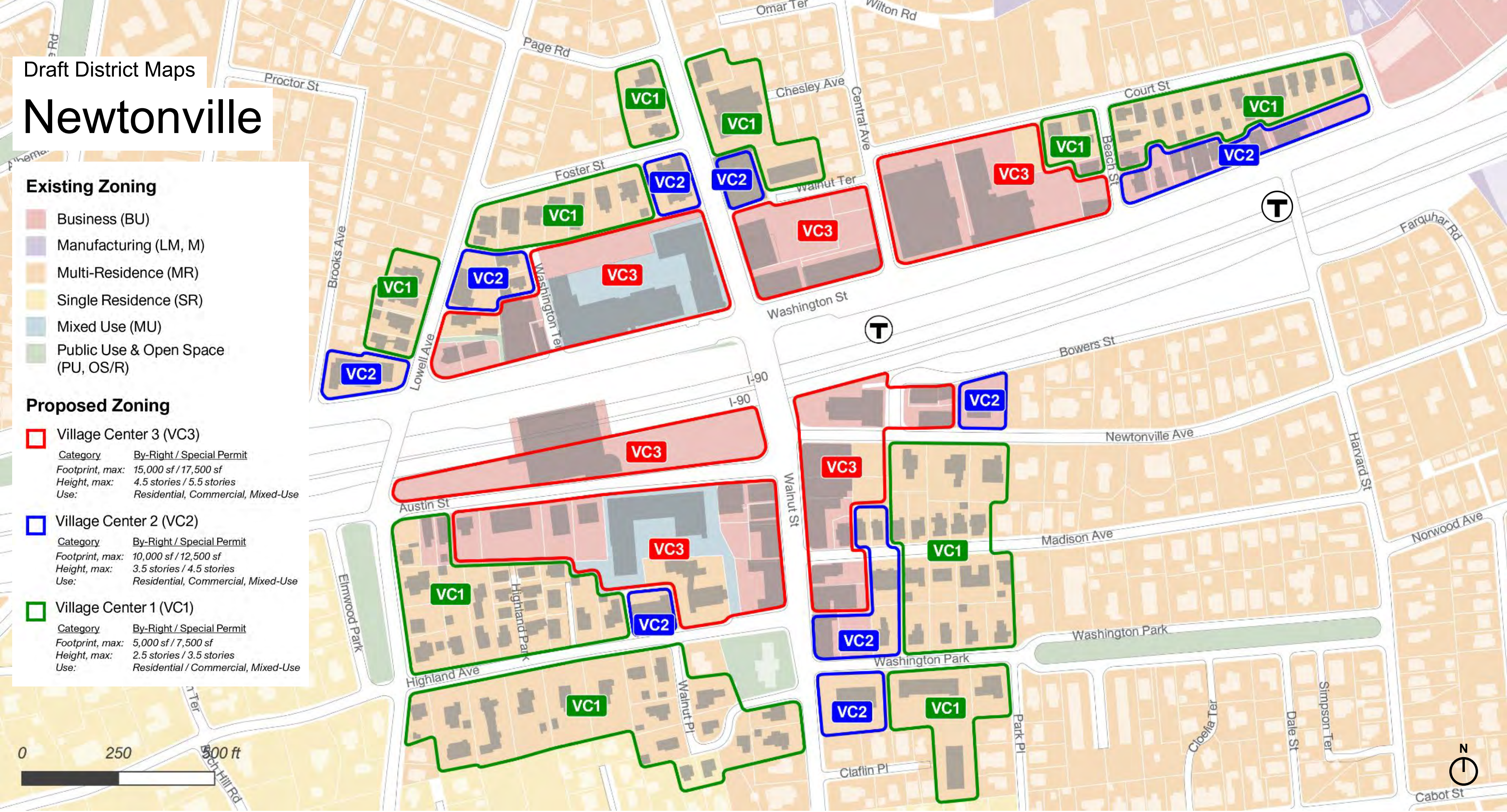
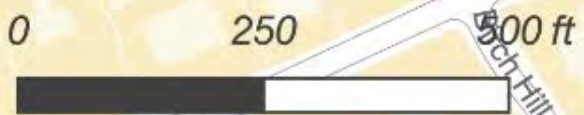
Newtonville

Existing Zoning

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- Single Residence (SR)
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Proposed Zoning

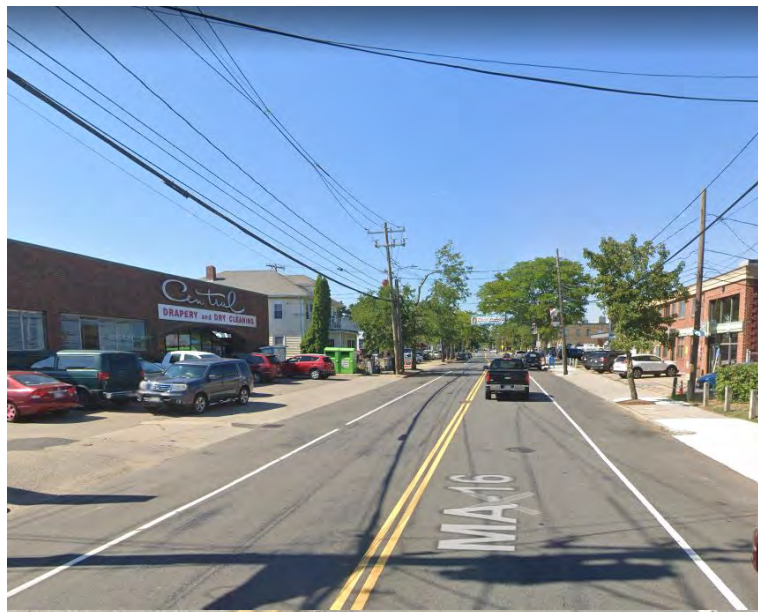
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Height, max: 2.5 stories / 3.5 stories
Use: Residential / Commercial, Mixed-Use



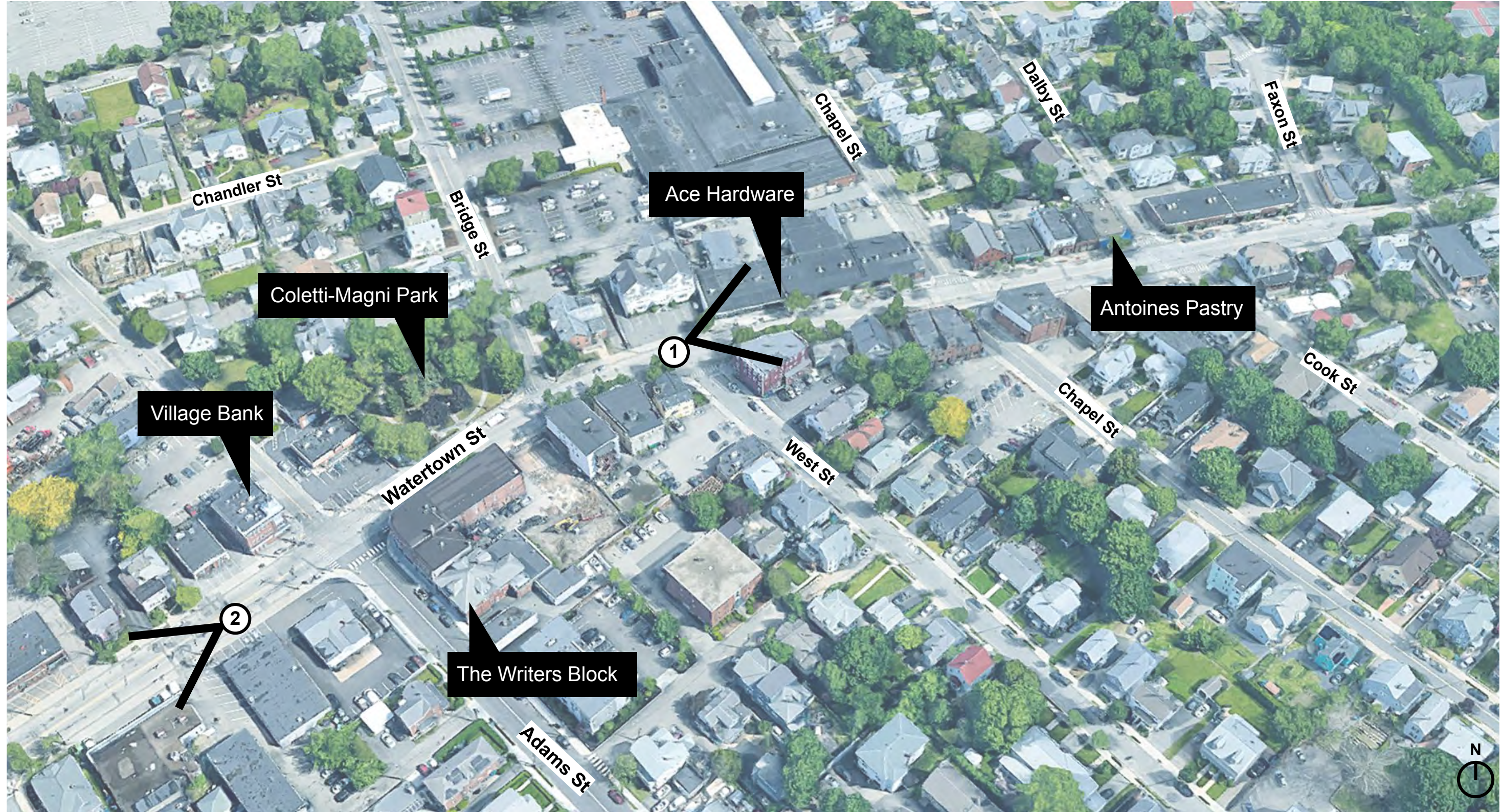
Nonantum



1. Watertown St at West St



2. Watertown St at Adams St

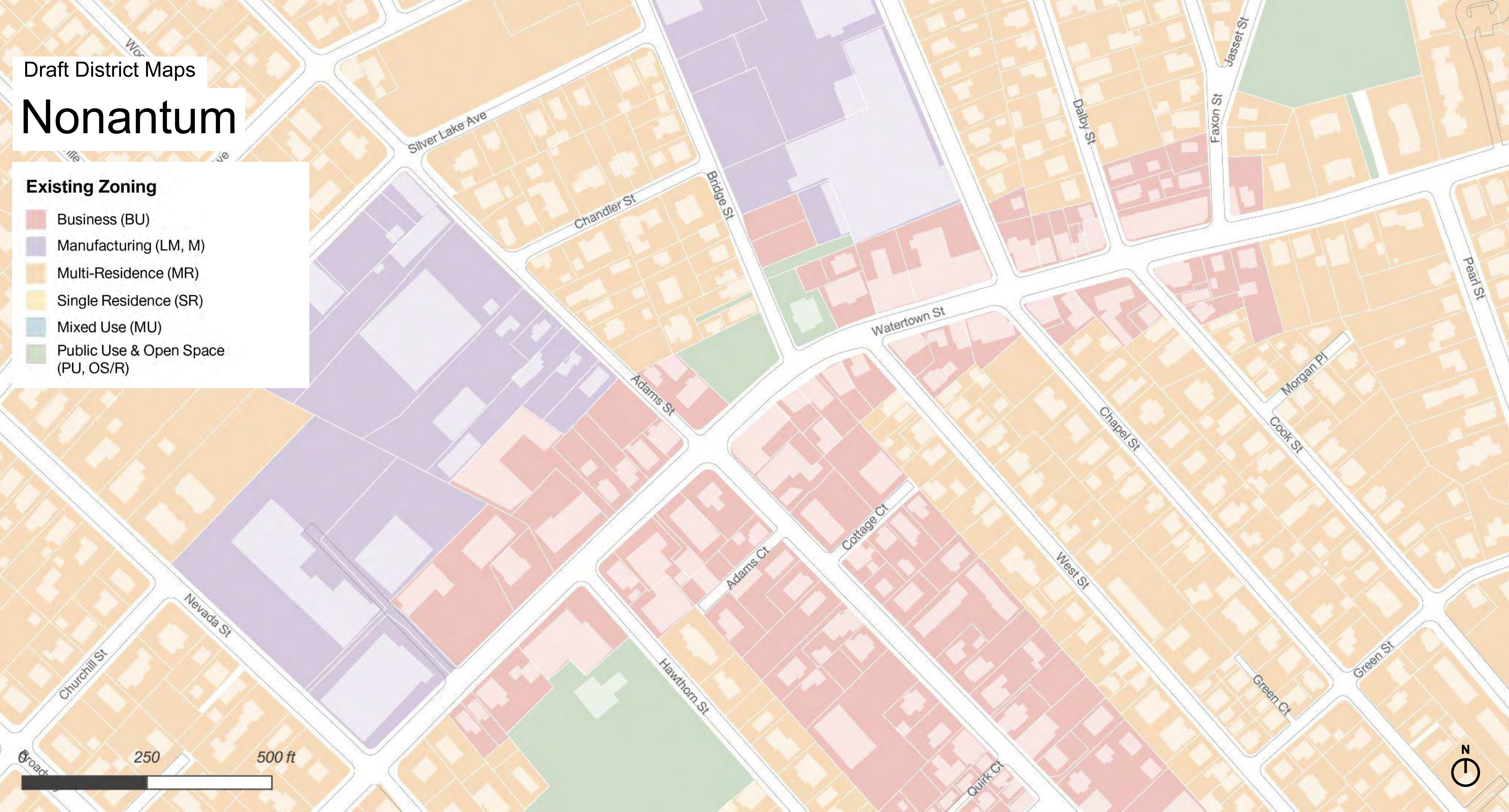


Draft District Maps

Nonantum

Existing Zoning

- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
- Public Use & Open Space (PU, OS/R)



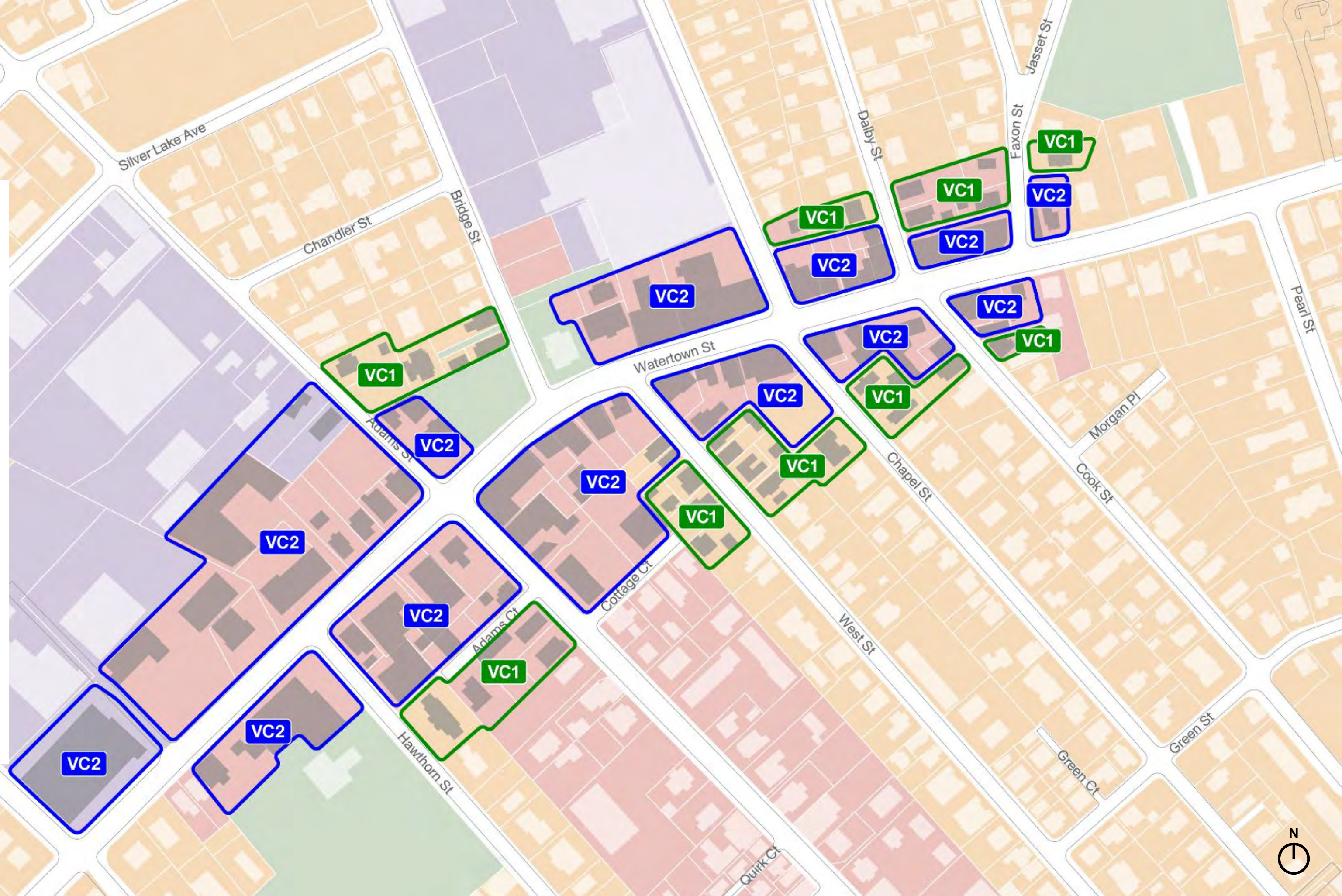
Nonantum

Existing Zoning

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Height, max: 2.5 stories / 3.5 stories
Use: Residential / Commercial, Mixed-Use



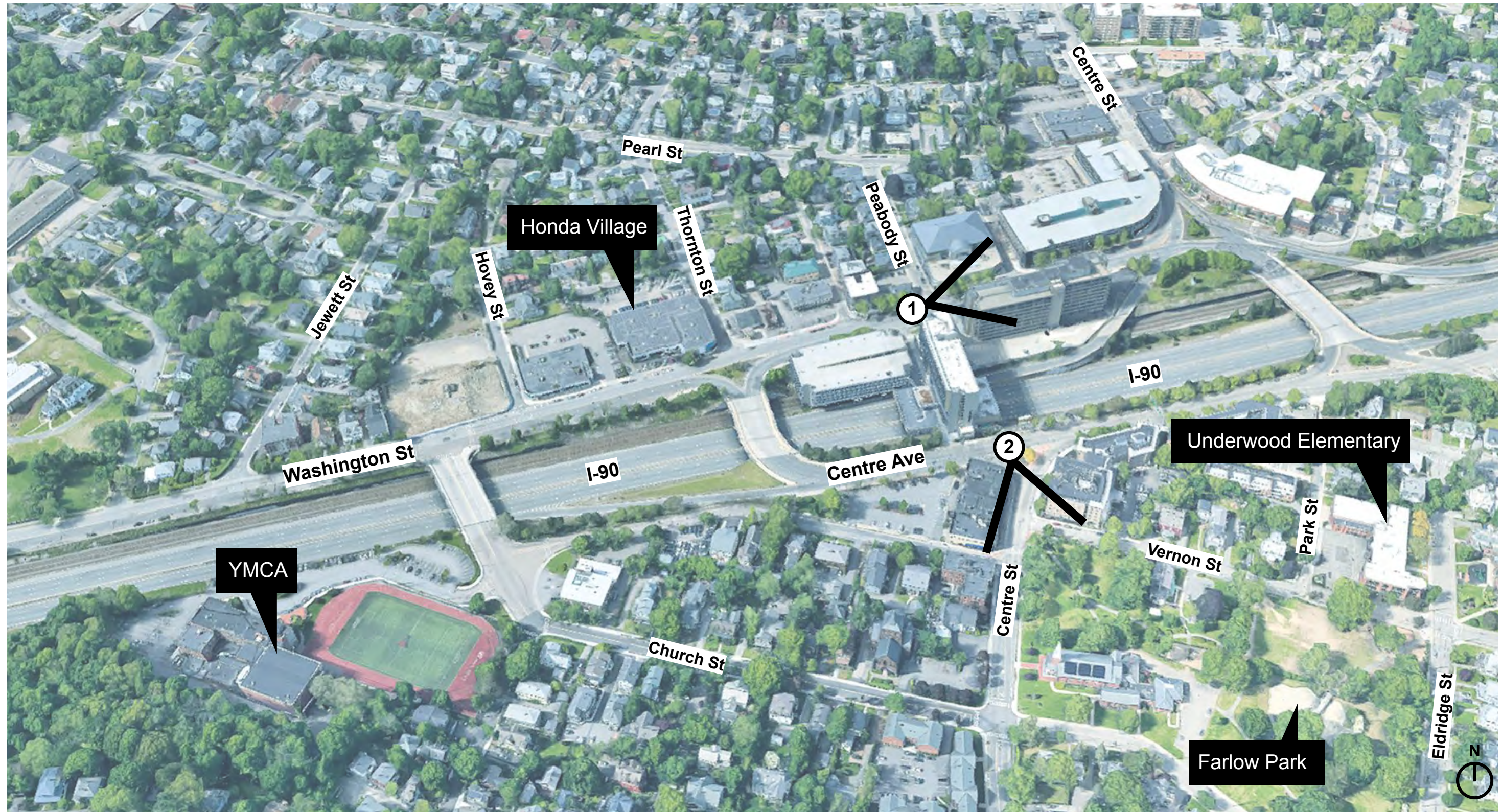
Newton Corner



1. Washington St at Peabody St



2. View down Centre St towards Farlow Park

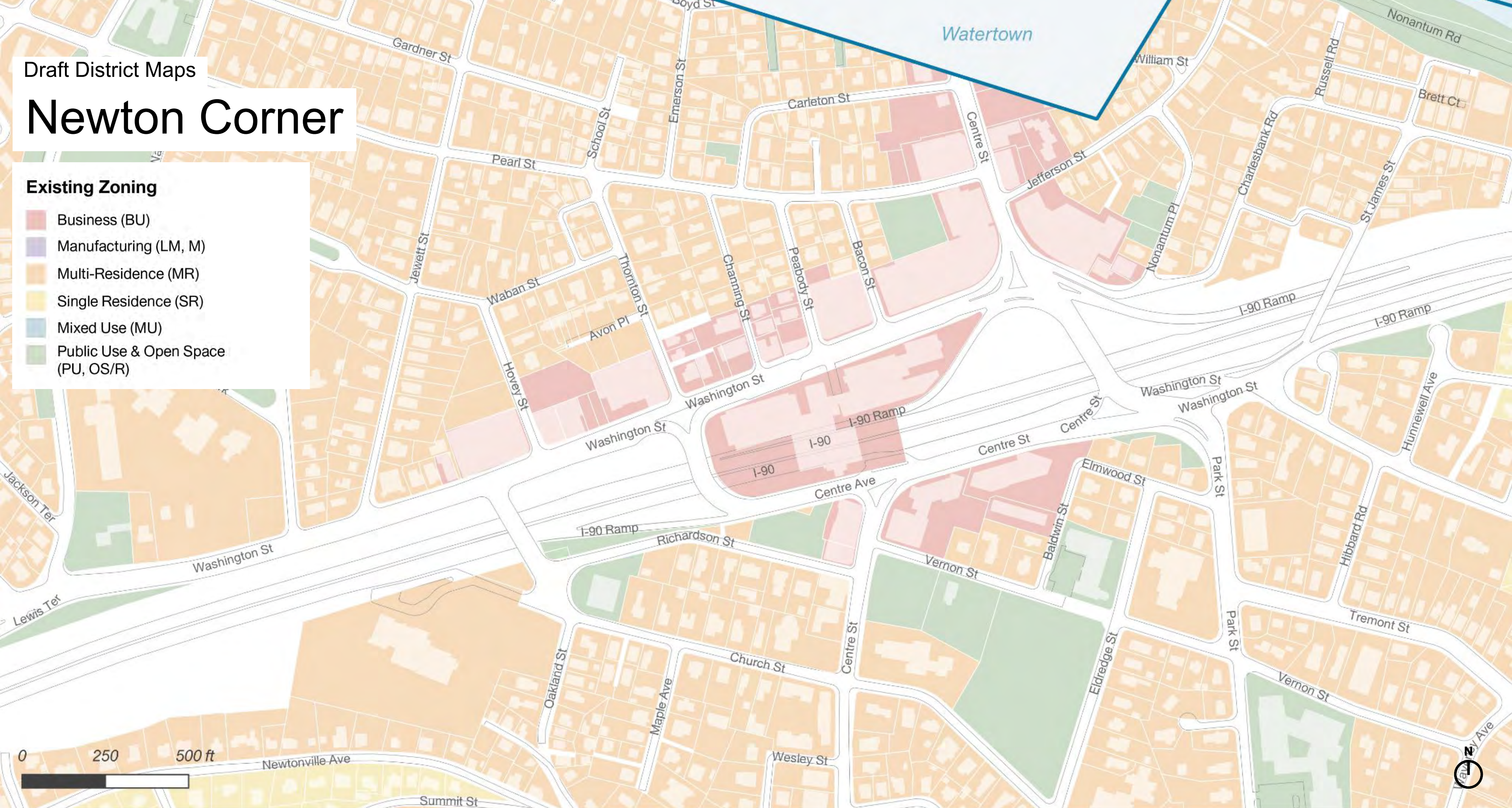


Draft District Maps

Newton Corner

Existing Zoning

- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
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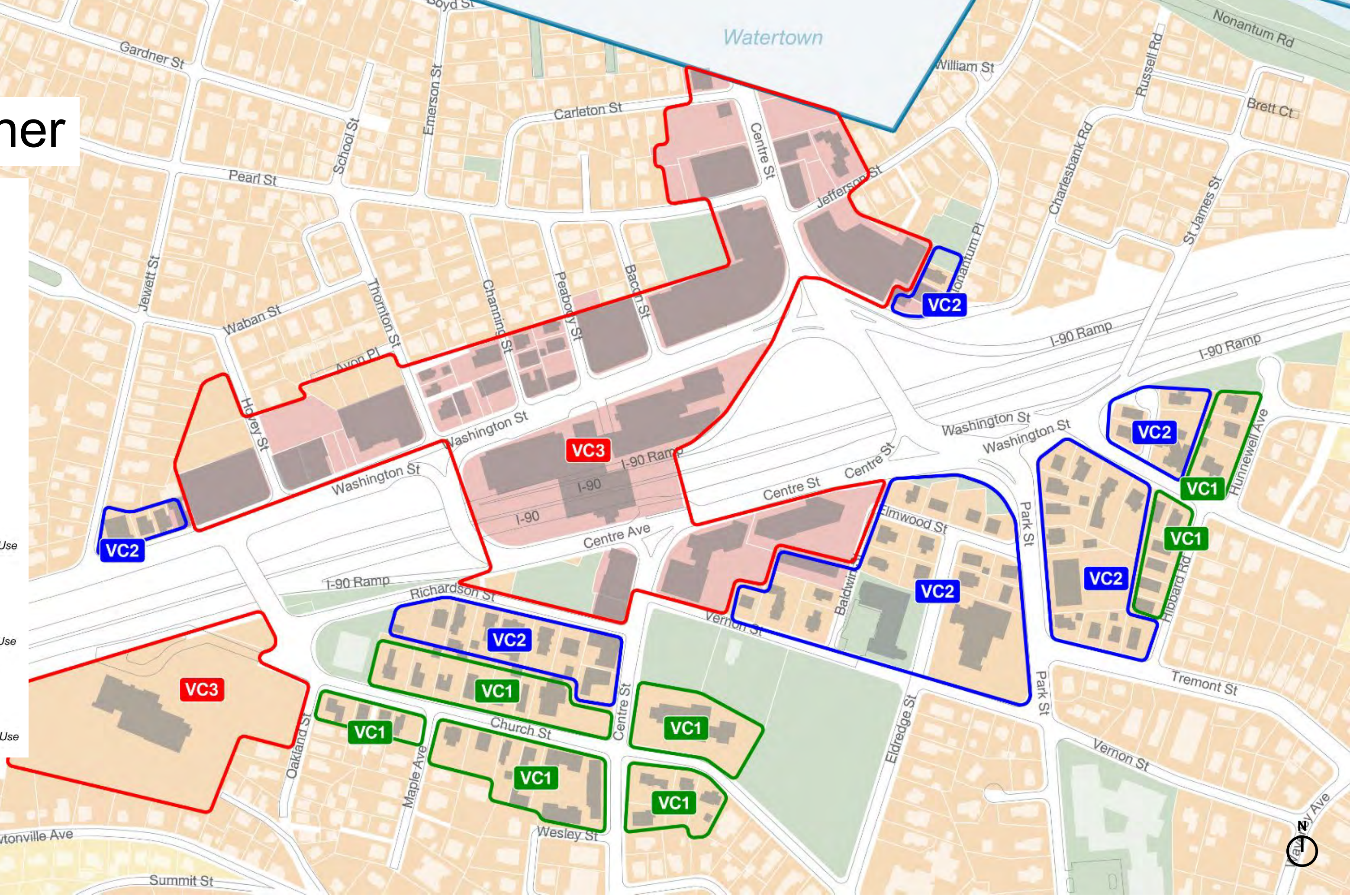
Newton Corner

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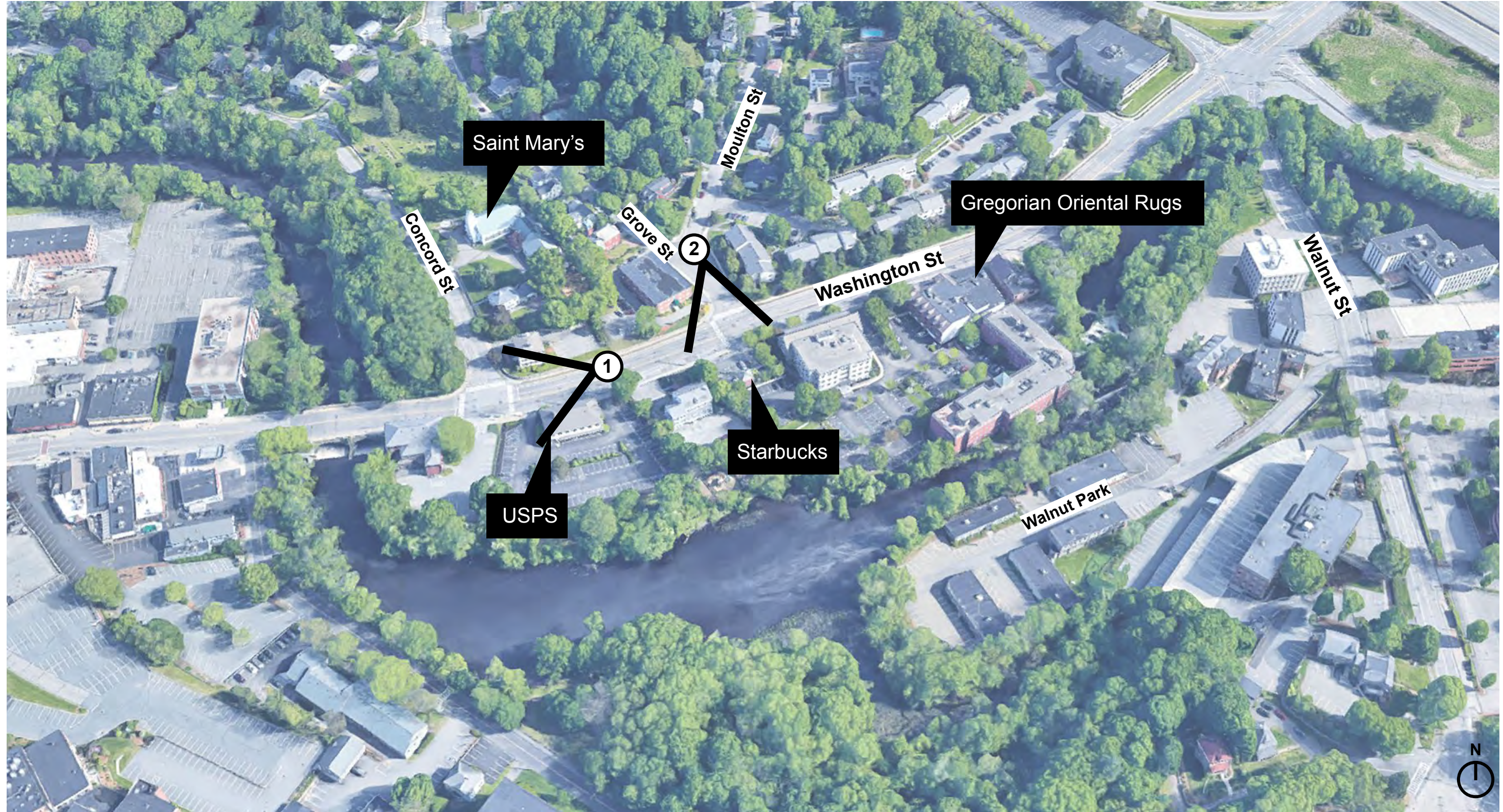
Newton Lower Falls



1. View down Washington Street looking west



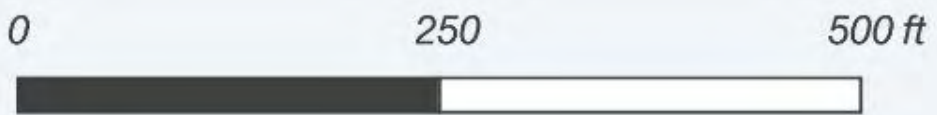
2. Grove St and Washington St



Newton Lower Falls

Existing Zoning

- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
- Public Use & Open Space (PU, OS/R)



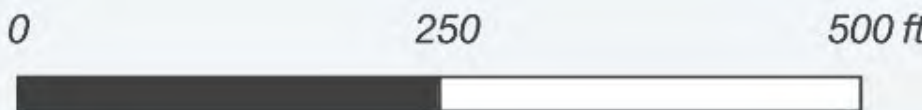
Newton Lower Falls

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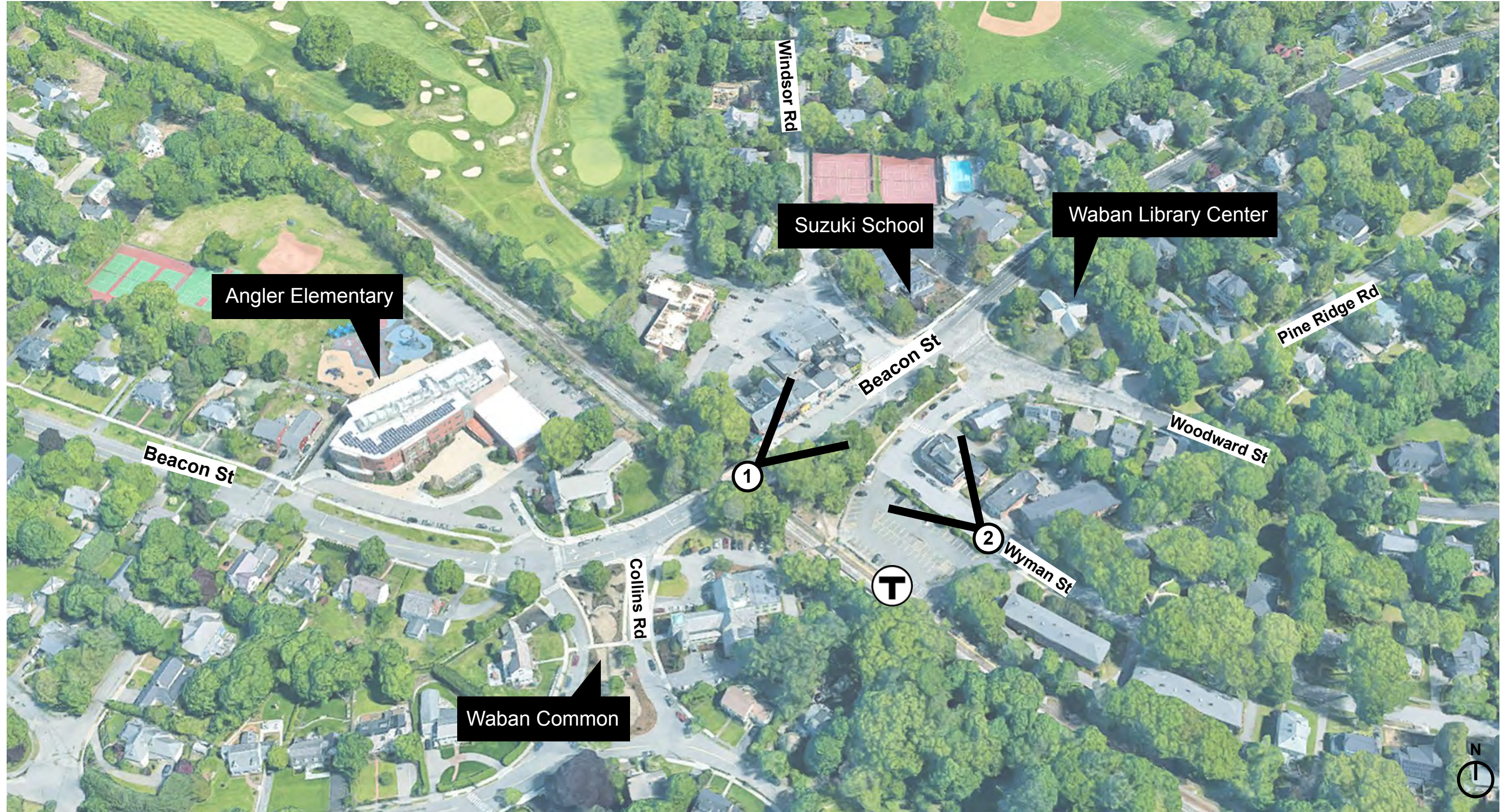
Waban



1. View down Beacon St looking east



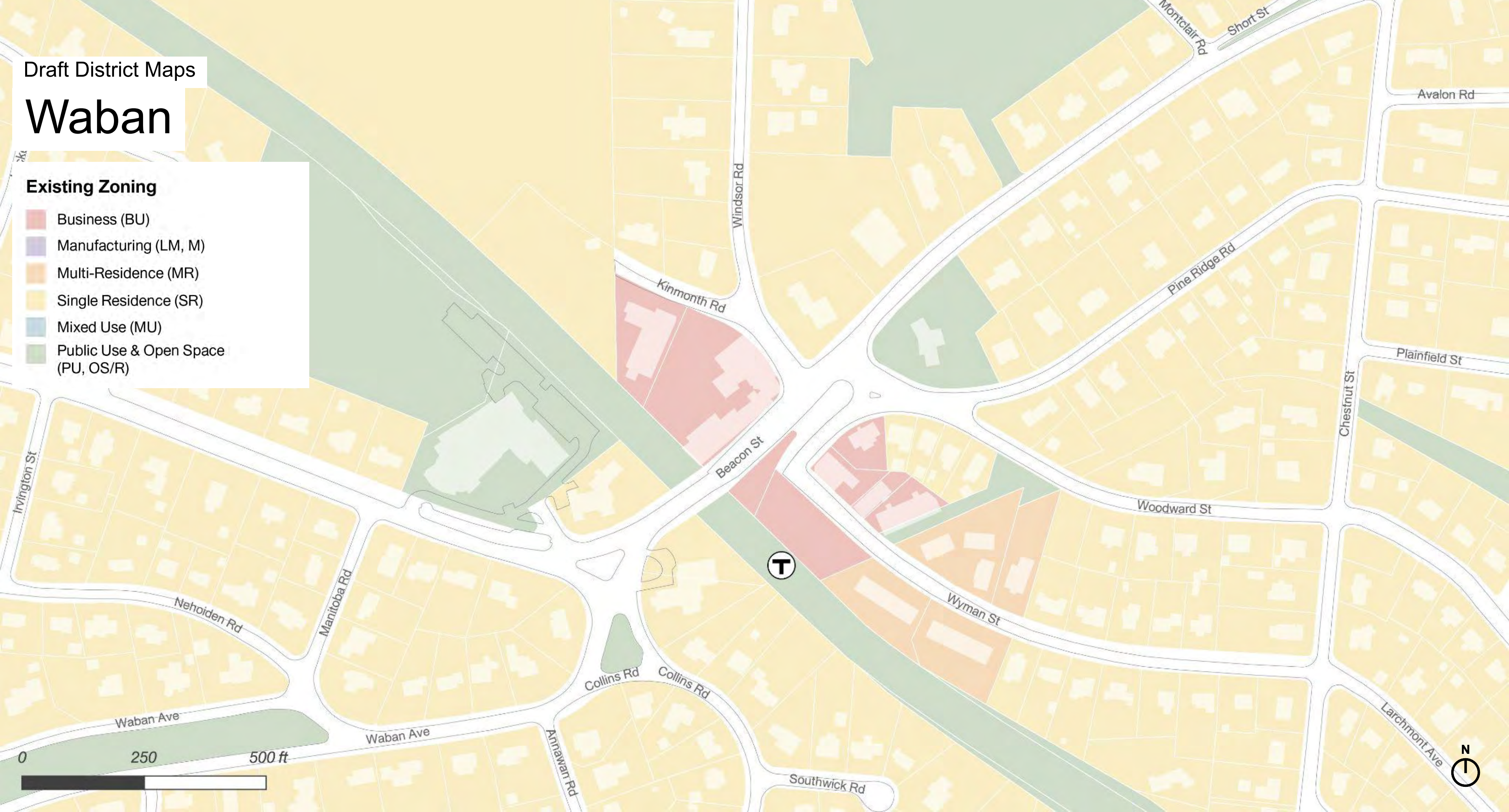
2. Wyman St at Waban T parking lot



Waban

Existing Zoning

- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
- Public Use & Open Space (PU, OS/R)



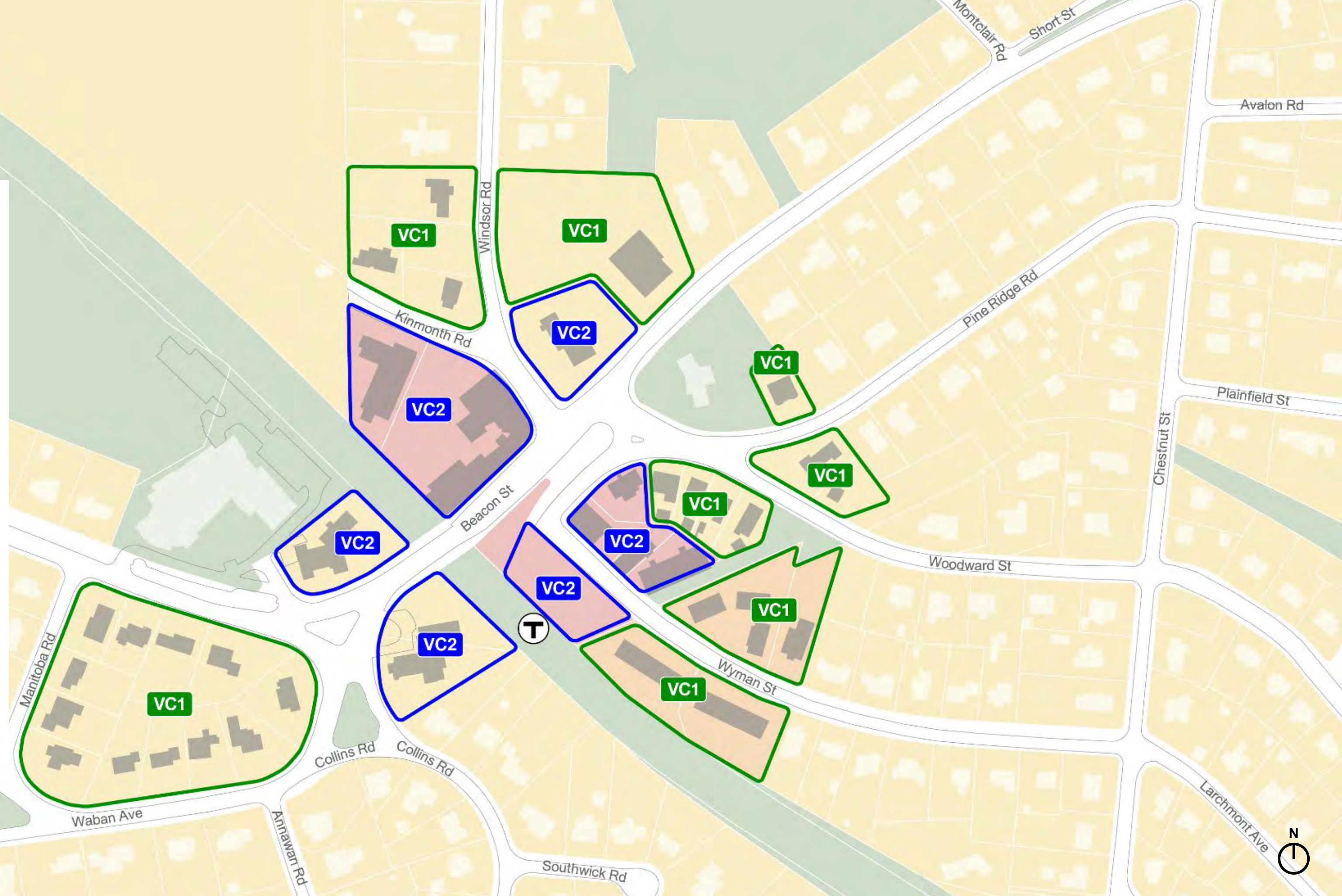
Waban

Existing Zoning

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- Manufacturing (LM, M)
- Multi-Residence (MR)
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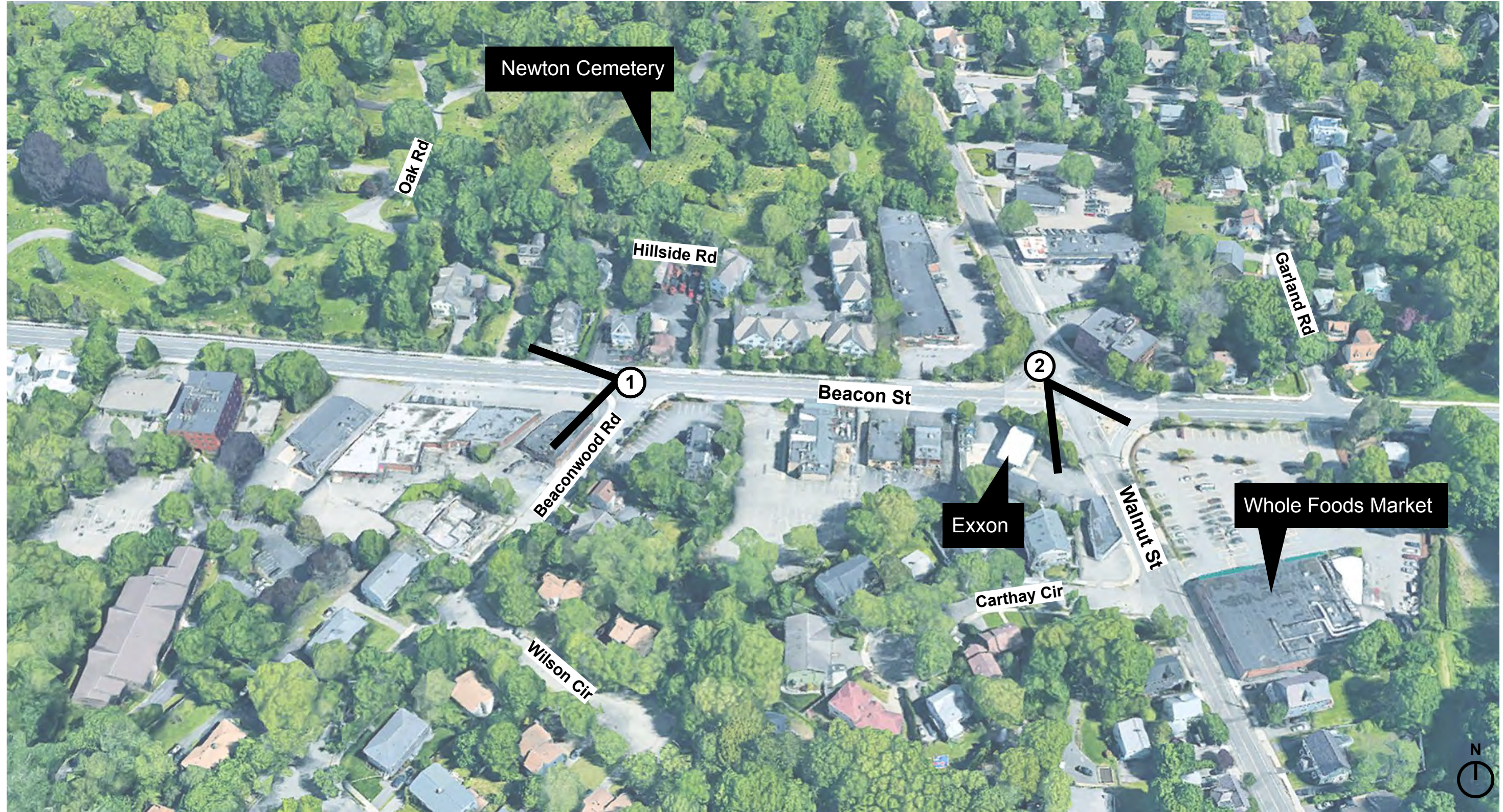
Four Corners



1. View down Beacon St looking west



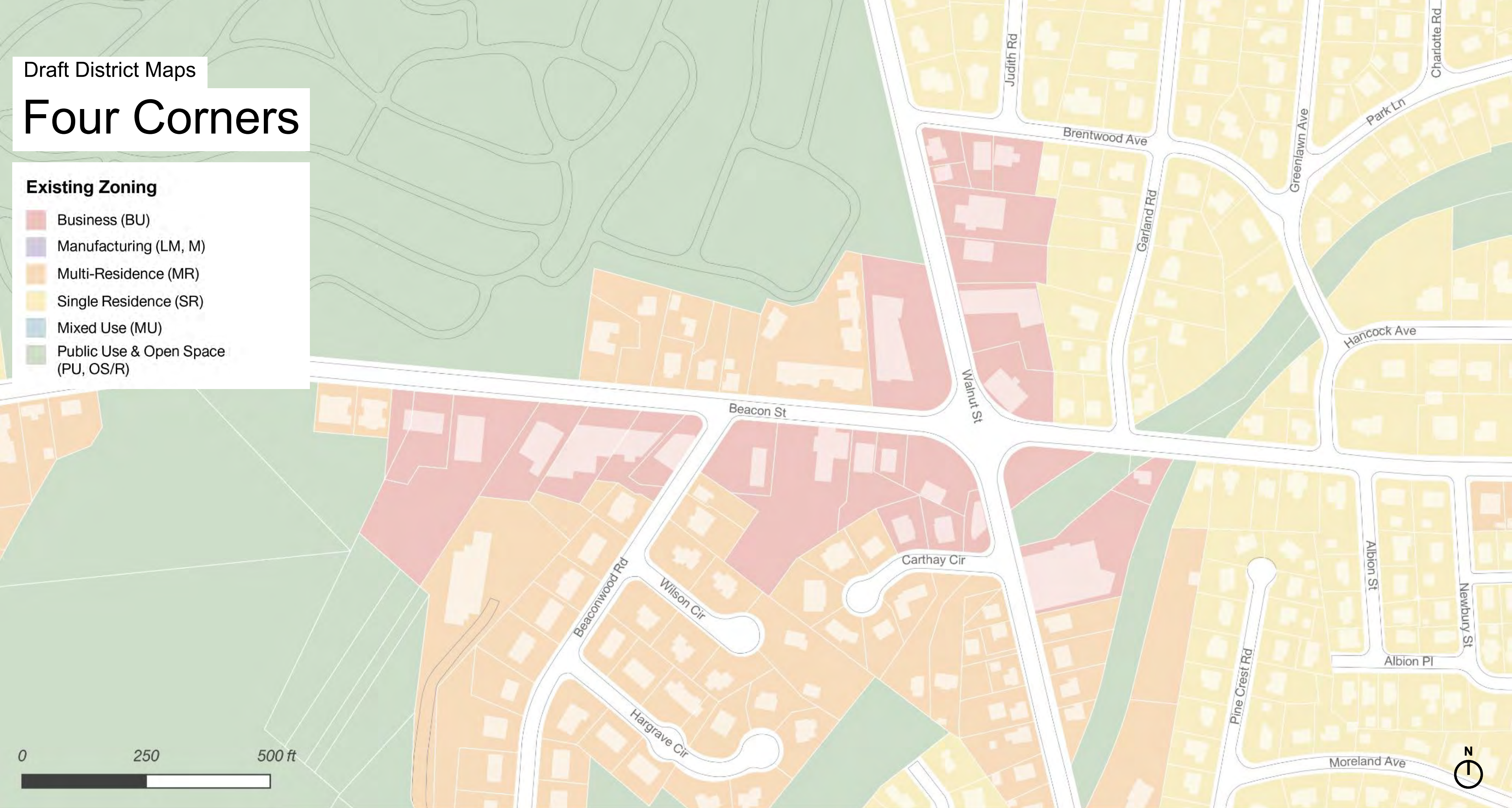
2. Walnut St and Beacon St intersection



Four Corners

Existing Zoning

- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
- Public Use & Open Space (PU, OS/R)



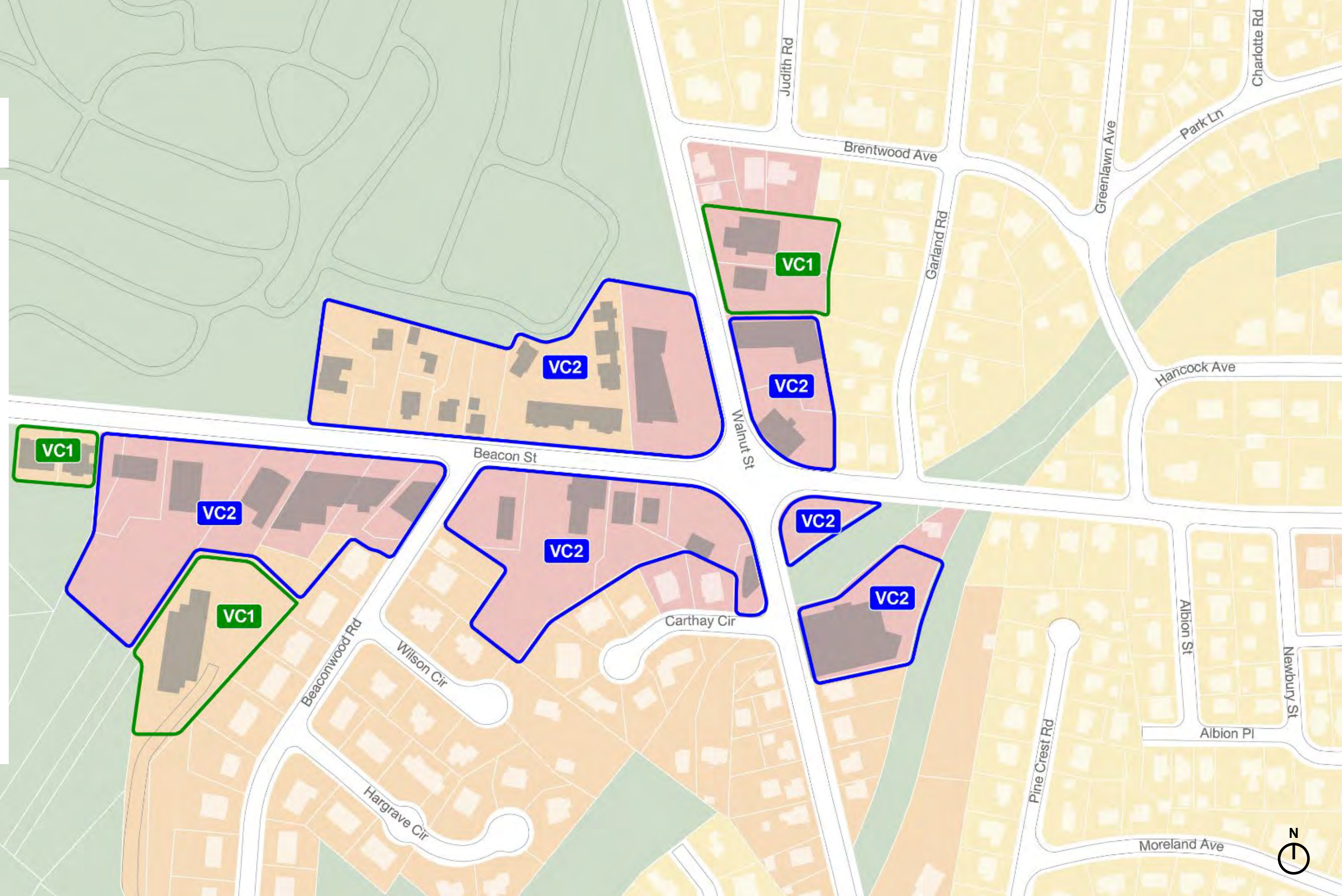
Four Corners

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Proposed Zoning

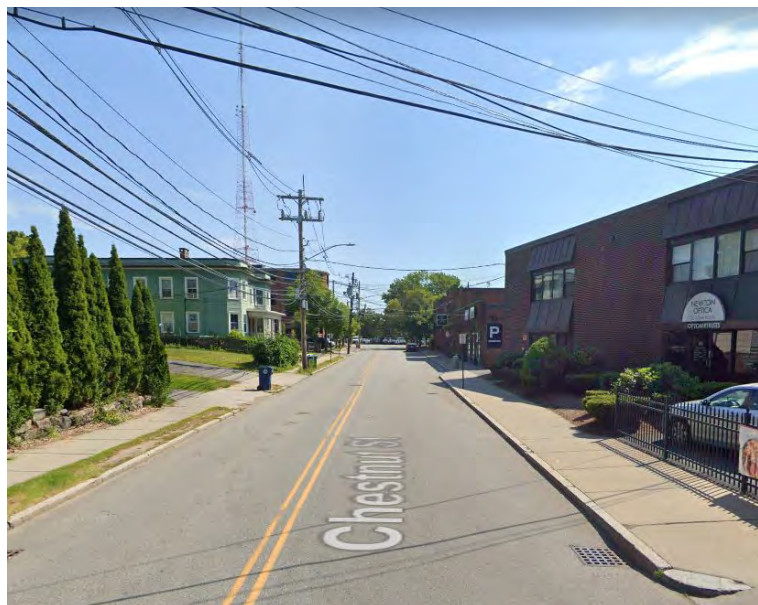
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Height, max: 2.5 stories / 3.5 stories
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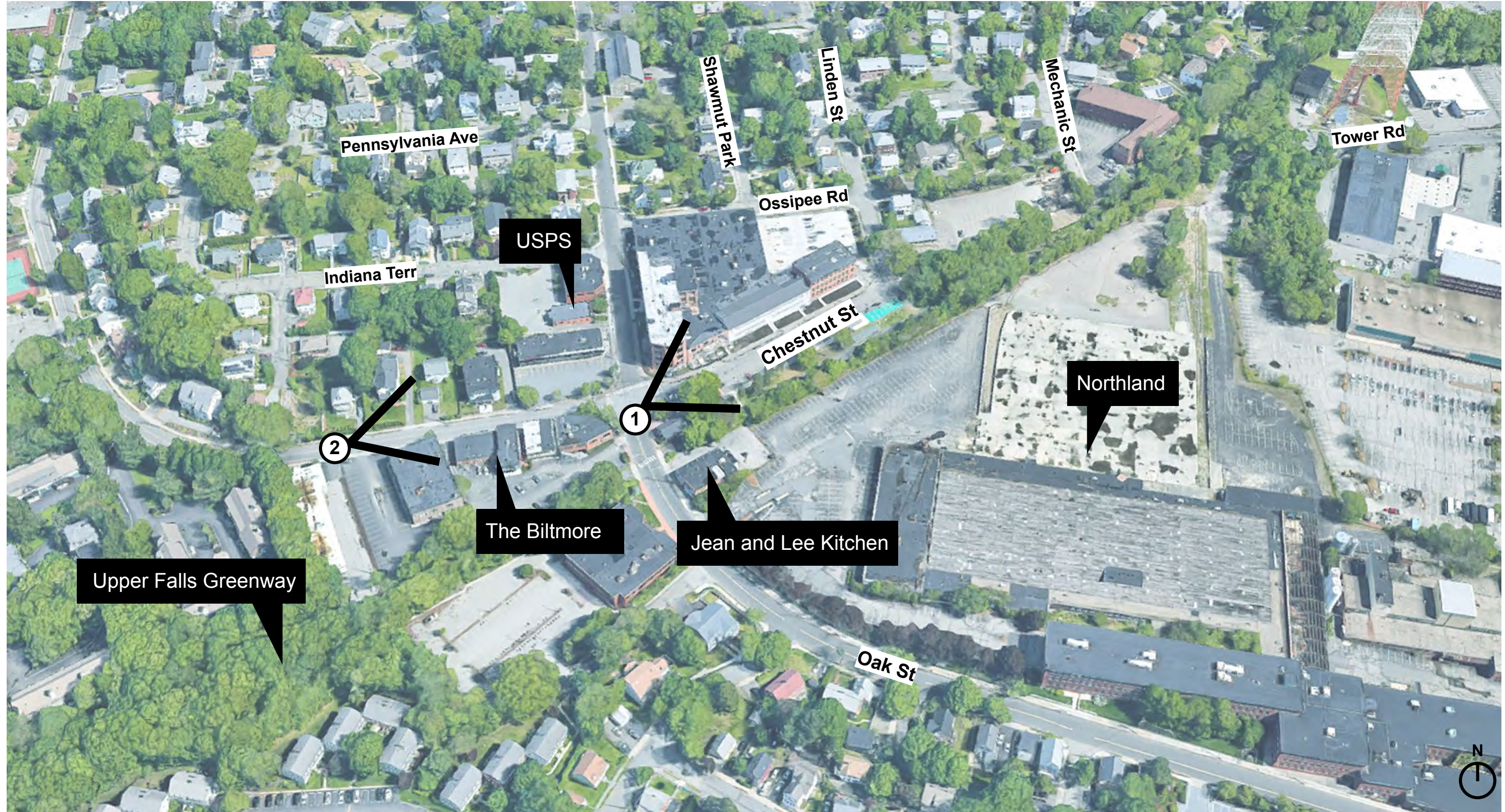
Upper Falls (Pettee Square)



1. Oak St and Chestnut St intersection



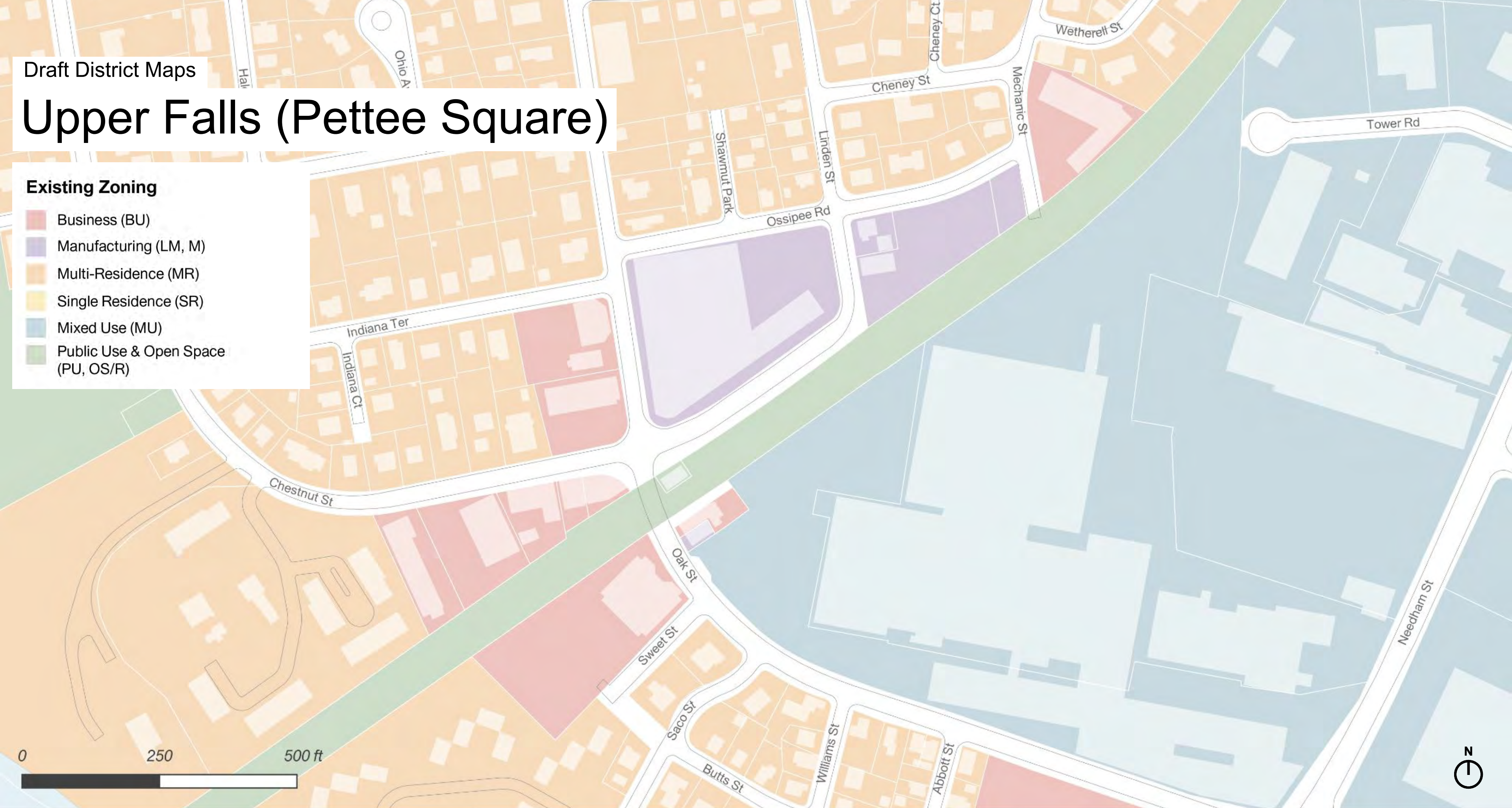
2. View down Chestnut St



Upper Falls (Pettee Square)

Existing Zoning

- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
- Public Use & Open Space (PU, OS/R)



Upper Falls (Pettee Square)

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- Multi-Residence (MR)
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Proposed Zoning

- Village Center 3 (VC3)**
Category: By-Right / Special Permit
Footprint, max: 15,000 sf / 17,500 sf
Height, max: 4.5 stories / 5.5 stories
Use: Residential, Commercial, Mixed-Use
- Village Center 2 (VC2)**
Category: By-Right / Special Permit
Footprint, max: 10,000 sf / 12,500 sf
Height, max: 3.5 stories / 4.5 stories
Use: Residential, Commercial, Mixed-Use
- Village Center 1 (VC1)**
Category: By-Right / Special Permit
Footprint, max: 5,000 sf / 7,500 sf
Height, max: 2.5 stories / 3.5 stories
Use: Residential / Commercial, Mixed-Use



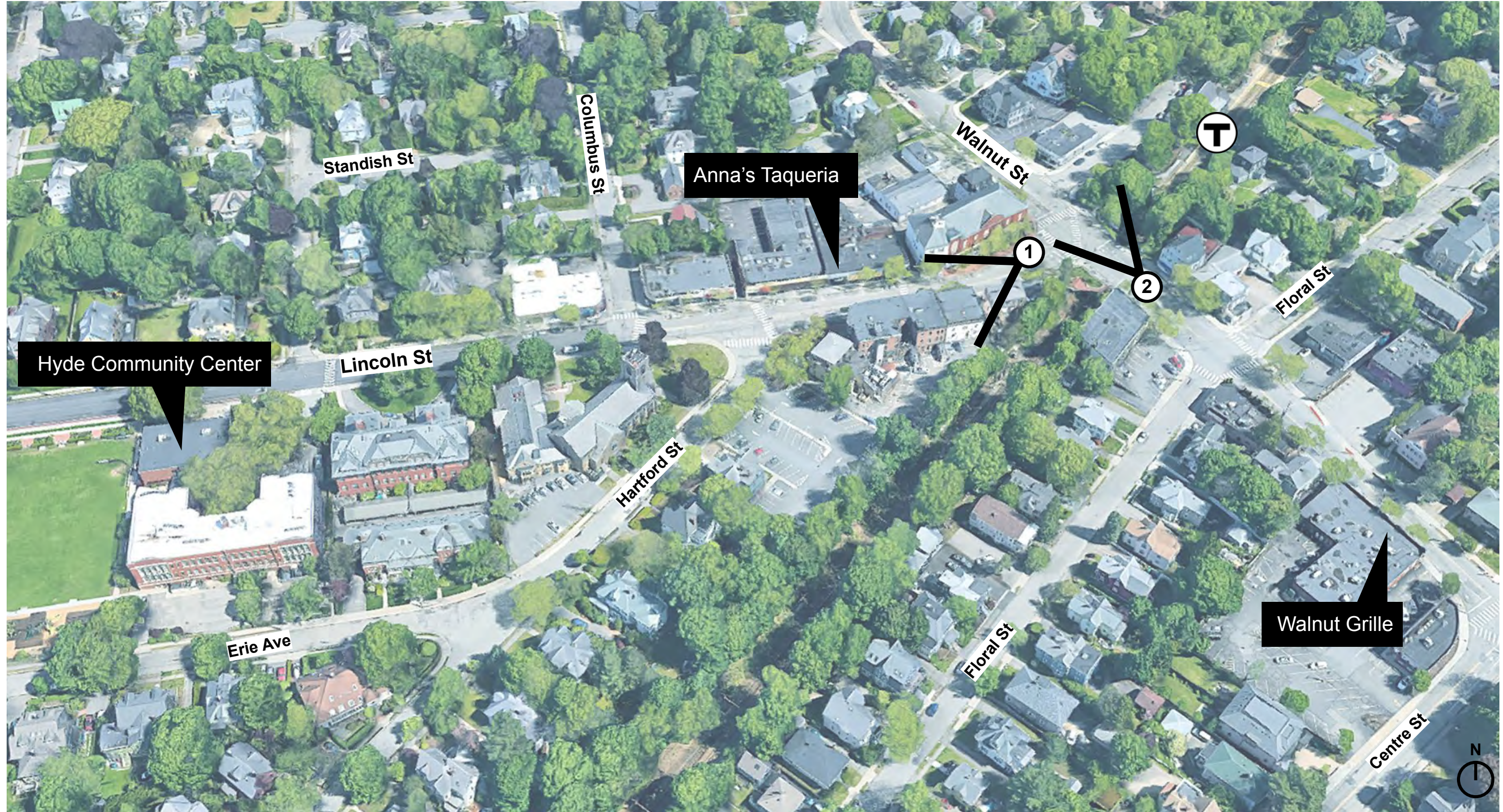
Newton Highlands



1. Lincoln St at Walnut St intersection



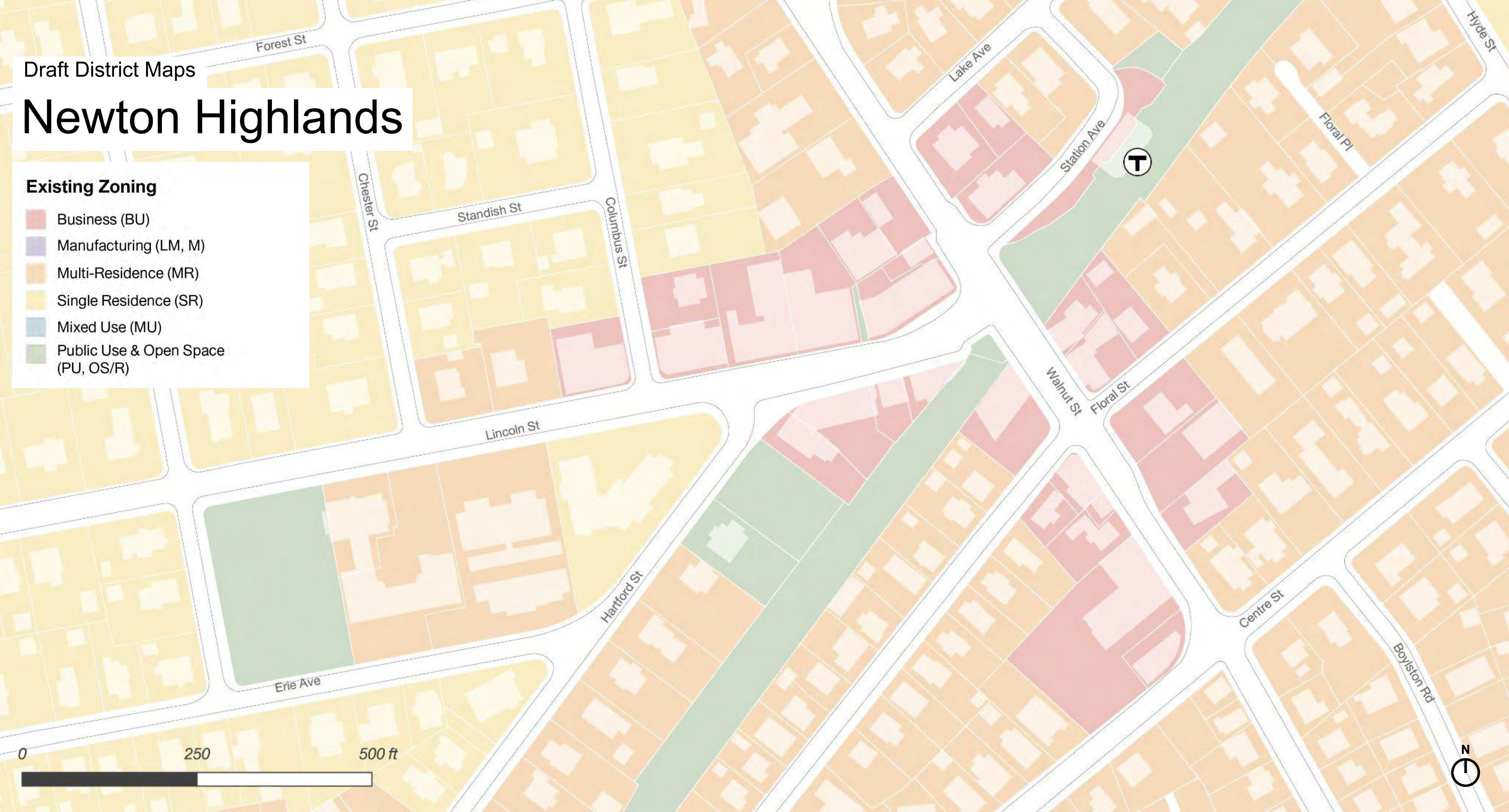
2. View down Walnut St looking north



Newton Highlands

Existing Zoning

- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
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Newton Highlands

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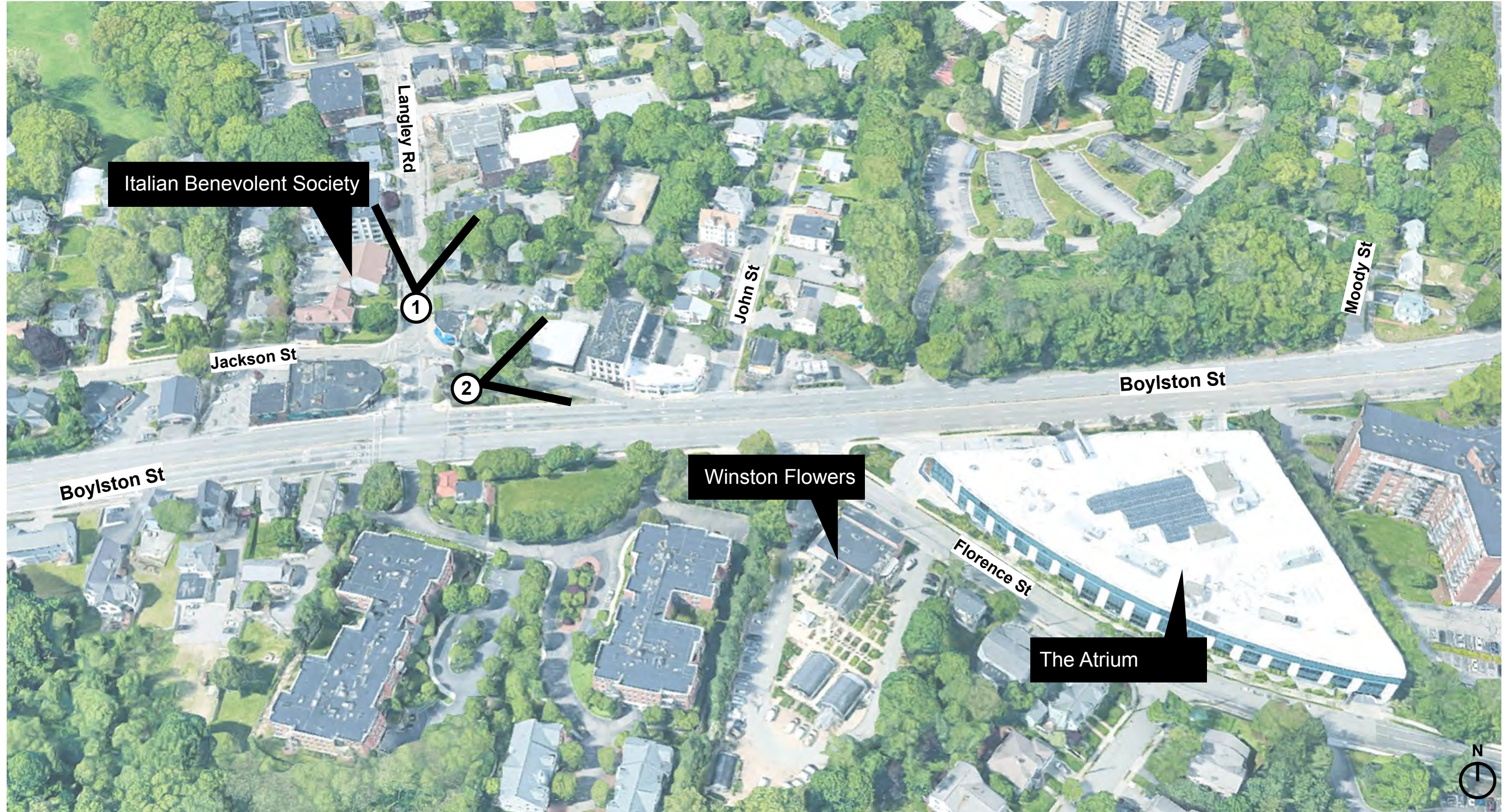
Thompsonville



1. View down Langley Rd looking north



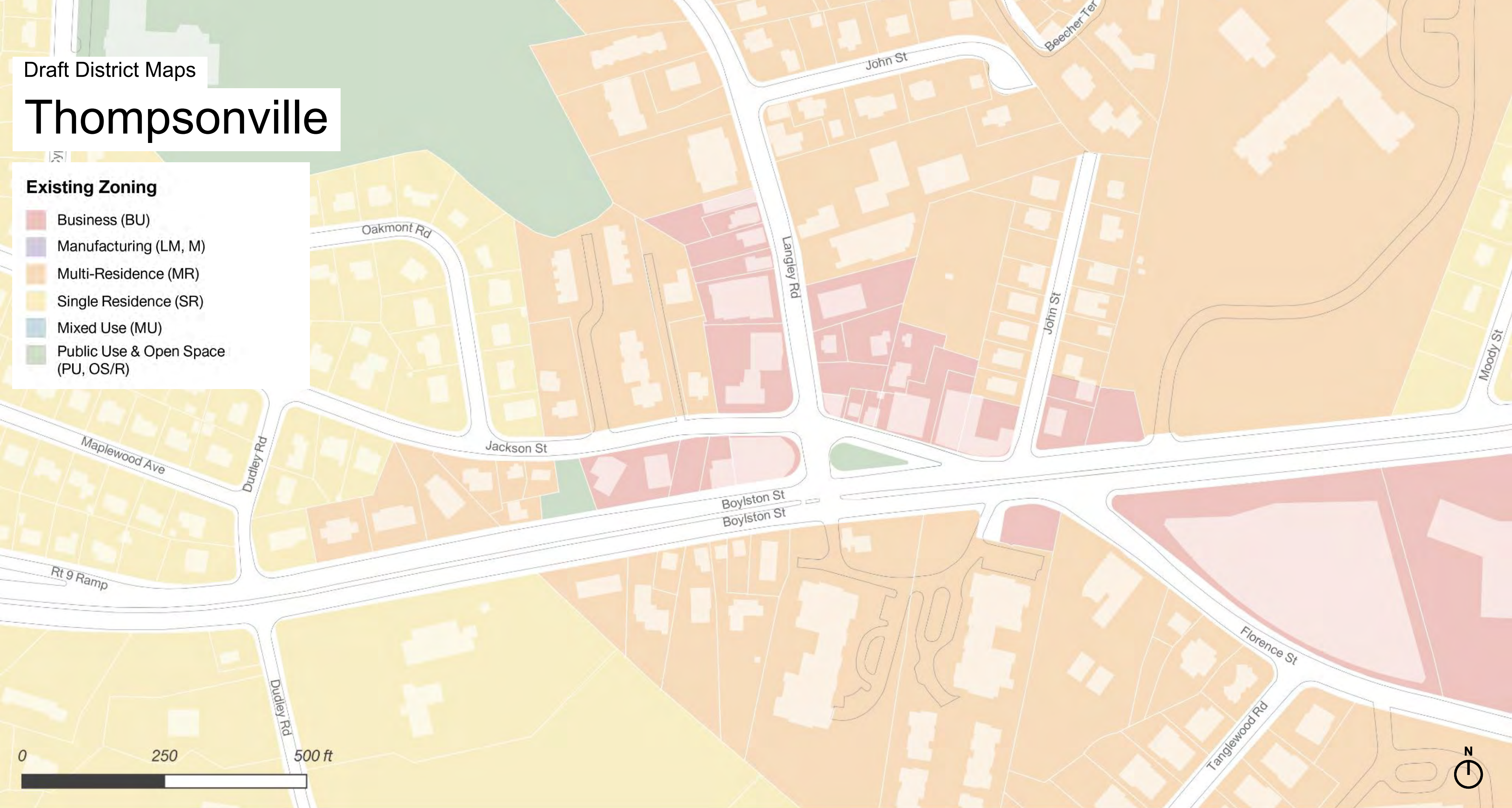
2. View down Jackson St at Route 9



Thompsonville

Existing Zoning

- Business (BU)
- Manufacturing (LM, M)
- Multi-Residence (MR)
- Single Residence (SR)
- Mixed Use (MU)
- Public Use & Open Space (PU, OS/R)



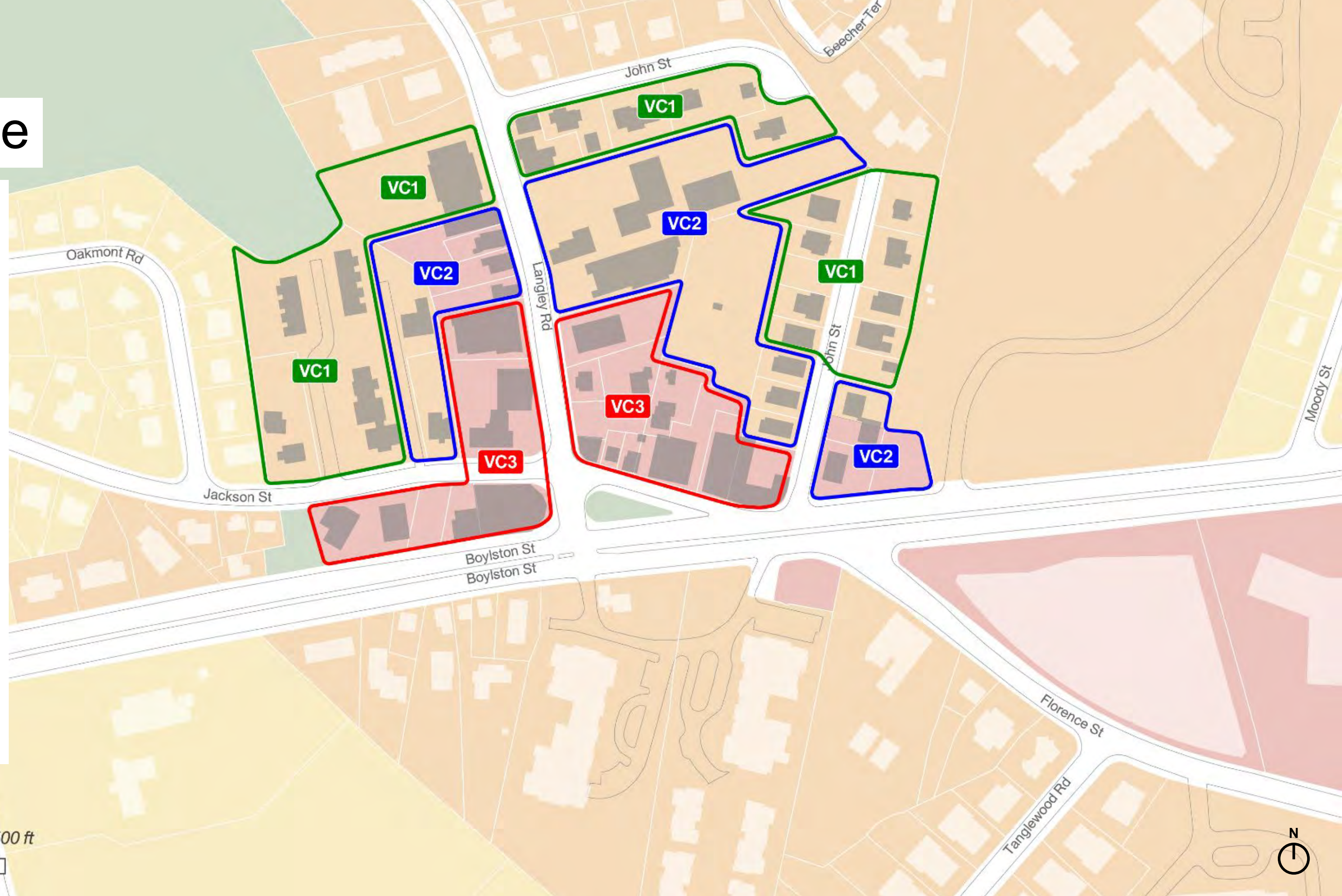
Thompsonville

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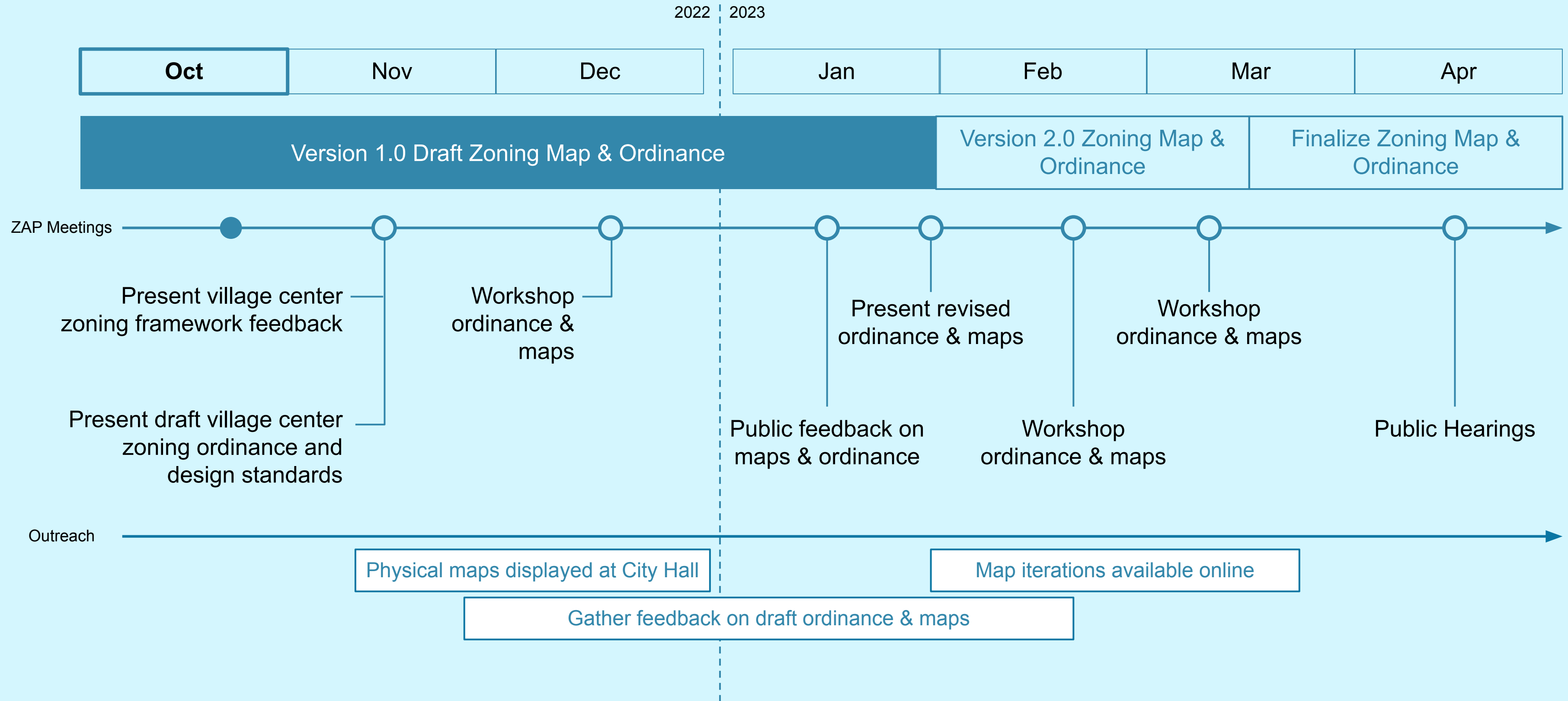


Calendar Towards Potential Adoption

1. Where we are
2. Recap of Zoning Approach
3. Draft maps of Village Center Districts
4. **Next Steps**

This first draft of village center zoning maps is meant to be reviewed and updated. Moving forward, the team will work with the City Council and the broader community to refine the village center boundaries and zoning text.

Calendar



6. Site Plan Review

- **Date:** Monday, December 5, 2022, 6:00PM

The Zoning Act does not contain any provisions for the review of site plans, however the process can be a very effective tool for a board to review the details, aesthetics and impacts of a potential project. This course explains the legal issues when using site plan review; the difference between site plan approval and special permits; the review process; the types of conditions a board may impose; the reasons for disapproval; the appeal process and the types of information a municipality can require to be shown on a site plan. Additional material will be presented on how to incorporate site plan review into your zoning bylaw or ordinance.

- **Presenter:** Judi Barrett, Barrett Planning Group
- **Host:** Northern Middlesex Council of Governments



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Cat Kemmett, Senior Planner

Members

Peter Doeringer, Chair
Kelley Brown, Vice Chair
Kevin McCormick, Member
Jennifer Molinsky, Member
Barney Heath, *ex officio*
Lee Breckenridge, Member
Laxmi Rao, Alternate
Amy Dain, Alternate

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**PLANNING & DEVELOPMENT BOARD & LAND USE COMMITTEE JOINT MEETING
MINUTES**
September 20, 2022

Members present:

Peter Doeringer, Chair
Kelley Brown, Vice-Chair
Jen Molinsky, Member
Lee Breckenridge, Member
Amy Dain, Alternate
Laxmi Rao, Alternate
Barney Heath, *ex officio*

City Staff:

Cat Kemmett, Senior Planner

Meeting held virtually by Zoom Meeting and in the City Council Chamber (Room 207)

1. Public Hearing with City Council Land Use Committee on #394-22 Request to Rezone 136-144 Hancock Street/169 Grove Street from Single Residence 3 (SR3) to Multi-Residence 2 (MR2)

The public hearing was opening in tandem with the Land Use Committee. The Land Use report for that meeting is attached.

Upon the Land Use Committee's decision to continue the public hearing, the Planning and Development Board moved unanimously to continue the public hearing at their regular monthly meeting on October 3rd.

<https://www.newtonma.gov/home/showpublisheddocument/91271/637997861334900000>

The petitioner is proposing to construct an accessory apartment by making additions to the rear of the dwelling. The accessory will be coming off the first floor of the dwelling, that also has a lower-level garage. The lower-level garage will be redesigned and repurposed as the entrance to the accessory unit by removing the garage door and installing a pedestrian entrance.

Chief Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans which can be found at the following link:

<https://www.newtonma.gov/home/showpublisheddocument/91269/637997861329730000>

Public Comment

The Chair opened for Public Comment. No member of the public wished to speak regarding this proposal.

Committee Comments

The Committee expressed strong support for the project highlighting the creativity of repurposing the unusable lower-level garage for a pedestrian entrance to the proposed accessory unit.

Committee Members additionally noted the project's minimal impact on the neighborhood as well as for the implementation of a ribbon driveway, which will reduce impervious surfacing at the site.

Councilor Downs motioned to close the Public Hearing which carried 7-0. Councilor Downs motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown in the attached presentation. The Committee voted in favor of approval 7-0.

#394-22 Request to Rezone 2 parcels to MR2

WALKER CENTER FOR ECUMENICAL EXCHANGE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone parts of the following 2 parcels: 136-144 Hancock Street (Section 43 Block 31 Lot 01) and 169 Grove Street (Section 43 Block 31 Lot 16) from SINGLE RESIDENCE 3 TO MULTI RESIDENCE 2.

#395-22 Special Permit Petition to allow single- and multi-family development at 136-144 Hancock Street and 169 Grove Street

WALKER CENTER FOR ECUMENICAL EXCHANGE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow multi-family dwellings, to allow single-family attached dwellings, to allow a reduced rear setback, to allow reduced lot area per unit, to alter and extend a nonconforming side setback, to waive parking stalls, to waive perimeter screening requirements and to waive lighting requirements at 136-144 Hancock Street and 169 Grove Street Ward 4, Newton, on land known as Section 43 Block 31 Lots 01 and 16 containing approximately 58,492 sq. ft. of land in a district zoned SINGLE RESIDENCE 3 (rezone to MULTI RESIDENCE 2 proposed). Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 4.1.3, 7.8.2.C.2, 5.1.4, 5.1.13, 5.1.9.A.1.ii, 5.1.10.A of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Held 8-0; Public Hearing Continued

Note: David Oliveri, Principal of Civico Development along with Attorney Terrence Morris, with offices at 57 Elm Road, Newton presented the project with an orientation of the property as well proposed plans, general site information and landscape plans. At the time this report was published his presentation had not yet been submitted.

The petitioner is proposing the property be rezoned from a SINGLE RESIDENCE 3 (SR3) to a MULTI RESIDENCE 2 (MR2). Additionally, the petitioner has requested to allow multi-family dwellings and single-family attached dwellings at the site, a total of 16 units.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning and proposed plans which can be found at the following link:

<https://www.newtonma.gov/home/showpublisheddocument/91418/637999553725270000>

Public Comment

SEAN ROCHE of 24 Daniels Street, Newton voiced overall support for the petition as he appreciated the repurposing of the property for more housing. Mr. Roche did express concern over the size of the units which is close to 2,300 Sq Ft. Mr. Roche states Newton needed more housing in the 1,200 Sq Ft to 1,500 Sq Ft range. By reducing the size of the units to the 1,200 Sq Ft range, Mr. Roche noted that a total of 27 living units could be accommodated at the site instead of the proposed 16.

MICHAEL MUSEN of 147 Hancock Street, Newton, spoke in support of the project. He stated the petitioners had done an admirable job designing the project and is consistent with what the neighborhood wants and needs.

ANNIE RAINES of 50 Court Street, Newton, voiced support for the petition. Ms. Raines noted that the project sought to preserve the historical structure of the Walker Center and repurpose it. Ms. Raines echoed similar sentiments of previous public speakers regarding the size of the units, but also states that smaller units do not accommodate families well.

Committee Comments

Committee Members felt reassured that several direct abutters approved of the project. Members additionally appreciated the presented landscape plan that included native and urban appropriate sustainable plants that can be drought tolerant.

Committee Members questions for the petitioner and developer included:

Where will bike parking be located?

Will parking be bundled or unbundled?

Will EV charging be available?

Due to the proximity to the MBTA, will there be discounted fare T Passes?

Will the Mature Tree on the corner of Hancock Street and Grove Street be retained?

Councilor Markiewicz motioned to hold the petition. The motion carried 8-0 and the Public Hearing remains open.

PLANNING & DEVELOPMENT BOARD MEETING MINUTES

September 20, 2022



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Mayor

Barney Heath
Director
Planning & Development

Cat Kemmett, Senior Planner

Members

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Laxmi Rao, Alternate
Barney Heath, *ex officio*

City Staff:

Cat Kemmett, Senior Planner
Others: Councilors Wright and Oliver

Meeting held virtually by Zoom Meeting

Chair Doeringer opened the meeting at 6:01 p.m. and then opened the public hearing for the first item.

1. Public Hearing on #192-22 Request for Review and Amendments to Section 6.7.1 Accessory Apartments

Senior Planner Cat Kemmett presented the rationale for the amendments to the accessory apartment ordinance. The purpose of the amendment would be to provide more pathways for accessory apartments to be built than exist under the current ordinance. Accessory apartments represent a relatively low impact uncomplicated way in which Newton homeowners can add a small housing unit within certain standards, to their properties. The first change would eliminate the requirement that an accessory dwelling (ADU) couldn't be built as part of new construction until after four years. The second change would allow small detached ADUs by-right between 250-900 square feet or 50% of the proposed dwelling unit, whichever is smaller. The third change would reduce the current side and rear set-backs for detached ADUs. The last change would permit an owner-occupant to be defined more broadly but the requirement would remain that the owner would be required to live either the principal dwelling unit or the accessory apartment.

Upon public comment, City Councilor Wright raised concerns about the 7.5 foot set-back proposed. Her preference would be to maintain a requirement that the set-back be the same as the principal dwelling and that anything less would require a special permit. Councilor Wright also would like to maintain a one or two year lookback and only allow a new build accessory apartment by special permit.

City Councilor Oliver expressed concerns about the set-back requirements. Councilor Oliver also inquired as to whether the changes could be individually voted upon.

Chair Doeringer responded that the current ordinance could be amended to address the individual items. At the ZAP meeting, the changes were taken as a whole package and the ZAP vote was 5-2-1 in favor.

A motion was made by Jennifer Molinsky to close the public hearing at 6:25 p.m. and it was a unanimous vote.

Ms. Breckenridge questioned whether an existing garage could be converted to an accessory apartment. Ms. Kemmett indicated that the minimum set-back would be 7.5 feet as a requirement and that anything closer would require a special permit. Ms. Breckenridge also has concerns about the enforceability of the owner occupancy requirement.

Ms. Molinsky indicated full support for the amendments to incentivize additional accessory apartment construction. She was comfortable with the safeguards placed in the ordinance.

Ms. Dain expressed support for the overall amendment. She indicated that she was comfortable with eliminating the look back provision given the overall need for such units. She also questioned the fairness of tying the size of the unit to the size of the principal dwelling unit.

Ms. Rao expressed concerns about the set-back requirements in that some existing detached garages might make good candidates for accessory apartments but the 7.5 foot set-back might be a deterrent. Ms. Kemmett indicated that those cases could be approved via a special permit.

Mr. McCormick expressed support for the amendment especially the creation of smaller units.

Ms. Dain indicated that her research on ADUs showed that the special permit requirement was a significant deterrent to moving forward with accessory apartments for both homeowners and builders.

Mr. Doeringer indicated that he shared many of the Board's concerns but in the end was persuaded that the overall package was worthwhile to help increase the development of these units.

Hearing no call for amendments to the proposal, Mr. Doeringer called for a motion. Mr. McCormick moved to accept the amendment as presented and it was approved 6-0-1 (Director Heath abstaining).

2. Public Hearing on #401-22 Request to amend Section 5.11.5.E Inclusionary Zoning Cash Payments

Director Heath indicated that this change would direct any inclusionary zoning payments in lieu of units from the City Council to directly to the new Municipal Affordable Housing Trust.

Mr. McCormick expressed a desire to see all of the funds be reserved for solely the creation of new housing and not other purposes.

Ms. Molinsky expressed support for the amendment overall but indicated that she would like to see in lieu payments from senior housing projects be reserved for use as senior housing with services.

Following a discussion as to whether there be an amendment to address the senior services issue, Director Heath suggested that this issue is best addressed as part of the IZ ordinance as a whole.

Upon a motion by Ms. Molinsky and approved 6-0-1 (Director Heath abstaining), the amendment was recommended.

3. Adjournment

Upon a motion by Mr. McCormick and unanimously approved, the meeting was adjourned at 7:00 p.m.