

## **Minutes**

### **Brookline Commission on Disability**

Wednesday, March 10, 2021; 5:30 PM – 7:15 PM

Held via Zoon due to COVID-19

**Members in Attendance (Virtually):** Saralynn Allaire, Chair; Jim Miczek, Deputy Chair; Rob Heist; Jim Lee; Henry Winkelman; Elaine Ober; Nancy Moore (Transportation Board Liaison)

**Members not in attendance:** Joan Mahon; Ann Kamensky; Heather Hamilton, Select Board Member

**Note taker:** Sarah Kaplan, ADA Coordinator – Ex. Officio

**Members of Town Staff attendance:** Carolina San Miguel - Community Engagement Strategist for the Office of Diversity, Inclusion and Community Relations

**Members of the public in attendance:** Abby Swaine, David Trevvett, Stella Guan

Meeting commenced at 5:30 PM.

**Introduction/Public Comments:** Carolina introduced herself to all in attendance. She explained her role as the Community Engagement Strategist for the Office of Diversity, Inclusion and Community Relations and asked if there was a member who wanted to represent seniors and people with disabilities in a video project she is creating on COVID-19 Vaccine Awareness. Jim Miczek volunteered to work with Carolina on the video.

- **Action:** The ADA Coordinator will assist in connecting Carolina and Jim M. for the project.

**Review December 2020 Public Meeting Minutes:** No changes requested.

- **Vote:** Henry motioned to accept the minutes as written. Jim M. seconded. A roll call vote was taken of all members present. Five members voted in favor of publishing the minutes; Rob abstained due to his absence from the December meeting. Motion carries.

**Variations:** None. No update on the Coolidge Corner Theater application at this time.

## Old Business

### **Community Development Block Grant (CDBG) funding for Accessible Pedestrian Signals:**

Jim L., Saralynn and Henry attended the CDBG Advisory Committee Meeting. Todd K. and Erin G. from DPW presented on request \$489K in funds for the Accessible Pedestrian Signals. The request may not be fully funded. David Trevvett said he thought they agreed to fund the project for \$150K. The final funding status has yet to be announced.

Saralynn wrote a letter of support to the CDBG Advisory Committee in support of funding the request. Most members signed it individually because it had to be submitted before tonight's Commission meeting.

- **Vote:** The group took a formal vote on supporting the letter tonight. Henry made the motion to accept the letter as drafted. Jim M. seconded. A roll call vote was taken of all members present. The vote was unanimously in favor, the motion carries.

**Changes to the DPW Sidewalk Obstruction Process:** Saralynn explained that she understanding of the new process was that once DPW received a complaint that they would send someone out to the location to check it and note the obstruction. The home owner/business owner would then immediately post the door hanger with information on how to address it, which DPW hoped this would speed up the time for the issue to be addressed.

The ADA Coordinator explained that that was the plan. Complaints regarding sidewalk obstructions can still be filed via Brook-On-Line or via email or phone call to the ADA Coordinator, or directly to DPW. The ADA Coordinator was informed that the first door hanger was posted last week and then was informed by Abby S. that she saw that the homeowner in question had hired a landscaper to address the overgrown hedges.

David said that in his review of the Sidewalk Obstruction By-Law there are no fines mentioned except for snow removal. A change to the Sidewalk Obstruction By-Law would need to happen in order to allow DPW to administer such fines for non-compliance of the request to move or eliminate said obstruction. The Pedestrian Advisory Committee (PedAC) is in favor of changing the process/shortening the process to address such issues. PedAC is meeting with Erin G tonight at 7 PM in part to discuss this issue.

Nancy said that while the door hanger is great, the key to shortening the process would be to get the certified letter out sooner so the homeowner/business owner can't claim they never received the first notice. David agreed.

Abby spoke about the importance of outreach to different Neighborhood Associations and other community groups. Saralynn spoke about the article in the TAB, which Abby wrote with help from Erin G.

- **Action:** The ADA Coordinator will work with DPW and PedAC in drafting an updated Sidewalk Obstruction Warrant Article, hopefully for Fall 2021 Town meeting. The ADA Coordinator plans to follow-up with the head of DPW after May 2021 Town Meeting. Residents are advised to use Brook-On-Line or to email the ADA Coordinator if they have concerns about any sidewalk obstruction. Pictures are helpful when making a complaint, but addresses and a date and time is necessary in order to get action on a complaint.

**Multi-Unit Housing with Limited or No Parking:** There was a warrant article that would eliminate all parking minimums in Multi-Unit Housing. And in general, there is a push in Town in reducing driving and vehicle use for the sake of the environment and the health of the earth and local community. The Chair says that Warrant Article was withdrawn but she continues to be concerned because 40B projects can and have often been granted exceptions to parking minimums. For example: A 40B Project that has been discussed at 500 Harvard, which will have 40 units and only six (6) parking spaces. Having a vehicle is important to some people with mobility limitations, and they need accessible parking. Also, some people with disabilities need parking for their personal care attendances (PCAs). The proposed Transportation Overlay District that would cover most of North Brookline would allow for no parking to be required within a half mile of a public transportation line. This may make it harder for people who cannot walk up to half a mile to find accessible housing.

521 CMR requires that in elevated buildings that all units must be accessible or modifiable without major construction. Additionally, in rental buildings, 5% of the units must be a Type 2 unit – these units in addition to being accessible or modifiable without major construction, they must be larger so they are easily accessible to people who use mobility equipment like wheelchairs. So, in the 500 Harvard, 30 units = two units would need to be Type 2 units. Originally, with only six parking spaces for the building, they were requiring only one accessible parking space. The Chair spoke to the Planning Board and they are going to require that each Type 2 unit is going to have a designated accessible parking space. The developer has agreed to this condition. The Chair says that she believes that when there is less than one parking space per unit, some sort of flexibility is needed so that a resident with a disability gets priority for accessible spots, even if they do not live in the Type 2 units, but do live in another unit in the building.

Current Zoning Laws in Brookline requires one (1) parking per studio, 1.4 spaces per 1 bedroom, and 2 spaces per two (2) or more bedrooms. Saralynn had written a proposal saying that the Commission on Disability would support a reduction in parking to one (1) parking space per unit, but there was disagreement among members regarding this. Some members were concerned that requiring parking would price people out of the market for these units. Other members did not support any changes in the parking

minimums for fear that a reduction in parking would mean that some people with mobility limitations that also need accessible parking would not be able to live in accessible units if they were available but did not have parking.

Saralynn was hoping to provide training to housing developers about the needs of people with disabilities and how having limited or no parking could adversely affect some people's activities of daily living.

Rob spoke about his need for accessible parking and how he ended up finding a place that had two parking spaces next to each other – so he parks in one spot and lowers his ramp into the other space. Neither spot is actually considered or marked as accessible. Rob must use both spots to safely enter or exit his vehicle. His home health aides/PCAs parks in the second spot when they come into work. The ADA Coordinator said she believes that Rob's experience is a very good argument for not changing parking minimums at all.

Jim M. spoke and said that he is conflicted. In the winter, when he goes to Allston/Brighton, he realizes how Brookline's current Zoning Laws allow for easier parking and more parking options.

521 CMR says is that there "must be adequate parking to meet the needs of the residents." The Chair says that this can be interpreted in many ways and the ADA does not talk about parking requirements in buildings under 100 units.

Nancy asked if there are other Commissions in other Towns that have come up with some type of policy. The Chair said that on a recent CODA call, Arlington is also dealing with this issue, but has yet to find a solution.

The ADA Coordinator suggested reaching out to the person who wrote the Warrant Article that originally sparked this discussion to express our concerns. The Chair thinks the Commission should focus on educating the housing developers in Brookline what build multi-unit buildings. In a past meeting, Select Board Member Heather Hamilton is mentioned there are five developers that regularly build new housing in Brookline. The Chair would also like to educate the Planning Department. Abby also suggested speaking to the Planning Department first and then reaching out to the housing developers once the Planning Department understands our concerns.

- **Action:** The Chair will draft another statement regarding the Commission's concerns – focusing not on parking minimums directly, but rather the problem that reducing parking might cause and focusing on the need for accessible parking spaces at every building and flexibility in assigning accessible spots to those that need them whether they live in Type 2 units or not.

Nancy also suggests educating the Transportation Board, the Zoning Board as well, because that is where 40B Developers go for parking

relief. The ADA Coordinator suggested that the Commission work having a requirement added that requires 40B Developers to also seek permission from the Commission before they receive relief from Parking/Zoning Requirements. Nancy said to check with Todd about who chronologically who speaks to Developers first. Saralynn is currently working with Maria in the Planning Department and will ask her first. The Chair does not want to take a hard position on this – she wants to draft a paper for the education of Developers and others. No vote was taken on this issue at this time.

**Webpage Improvement Subcommittee:** Second meeting was delayed due to a member's illness. Next meeting of the subcommittee is scheduled for **Friday, March 12, 2021 @ 10:30 AM** on Zoom. Subcommittee will then bring Draft proposal to next Commission meeting.

#### **ADA Update:**

- **Complaints:** This month continued to be mostly about hedges and snow removal – working with DPW to get those addressed. One complaint about a bike blocking the sidewalk was forwarded to Community Policing Division of the Brookline Police Department – they handle bike removal.
- **Vaccines for Homebound Residents:** The ADA Coordinator is now working with the Emergency Management Team to develop a list of homebound residents who need COVID-19 vaccine shots. She will be attending twice monthly meetings on the topic. She asked members to contact her Office via phone or email if they or anyone they knew needed a vaccination. Email: [skaplan@brooklinema.gov](mailto:skaplan@brooklinema.gov); phone number: 617-730-2329.
- **Re: Closed Captioning for Zoom:** Ben Vivante has turned on the ability to assign captioning to a member of any meeting. It is not a voice-activated service; you still need to hire a caption provider to provide accurate captions in real time. The ADA Coordinator does not suggest having an untrained member of a meeting try and write captions. Ben is still trying to reach out to Otter AI about integrating their automated service into our or other Zoom Meetings.
- **NotifyMe:** and increasing communication to people who may be interested in what the Commission is doing. The ADA Coordinator said that her supervisor said that NotifyMe could be used to communicate with others. The ADA Coordinator is happy to post, but how and what is posted is up to the Commission. Saralynn sends information that might be relevant to disabled residents of BHA – BHA staff posts what

is sent to them on their website. Abby asked if the Commission wanted to start a blog.

- **Formation of Communications Subcommittee:** Members will be Saralynn, Elaine, and Abby Swaine. Motion to develop the Subcommittee was made by the Chair, seconded by Henry. A roll call vote was taken of all members present. The vote was unanimously in favor, the motion carries. First meeting is TBD.
- **Town Meeting Accessibility:** A request for CART services has been submitted to HRI Inc – they have provided CART services for the previous two Town Meetings. The ADA Coordinator has not received any request for any sort of accessible Town Meeting documents. Two years ago there was a request for Town Budgeting documents to be made accessible for a screen reader. It is not clear that the people who put together Town Meeting documents know how to make documents accessible – Elaine said that it is not safe to assume if they are online that they are screen reader accessible. There was also an extensive conversation about PowerPoint Presentations and how/if we can expect TMMs to make their presentations accessible. The ADA Coordinator feels this is a larger culture change that will take time. The Chair would like to send a list of suggestions to Town Meeting Members about how to make presentations more accessible but not make it a requirement. Jim Lee and Elaine Ober both have extensive experience in this area. How to move forward was tabled for a future meeting.
  - **Action:** The ADA Coordinator will check in with the Town Meeting Member that requested accessible financial documents regarding his opinion on the screen reader accessibility of Town Meeting documents that are currently posted online. The Chair is going to check in with the Town Moderator about how exactly PowerPoints are being shared via Zoom (The ADA Coordinator doubts the presenters are each given the right to share their screens).

**Transportation Board Update:** Nancy does not have an agenda for the next Transportation Board Meeting. At some point the Gateway East Bus Lane Project will be presented. Saralynn announced that the Shared Mobility Subcommittee (of the Transportation Board) has an opening. Contact the Chair if you are interested in the opportunity.

## **New Business**

**Possible Warrant Article to Ban the Sale of Single Use Plastics:** Plastic straws are currently banned in Brookline. This Warrant Article did not make it into the final Warrant Articles for consideration in the May 2021 Town Meeting.

### **Review of Upcoming Town Meeting Warrants (May 2021):**

- Possible Warrant article to turn the Babcock Street Lot into affordable housing. If this happens it could eliminate two AP parking spaces in the lot.
- Warrant Article to allow year-round outdoor seating at restaurants. This was discussed in February's BCOD meeting. The Commission should review it to make sure that the Commission's concerns are included in the final Warrant.
- Emerald Isle District Warrant Article makes it clear that Zoning Exemptions for micro-dwelling units and age-restricted buildings in the Emerald Isle do not apply to the Town as a whole.
- Proposed use funds from marijuana sales to funds Minority-Owned Businesses and Women-Owned Businesses. The ADA Coordinator and the Office of Diversity, Inclusion, and Community Relations does not consider the Warrant Article to be truly inclusive if it does not include People with Disabilities in the Warrant Article. The ADA Coordinator encourages the Commission to invite the writers of the Warrant Article to speak to the Commission to hear the Commission's prospective. The Chair may invite the writers of the Warrant to a future Commission meeting.

**Use of Person-First Language:** The term Handicapped is still in State Law, but is not considered appropriate by many people with disabilities. Handicap Parking is now called Accessible Parking. The Handicap Parking Fine Fund could be called the Accessible Parking Fine Fund. The Chair is trying to move toward Person-First Language. The Chair asked what the terminology is on the Accessible Parking Signs and forms.

- **Action:** The ADA Coordinator will reach out to Todd K. and ask if he knows what the signs and forms say.

### **Announcements:**

**Disability Summit hosted by Mass. Office on Disability on March 4:** Saralynn spoke about her experience.

**National Black Disability Coalition** has a scholarship available of \$10,000 for two Black Youth with Disabilities. <https://www.blackdisability.org/>

**What to do if a Person with a Disability can't wear a Mask:** The Chair has a decision-tree. The ADA Coordinator created and posted a flyer for local businesses at the beginning of the pandemic.

**BCIL Meeting with the Head of Health and Human Services:** The list of health conditions eligible for early vaccination used in MA is very limited and HHS is not willing to expand the list. Many people with disabilities are very upset and disappointed.

**Next Meeting: Wednesday, April 14 @ 5:30 PM.** Meeting adjourned at 7:38 pm.