

Minutes

Brookline Commission on Disability
Wednesday, February 8, 2022; 5:30 PM – 7:15 PM
Meeting held via Zoom

Members in Attendance: Jim Lee, Chair; Joan Mahon; Elaine Ober; Rob Heist; Saralynn Allaire; Shawn O’Neal; Miriam Aschkenasy, Select Board Member; Nancy Moore (Transportation Board Liaison)

Members not in attendance: Jim Miczek; Henry Winkelman

Members of the Public: Abby Swaine; Jennifer Dopazo Gilbert, Anthony Ishak, Perry Grossman

Note taker: Sarah Kaplan, ADA Coordinator – Ex. Officio (not in attendance, notes from recording)

Jim Lee commenced the meeting at 5:36 PM.

Public Comment: None.

Vote on January 2023 Minutes: Jim Lee noted that the date on the draft received was denoted as December 2022, not January 2023. No other edits.

- **Vote:** Saralynn motioned the January 2023 minutes be approved as amended. Miriam seconded. All members present voted in favor of the motion. Shawn O’Neal was not present for the vote. **6-0-0.**

New Business

New Variances: None

Micro-mobility Devices – Todd Kirrane’s memo: The Chair looked at the memo and drafted a response to each item. Please use this link for his responses:

<https://www.brooklinema.gov/DocumentCenter/View/38987/Micro-Mobility-Device-Response---DRAFT>

Among the issues discussed is the traffic on sidewalks, which is often going both ways vs the street, where traffic never shares the same lane; Anthony Ishak believes that the issue marked A on the memo is referring to street traffic and not sidewalk traffic – he suggested seeking guidance from the Transportation Board on this issue; the Pedestrian Advisory Committee is similar seeking guidance from the Transportation Board on defining the Public Way.

Mr. Ishak and Mr. Grossman have done research and learned that Cambridge and Somerville do allow e-scooters/micro mobility devices on their sidewalks and their laws are very similar. Mr. Kirrane was hoping to replicate the Brookline Bicycle By-law as much as possible, but the memo focuses on directionality on the Public Way, where the Bicycle By-law do not discuss this issue. There is also concern about conflict with State Laws around this issue. The Chair would like to seek guidance on A and B. C. The micro-mobility vehicle operator will use hand signal and they discussed the danger

for pedestrians who are blind and/or are hard-of-hearing or deaf. All the groups being consulted are making suggestions – the Transportation Board will develop the regulations re: micro-mobility vehicles that does not need approval at Town Meeting. The Chair of the Transportation Board is also working with Town Counsel's Office to ensure that all regulations fit align with State regulations. Somerville and Cambridge have their own regulations; outreach to Newton has happened. They have a new Transportation person and currently no public facing regulations, but he will get back to the Transportation Board with answers to the questions they had.

The Chair asked Mr. Ishak to come back to a future BCOD meeting and present on regulations in surrounding communities. The Chair expressed his concern both for PWDs who use micro-mobility devices and for disabled pedestrians on the sidewalk. Joan asked if those using micro-mobility devices have to adhere to the same traffic laws as cars. Mr. Ishak confirmed that they do. Mr. Ishak will attend and present in March's meeting.

- **Action:** The Chair asked that the members review the memo and come to March's meeting with additional questions. Mr. Ishak and Mr. Grossman plan to attend March's meeting and present then.

Recordings of BCOD meetings to be added to the Commission's webpage

The Commission Members all agreed that recoding should be posted to the BCOD website starting with January 2023 in the interest of transparency. The recordings will be captioned using Otter.ai imbedded in Zoom, as they are during the meeting.

- **Action:** The ADA Coordinator will add the recordings monthly. To access the recordings, go here: <https://www.brooklinema.gov/1996/Commission-Meetings>

February 2023 Access Brookline column: Overall discussion about the contents of the column were positive. The Commission discussed the announcement that the Brookline Booksmith has agreed to move events upstairs to increase access for people with mobility disabilities. Miriam will send a link to the Town Administrator to include it in his monthly newsletter. There was continued discussion about how to advertise the column.

- **Action:** Miriam will send a link to the Town Administrator to include it in his monthly newsletter and ask how the column can be more prominently featured on the Town's webpage. Jim will go check out the Booksmith tomorrow night to see if they actually did move events upstairs.

Use of the HP Fine Fund to pay for ASL interpretation at non-Town funded public events:

The conversation about the Brookline Booksmith lead to a conversation about both ASL as a foreign language at the BHS – Miriam is spearheading this initiative; and the use of HP Fine Fund money to pay for ASL interpreters for non-Town funded public events (like at the Brookline Booksmith). The Commission members seemed excited about both prospects. The Chair encouraged people to contact the ADA Coordinator if they need reasonable accommodations for such an event.

Transportation Board Liaison Update: Nancy did not have any updates re the last Transportation Board Meeting, but at the next meeting on February 15, on the agenda is 'A Discussion and Action on the Upper Washington Street Pedestrian Safety Improvement Project' that she thought might be of interest to the Commission. There is also 'Discussion about the Brookline Parking Permit Programs' which may be of interest to the Commission.

Nancy and the Chair discussed why and how the Upper Washington Street Pedestrian Safety Improvement may or may not be different from the Washington St. DRC – if may have to do with limited or different funding streams for each project.

ADA Coordinator update: None was provided as the ADA Coordinator was not present.

Old Business

Return to in-person/hybrid meetings in April 2023 and BCOD statement: The Chair confirmed that he will have to be in Town Hall to hold meetings in April – for Commissions on Disability, the Chair is the only person that has to be present in a public meeting space in-person.

For other meetings an in-person quorum is required and other people can be online (without an in-person quorum the meeting cannot continue). This is because the Governor's State-of-Emergency (SOE) has expired, and the last extension will expire on March 31, 2023. Currently, there is no expectation that a bill to extend the SOE will be out and signed by the current Governor before the SOE extension expires on March 31.

Davis Path Footbridge Update: Miriam provided an update. Most of the discussion revolved around design elements. Once a design plan is in place, DPW can look for additional funding. The old footbridge was removed due to being structurally unsound. The new footbridge will be fully accessible.

Follow up on ZBA Hearing Concerning Setbacks: A family on Hawes St. with a child with a disability and is medically vulnerable requested changes to the ZBA regulations as a reasonable accommodation in 2020. The Commission was asked to hear and weigh in on the variance request and the Chair of the BCOD at the time, Saralynn Allaire, ultimately wrote a letter (on behalf of the Commission on Disability) in support of the request as a reasonable accommodation, which the Building Commissioner ultimately granted. The neighbors challenged that decision because: 1) the case was not heard by the ZBA, only the Building Commissioner (process challenge). 2) They are saying the Zoning By-Law Exemptions are 'not reasonable' – this is being applied to the request regarding the garage. Saralynn and Jim Lee attended the ZBA Hearing.

During the meeting it became clear that Brookline has no process regarding when a zoning exemption would be considered a reasonable accommodation. Lawyers for both sides were present and the ZBA ultimately adjourned without making a decision so they can review all the case law provide. The plan to meet again on February 23, 2023.

Discussion was had by the Commission regarding the need for a ZBA Variance Process, which would likely need to be a warrant article. Jennifer Dopazo Gilbert, the lawyer for the Hawes St. family spoke at length about the process that was created by the Building Commissioner before granting this Zoning Variance.

- **Action:** Saralynn and Jim Lee agreed to meet as a working group and using the New Bedford policy, and others as an example of possible processes. They will write up a memo in support of creating some kind of official Zoning Variance Process, whether it be a by-law or just an internal policy.

Announcements/date for next meeting:

- The next BCOD meeting is set for **March 8, 2023 @ 5:30 PM via Zoom**
- The **April 12, 2023 meeting will be an abbreviated meeting from 5 PM – 6 PM** so that the Commission members can also attend the Brookline for Racial Justice & Equity 2023 RACIAL JUSTICE CANDIDATE FORUM on April 12, 2023 from 6 PM - 8 PM. To register for the Forum, go to: <http://bit.ly/brjeforum23>

The Chair adjourned the meeting, seconded by Joan at 7:11 PM.