

Minutes

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

Members in Attendance: Jim Lee, Chair; Joan Mahon; Elaine Ober; Saralynn Allaire; Henry Winkelman; Miriam Aschkenasy, Select Board Member; Nancy Moore (Transportation Board Liaison)

Members not in attendance: Jim Miczek; Rob Heist, Shawn O'Neal

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

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

Jim Lee commenced the meeting at 5:32 PM.

Public Comment: None.

Vote on February 2023 Minutes: Tabled for a future meeting.

New Business

New Variances: None

Transportation Board Liaison Update: Nancy had nothing to report. Later in the meeting, Saralynn asked some questions about topics listed on the next Transportation Board agenda. Nancy said she had not received the supporting documents yet but would forward them when she has access to them.

Micro Mobility Device Regulations, presented by Anthony Ishak: Mr. Ishak presented a PowerPoint on a broad overview of the information he and Mr. Grossman had gathered over the past few months in regards to Micro Mobility. From what they could find, Micro Mobility Devices have been against the law in Brookline since the 1970s. Specifically, things like roller skates, skateboards, and other non-motorized devices. The Brookline approach is that these regulations should be similar to bicycle regulations, but there are some devices such as razor scooters used by children that should not be in the street. Only 3% of crashes in Brookline involve bicycles (which is a 65% increase in 2022); Mr. Ishak believes that people using other micro-mobility devices will be as vulnerable as cyclists, if not more so.

He shared 2019 E-Scooter Pilot Program data. In a survey conducted after the E-Scooter Pilot had concluded, there were 2100 respondents; only 51% of whom actually used the scooters. Majority of users were over the age of 40. Most users accessed the scooters to go to work, run errands, or went shopping. Over 55% of riders never used the sidewalks, 35% sometimes used the sidewalks. 46% of respondents drove less, only 1.62% of respondents drove more, and 68% of respondents (including 23% of respondents who never even used scooters) wished the program had continued. For those that thought the program should not continue safety was the number one reason why.

Mr. Ishak spoke about how other cities and towns were addressing the micro mobility issue. In Somerville, riders are age-restricted (age 16+); riders should have a permit, they must not exceed

the local speed limit of 25 mph, and they may only be used during daylight hours. This law is written to support state and federal law and users must not be intoxicated when using the scooters and the law recommends the use of helmets and lights. The laws re: scooters are similar in Cambridge. Wellesley currently has no micro mobility guidelines. Children's micro mobility devices are much slower – average around 8 mph if motorized, slower if foot propelled. Mr. Ishak also spoke about things like helmet data and other notable demographic information of riders are most often in fatal accidents (cyclist data).

Shared Mobility Advisory Committee's (SMAC) feedback was to reconsider nighttime restrictions since some people use it to commute to/from work; the age restriction of 16+ should be raised for foot propelled micro mobility devices, and the license/permit requirement might be burdensome to those that can't get one.

Mr. Ishak made clear that these laws are not designed to restrict the use of mobility devices used by people with disabilities in any way, as those devices and people who use them are covered by the ADA, which is federal law, which will always supersede local and state laws and regulations.

Commission members expressed concerns or questions about what Mr. Ishak presented. Nancy asked about parking regulations and she also had questions about enforcement of the regulations for micro mobility devices. She believes they should be in the regulations so these devices do not become burdensome to pedestrians. The ADA Coordinator spoke about how she gets contacted by residents with disabilities when bikes get left out on the sidewalk. The current way to address this is the BPD has the right to remove the bike from the sidewalk, take it to the Police Station, and residents can pick them up. She does not believe residents are fined when this happens. She feels strongly that the same should happen in the case of a micro mobility device that is left on the sidewalk and feels that should be stated in the regulations.

- **Action:** The Chair plans to put this on April's agenda so that the Commission can make a formal recommendation to Chairman Kane and the Transportation Board.

Commission Statement on the Necessity & Accessibility of Virtual Meetings:

Jim Lee wrote a statement which he shared with all members before the meeting. The statement is one of support for a fully remote Town Meeting. Miriam and Jim spoke about how this is an equity issue.

Miriam gave an update on where the State was re: virtual/hybrid meetings. It has passed through the House. In the Senate, it is out of Ways and Means and now includes the ability to hold a fully remote or hybrid Town Meeting. Senate has to vote on it and the Governor has to sign it. Assuming both things happen the decision about the type of Town Meeting is one made by the Town Moderator and the Select Board.

Elaine suggested the following addition to the statement: after stating the Commission supports only remote meetings including Town Meeting 'until such time where the technology supports a hybrid Town Meeting.'

- **Vote:** Henry motioned that the Commission approve the statement with that slight edit. Miriam seconded. All members present voted in favor of the motion. **6-0-0.**
- **Action:** The modified statement will be sent to the Town Moderator and the Select Board.

Old Business

Follow up on ZBA Hearing Concerning Setbacks: Saralynn provided a brief synopsis of the case. Go to February 2023's minutes for a detailed account of the current issue at hand.

The ZBA decided to just look at the issue of whether or not it was a legitimate process to go to the Building Commissioner rather than the ZBA. The members of the ZBA ultimately decided that it was. It is unclear if this ruling will be appealed to the State court system.

The need to codify a formal ZBA Variance Process is clear. Jim Lee reached out to Town Counsel and the Building Commissioner about this issue. Town Counsel is trying to determine who should lead the creation of such a process; Jim and Saralynn are waiting to hear back. Miriam told the Commission that she has spoken with the Town Administrator about this process and he agrees that a process needs to be codified. He has asked the Building Commissioner to work on a first draft, which will be reviewed by Town Counsel.

- **Action:** Once the Chair hears back from the Building Commissioner, he would like to form a working group or a subcommittee to work on a site visit checklist.

Update on Washington St. DRC: During the last meeting the focus was on how wide the street was going to be after this project was completed. The MBTA wants 11 feet and they are funding part of this project. The current width of the travel lanes are 10 feet; some objected because they believe that at the wider width, drivers tend to speed. 10.5 feet seems to be the compromise, but Chairman Kane asked the design agency to go back and look at the design. To look at the designs being considered go to: <https://www.washingtonstbrookline.com/>

Davis Path Footbridge Update: Once a design is chosen, DPW can seek funding from State and Federal sources. Go to: <https://www.brooklinema.gov/1775/Davis-Path-Footbridge-Design> for more information and pictures of the planned design.

BCOD Scholarship at Brookline High School: The Commission discussed if applicants should write an essay about what they hope to do in their post-secondary education with this money. Elaine thought an essay was a good idea and the ADA Coordinator suggested that the Commission think expansively as to what they mean by an essay – a video essay, a painting, a poem could all count so that all students who would be interested and otherwise qualify wasn't locked into a 5-paragraph format, which may be hard for some considering their disability. The members discussed additional criteria to determine how to pick between multiple applicants – many options were discussed.

- **Action:** Joan and Jim agreed to meet with Mr. Butchart from BHS as a working group to address these questions

Announcements/date for next meeting:

- **April 12, 2023 @ 5:30 PM via Zoom**

The meeting closed at 7:15 PM.