

Minutes

Brookline Commission on Disability
Wednesday, May 10, 2022; 5:30 PM – 7:15 PM
Meeting held via Zoom

Members in Attendance: Jim Lee, Chair; Jim Miczek, Joan Mahon; Rob Heist, Elaine Ober; Saralynn Allaire; Henry Winkelman; Miriam Aschkenasy, Select Board Member;

Members not in Attendance: Shawn O’Neal; Nancy Moore (Transportation Board Liaison)

Presenters in Attendance: Brian Kane, Matt Hyatt

Members of the Public in Attendance: Abby Swaine

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

Jim Lee commenced the meeting at 5:34 PM.

Public Comment: None.

April 2023 Minutes: Saralynn made a motion to accept the minutes with minor edits. Henry seconded. A roll call vote was taken, all members present voted in favor of the motion. **8-0-0. Action:** Saralynn will send the minor changes to the ADA Coordinator via email.

New Business

Access Brookline Column: Jim Lee gave kudos to Abby Swaine and Elaine Ober for their work on the monthly column and asked that it be posted.

Micro Mobility Device Discussion, presented by Brian Kane: The Chair welcomed Brian Kane, the Chair of the Transportation Board, to the meeting. The Chair explained what issues the Commission on Disability has been having during their discussion of micro mobility devices in Brookline. Among other things, the Commission Members needed a clear definition on what a micro mobility device is, if there will be different regulations for residential areas vs. the commercial areas of Brookline, and concerns about the ages of the riders. The Chair asked Mr. Kane to provide more background and clarity on what the Transportation Board was hoping to get from the BCOD.

Mr. Kane said that currently Brookline’s transportation rules and regulations prohibit the use of “coasters” or other wheeled devices that are propelled by an individual on any Brookline public way (street, sidewalk, parking lot). He believes the original drafters of these regulations wanted to ban skateboards. Currently state laws make no distinction between commercial and residential areas. Our current bicycle regulations (governed under a separate regulation than other mobility devices) do prohibit the use of bikes by children under the age of 12 in commercial areas, although the regulations do not define what a commercial area is.

Mr. Kane said that given the feedback he has been given both at this meeting and meetings with other advisory boards, the Transportation Board needs to give BCOD and others something in writing to respond to, which he hopes can be delivered for review in the Autumn of 2023.

He hopes to eliminate regulations that are not being enforced and hopes that any new regulation would be practical, reasonable, and enforceable. Mr. Kane has also sought assistance from Town Counsel to understand the law regarding micro mobility devices by former Governor Charlie Baker before he left

office. He expects that the regulation that Brookline will ultimately arrive at to 'yield to the most vulnerable road user' as defined in the state regulations.

- **Action:** For now, the issue is tabled, but will be revisited when Mr. Kane and the Transportation Board have proposed updated regulations and are seeking feedback from the Commission.

Transportation Board Liaison update: Nancy Moore was not able to make the meeting. The ADA Coordinator read an email she received from Nancy into the record:

>>Unfortunately, I will not be able to attend the meeting on Wednesday, as I have a work function from 6-8. Just to quickly advise you of some possibly relevant information from the Transportation Board, our May meeting (May 17) will be largely devoted to discussing our relationships with the advisory committees (bicycle, pedestrian, shared mobility), I raised the question whether the BCOD should be included and was told that while members of the Commission are welcome to attend the meeting, the focus will be on the official advisory committees and how they can better work together with the Transportation Board. I'm wondering whether the Commission should ask the TB staff whether at a future meeting, the BCOD might be invited to discuss how it can better work with the Committee on transportation issues affecting the disability committee, as I know there has been some frustration in the past that the Commission is often not consulted on projects or issues that have a substantial impact on that community.

I believe that Brian Kane will be attending Wednesday's meeting to discuss issues pertaining to micro-mobility device regulation. I'm sorry I'll miss that discussion. It might be helpful if Jim could send me a brief email on what he thought were the important issues/points raised in that discussion, so that I can be more familiar with the BCOD views when the issues comes before the Transportation Board.>>

BCOD Scholarship update: The Chair confirmed money for the two \$2500 scholarships authorized by the Commission at the last meeting had been transferred successfully to the General Scholarship Fund. The Chair has received an email from Brookline High School to attend the scholarship award event on May 25, 2023 @ 6PM at BHS at the auditorium. Henry, Joan, Miriam, Jim Lee all said that they planned on going.

ADA Coordinator update: The Disability Pride Month Display Working Group is meeting on May 11 to discuss the theme and contents of the display. They will have more information to provide in June's meeting.

Discussion of meeting time for the Summer 2023: The Chair proposed changing the meeting times for June and July to 5 PM. He hopes the Commission can take August off. All the members present agreed to the 5 PM start, but no official vote was taken.

New Variances: Boston College (Messina College), presented by Matt Hyatt

Matt Hyatt is representing the Boston College architectural team who is upgrading Pine Manor Student Center. Boston College is founding a new two-year college, Messina College focused on first generation college students from unrepresented and underserved communities.

<https://www.bc.edu/bc-web/sites/pine-manor-institute/messina-college.html>

When BC acquired the building, it had an existing wheelchair lift. BC is seeking a variance so they do not have to put in a two-floor elevator, and is hoping that the wheelchair lift was still acceptable to use. The

current lift was installed in 1997. The current lift is a 4-foot by 3-foot platform and does not meet current regulations for a wheelchair lift under 521 CMR, which now requires a 4-foot by 4.5-foot platform. It was inspected in 2023 and found to be in good working order.

Jim Lee pointed out that current 521 CRM regulations would require that this lift be replaced by a new two-floor elevator. Feedback from both Jim M and the ADA Coordinator suggested that if BC was seeking a variance not to have to put in an elevator, then at least offering a up-to-current-code lift would be more likely to get them approval from the Architectural Access Board (AAB). Mr. Hyatt confirmed that the shaft had room for a larger lift. Other Commission Members concurred in support of the proposed changed. It was made clear that the Commission did not support the variance request as currently written by Boston College.

Two votes were taken regarding this variance:

- **Vote:** The Chair made a motion to support the Variance Request as currently written by Boston College.

Rob seconded. A roll call vote was taken, all members present voted against of the motion. Miriam was not present for this vote. **0-7-0.**

- **Vote:** The Chair made a second motion to request a change in the variance to support a variance request if BC replaces the current lift with a lift that would be in current compliance with 521 CMR. Joan seconded. A roll call vote was taken, all members present voted in favor of the motion. Miriam was not present for this vote. **7-0-0.**

- **Action:** The Chair will submit a letter to the AAB with information about how the Commission feels regarding this variance and the results of the votes.

Old Business

Update on Coolidge Corner Theatre: Saralynn was recently in Coolidge Corner Theater and noticed that they have not address the access issues they were required to address by the Architectural Access Board. These issues must be addressed before a certificate of occupancy can be granted to the new addition. Saralynn contacted the Building Department and spoke to an official who she felt was unaware of these requirements. She found this dismaying and suggested that the Commission request that Dan Bennett attend a future meeting.

She also asked about training and Jim Lee said that he listens to the Board of Building Regulations and Standards at the State level and they were recently discussing the need for training to start up again. They may be 10+ years behind in providing training on building code. New trainings appear to be on the horizon from the state to the municipalities in September.

- **Action:** The Chair agreed to reach out to Dan Bennet about coming to a future meeting.

Announcements/date for next meeting: May 10, 2023 @ 5:00 PM via Zoom

Henry made a motion to adjourn. Jim M seconded. The meeting adjourned at 7:04 PM