

Minutes

Brookline Commission on Disability
Wednesday, June 14, 2023; 5 PM – 6:45 PM
Meeting held via Zoom

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

Members not in Attendance: Shawn O'Neal; Joan Mahon; Saralynn Allaire; Nancy Moore (Transportation Board Liaison)

Presenters in Attendance: Farzin Kiani; James Jozokos

Members of the Public in Attendance: None

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

Jim Lee commenced the meeting at 5:04 PM.

Public Comment: There were no members of the public in attendance at any point during this meeting, besides the Presenters.

New Variances

21 Longwood Ave: Mr. Kiani and Mr. Jozokos were in attendance to address questions on this variance request. 21 Longwood is a two-story building. Currently, Brookline Dental Specialists is on the first floor of the building. The practice is planning to expand the office to around 2/3s of the second floor; the other space is unknown. According to the variance request, it is impossible to put in an elevator and according to the Chair's understanding of the code, a ramp and not an elevator is required by 521 CMR. The elements of the practice that are going to occupy the upstairs mirror what is downstairs, so if someone was unable to get upstairs they would still be able to access the exact same services downstairs.

The code was triggered because it is over \$100K in renovations and over 30% of the value of the building – the building is worth \$4.5 million and the project is over 1 million dollars. The variance request is asking that the project be excused from having to put in the ramp to the second floor. Mr. Jozokos says he believes it is too tight of an area to fit a ramp. The parking lot goes right up to the building and it is on a corner lot. There is a 12-foot climb between floors, which would make the slope difficult unless it went around the building twice. The last time this building requested a variance was in 2016.

The ADA Coordinator asked if the building had a push-button-activated door. Mr. Kiani said, no there was not. The entryway is currently a two-door vestibule system that meets all the ADA requirements regarding spacing.

Several members spoke about the benefits of a push-button door and how a push-button-activated door would increase access to the practice and demonstrate a commitment to access even if the variance was granted. Mr. Kiani agreed to put in a push-button door to increase access to Brookline Dental Specialists.

- **Vote:** Jim Lee motioned that the Commission would not object to the variance, provided that the services provided on each floor are identical and the first floor is fully accessible. The

Commission also strongly recommends that a push button door be added or modified to increase access to the entrances/exits, even if it is not required by code. Henry seconded. A roll call vote was taken, and all members present voted in favor of the motion. Elaine was not present for this vote. **5-0-0. Action:** The Chair will write an email to the Architectural Access Board (AAB) informing them of the Commission's recommendations.

1026 Commonwealth Ave: The Chair informed the members in attendance that the Variance Subcommittee had already voted on this issue and submitted their feedback to the AAB. See subcommittee meeting minutes for more information. The Chair said that the AAB had responded and now requires that the architects submit drawings indicating that the chair lift would be too difficult to install and take up too much space. The drawings need to indicate that the ADA-compliant chair lift would prevent the project from going ahead. The Commission as a whole did not vote on this variance before the letter was sent to AAB. Further information on this variance is below under New Business.

Variance Updates

Ashby Hall, Boston College/Messina College: The AAB has requested that the architects send back information on the cost and placement of a Limited Use/Limited Application Elevator (LULA). For more information on a LULA, go to: <https://lula-elevators.com/>

New Business

Shanya Take, MBTA: The speaker canceled at the last minute. No issues re the MBTA were discussed.

Push button doors in Brookline: The ADA Coordinator asked Miriam if she thought it might be possible for the Town to require businesses to install push button doors to increase access for all in Town, even if 521 CMR does not require them in all cases. Miriam suggested talking with Town Counsel, but she would think that it would need to be a Warrant Article that would be a Home Rule Petition. Miriam said she would reach out to the Community Planning and Development Department and the Building Department, and cc Town Counsel and the Town Administrator and ask. Rob asked if this would apply to all new businesses or all businesses in Brookline. The Chair said he imagined it would apply to new construction or renovation, and the ADA Coordinator wondered if it could be connected to licensing/re-licensing.

Discussion re the ADA Coordinator's work to increase access at Town Meeting: The Chair complimented the ADA Coordinator on her work to address reasonable accommodations requests, and make the Spring 2023 Town Meeting accessible to more people. The ADA Coordinator thanked the Commission for their work and support.

June 1, 2023 Variance Subcommittee Minutes & Discussion regarding 1026 Commonwealth Ave: Subcommittee minutes can only be approved by members who were at the meeting.

- **Vote:** Jim Lee made a motion to approve those minutes as written, Rob seconded and Jim M voted in favor. No other Commission members were allowed to vote on these minutes. **3-0-0.**

The Chair then explained to the Commission what conclusion the Variance Subcommittee came to in regard to 1026 Commonwealth Ave. The project triggered code because 521 CMR requires mezzanines to be accessible. The mezzanine would only be used for seating and food could not be ordered. The variance claimed that meeting code in this instance would be too expensive, it would take up too much space, and ultimately, they would not be able to continue with the project. The subcommittee voted that

they would not object to the variance as long as the first floor, including the bathrooms, were made fully accessible.

- **Vote:** Jim Lee made a motion that the full Commission support the letter/motion that had already been sent to the AAB. Rob seconded. A roll call vote was taken, and all members present voted in favor of the motion. Henry was not present for this vote. **5-0-0.**

May 2023 Minutes: Jim made a motion to accept the minutes as written. Elaine seconded. A roll call vote was taken, and all members present voted in favor of the motion. Henry was not present for this vote. **5-0-0.**

Transportation Board Liaison update: Nancy Moore was not in attendance; no update was provided.

ADA Coordinator update: The ADA Coordinator spoke briefly about recent complaints including one she received today regarding the Baker School Tennis Courts and Hoar Sanctuary. She is working the complaint through the process to try and get them addressed. She plans to meet with the complainant tomorrow and Parks & Open Space on Friday.

Old Business

BCOD Scholarship: The Chair briefly described the Scholarship night at the High School attended by Joan, Henry, and himself. They met with one recipient and it was a great night for all. The High School wrote a letter to the Commission thanking them for creating and funding the scholarship. Future funding will be voted on yearly.

Access Brookline Column: The Chair thanked Elaine for her work on this month's article, which has been posted to The Patch. Elaine asked if the Commission would also want to post the monthly column with a new news outlet in Brookline: Brookline News. The Commission agreed it was a good idea to reach out.

Announcements/date for next meeting: July 12, 2023 @ 5:00 PM via Zoom

The Chair made a motion to adjourn. Jim M seconded. The meeting adjourned at 5:41 PM.