

**Mayor's Commission for Persons with Disabilities  
Agenda**

**DECEMBER 14, 2011  
5:30-7:30 PM**

**Piemonte Room, 5th Floor, Boston City Hall**

**6 PM: Simon Property Group presents to the board about access at Copley Place  
and its proposed expansion project**

Introductions

Approval of November 9 Minutes

Commissioner's Report: Kristen McCosh

Chair's Report: John Kelly

Sidewalk delineation strip

Simon Property Group and Access at Copley Place

Public Input

Old Business

New Business

**Next Commission Meeting: January 11, 2012**

**Special Meeting: Monday, January 9, 3 PM-5 PM, Piemonte Room 5<sup>th</sup> Floor  
Commissioner Charlie Carr from MRC joins us.**

# Mayor's Commission for Persons with Disabilities

## Minutes for Wednesday, December 14, 2011

**Present:** Arnold Berry, Carl Richardson, Vice-chair; Eileen Brewster, Janice Ward, Suzanne Leveille, John Winske, John Kelly, Heather Watkins, David Estrada.

**Staff Present:** Kristen McCosh, Commissioner, Kathryn Aldrich, Juanita Mincey.

John Kelly convened the meeting at 5:40.

Minutes were approved for November 9, 2011 with the following changes:

Chair's Report: "Mass Transportation Dept" change to "Boston Transportation Dept"

Youth sports for kids with disabilities discussion change to "SL noted it would be great if there were games where kids with disabilities would have the opportunity to feel apart of a team, run around.

Parkway Sports has that option, but after 10 years of age kids aren't able to continue. BYC should coordinate an organized push for more."

Commissioner's Report – Kristen McCosh

Disability Commission Staff person had a massive heart attack and is now recovering. Another Staff person is also in the hospital recovering from an undisclosed medical issue.

KA reported on various projects that have been through the Commission office in the last month, such as the East Boston Central Square project, East Boston Neighborhood Health Center, East Boston Branch Library, Yawkey Way Station and Extension, Copley Place, Isabella Gardner Stewart Museum, Pedestrian Curb Cuts with Public Works, etc. KM noted attending the Isabella Gardner Stewart Museum AAB hearing and the site visit that was planned at the hearing to take place in the next few weeks.

Chairs Report: John Kelly

Nov. 14<sup>th</sup> JK testified at the Boston City Council hearing considering the State designation of the Back Bay Cultural District to be headed by the Fenway Alliance, as it has already been head of an Alliance. In that role the Fenway Alliance brought the disaster that is the brick on Huntington Ave, dead trees, pooling water and broken curb cuts. CR asked what benefits of a State designation the Fenway Alliance will receive. JK noted that the designation provides them with focused energies providing more resources.

Nov. 14<sup>th</sup> JK attended the community meeting at Symphony Plaza of the streetscape project where the plan was presented. He said the plans are fun and accessible, no brick in the path of travel and the request to have brick removed from loading zone was well received. John Winske added that it was the first true sense of how seniors feel about bikes using the sidewalk. It was an interesting meeting that was successful in having the pedestrian voice heard regarding timing of lights and crossing time on Mass. Ave in particular. CR asked if there would be new lights and audible crossing. JK noted that all new lights and APS would be throughout the project. JWinske also mentioned that there was parking removed and a new bike path will be put in place to reduce amount of bikes on the sidewalk.

Nov. 17<sup>th</sup> was the BRA Board Meeting, JK testified against approval of the Copley Place project, citing Simon Properties failure to meet the maintenance agreement. Nov. 26<sup>th</sup> JK took pictures of the existing conditions at Copley Place that have not been maintained or fixed.

Nov. 21<sup>st</sup> several Commission members met with Christine Griffin for a free ranging discussion meeting.

Nov. 28<sup>th</sup> JK sent letter to the AAB regarding Isabella Stewart Gardner Museum AAB variance application hearing, as the benefits of creating an accessible museum would be incalculable.

Dec. 5<sup>th</sup> several Commission members met with Jonathan Greely of the BRA to review the new Yawkey Way Station and Extension project. JK feels they have reached the best possible solution regarding the most current design and the access portion of the work will be done first, which is a great change.

Delineation strip on Mass. Ave to be a combo of options 2 and 3, words and triangle arrow to highlight area of slope. Need for educating people what the triangle arrow is for general understanding in the future. JK asked if there was any discussion regarding the options. JWinske asked this was going before the Landmark Commission. JK said the City is going for yellow color and the Access board hearing is first, then Landmark. SL inquired about the condition where the brick changes to concrete? JK said it was terrible, old busted concrete with typical bad sidewalk issues. SL asked if the yellow line could be extended. JK pointed out there was no where to put the yellow line, but the Landmark Commission was supportive of the flat sidewalk more than concerned for opening car doors. KM to look into what the City will be willing to do. SL suggested continuing the delineation line to end of the block. Discussion to continue regarding extending the line.

Copley Place Presentation by:

(RH) Rob Halter	Elkus Manfredi Architects
(JH) Jack Hobbes	RFWalsh Collaborative Partners
(JC) John Copley	Copley Wolff Design Group
(BK) Bill Kenney	Simon Property Group, Inc.

Jack Hobbes introduced the project and noted recent meetings with the Disability Commission and the need for continued meetings with other City agencies, such as, but not limited to PWD, BRA, CAC and BCPC.

Rob Halter presented history overview, schematic design, scope and maintenance aspects. The project will remove existing Neiman Marcus store and grow into a tower out over Mass Pike and train tracks, compliment skyline and John Hancock tower, and maintain the primary connection to the Southwest Corridor. JWinske asked if there will be access to the underpass, while CR asked if there was a loss of a sidewalk. RH said that there would not be access to the underpass, but that all sidewalks were actually being widened. Neiman Marcus will expand into the new construction project and the project will open up to windows with 3 levels of glass for an active light space. Dartmouth Street will have added entrances, planters and benches. Open façade will provide safety and comfort. Southwest Corridor entrance will be glass skin pavilion, inside removal of barriers for neighborhood retailers to have access to inside of mall with access to elevators. The entire mall will be upgraded to compliant ADA standards. The Stuart and Dartmouth Street intersection will be redone with bulb outs on all corners to reduce crossing distances and increase area of sidewalks, by eliminating number of crossings down to one. The goal is to improve site development so that it is no longer cluttered.

John Copley presented the changes to the exterior landscape, starting with opening the view of the corridor into the plaza, maintaining the existing canopies and walls, reworking of plantings. The overall landscape change is to maintain the general bones, but make material upgrades and integrate a

continuous smooth path through. The Winter Garden will have access off of the sidewalk. The planters along Dartmouth Street will have seating incorporated. The goal is to implement higher visibility for the Neighborhood retailers. The existing to remain vents will be enclosed in a planting area. There will be an access path through the site highlighting the main paths of travel with a continuous material selection. Areas of both gathering and travel may be highlighted with granite pavers, while the main path of travel may be a concrete. Secondary areas outside the main paths of travel may be pavers or brick.

JWard asked if the grates would be changing and Rob Halter noted that the grates will be incorporated into a planting area and will not longer be a walking zone.

CR asked if because the air rights are leased if they would be any coordination with MassDOT. Jack Hobbes answered that the MBTA “owns” the air rights.

JWinske asked if the pitch of the sidewalk on Dartmouth Street will be mitigated. Rob Halter noted that the material will change so the cross slope will be appropriate, but the running slope will not be due to the existing terrain in that area.

KM asked if the concrete will be poured or pavers? Rob Halter said all concrete is to be poured concrete.

CR asked if there will be all new elevators, way-finding and signage. Rob Halter responded that absolutely there will be new signage in place in the new construction, and new signage is in the works for the current conditions.

JWard noted that Exeter Street just ends for all pedestrians. Rob Halter said that the landings at the crosswalks will be widened to reduce the crossing path. CR asked if there is an obvious tactile barrier at that location. Rob Halter said there will be raised planters that will prevent people from continuing through that will be 30” high.

JK inquired about the access route along Stuart Street, since the fence and planter barrier leads you across the street at Stuart. Rob Halter said this was under the Westin’s property, but that there was a meeting with BTM regarding engaging the Westin regarding that sidewalk. Jack Hobbes outlined that there is not a solution for Stuart Street at this point or the extent of the work on that side of the street.

JK asked if Simon has owned property for the last ten years, why hasn’t Simon done anything regarding ADA updates until now. Bill Kenney responded that Simon’s commitment is to address what needs to be addressed now and in the future. That since the site visit Simon has created a clear 6’ path of travel down the southwest corridor has been addressed, the west end decorative treatment has been repaired and specific repairs of sidewalks.

JK illustrated that there has been a dangerous ditch since at least August 2009 that could be life threatening to someone in a wheelchair. JK has felt excluded since the building was built. It appears that Simon is now scrambling now to make repairs. Why should the community believe that Simon will follow through now? Bill Kenney said that Simon’s eyes have been opened to the issues through this process.

JK asked what Simon plans to do about the last 10 years of negligence, as the largest real estate company in the country, Simon certainly has the resources. Bill Kenney recognized there were clear deficiencies; however there was no intent of any kind associated with said deficiencies. Other aspects within the facility will also be brought up to compliance. CR requested the Disability Commission get

something in writing. Jack Hobbes acknowledged that a maintenance agreement will be signed with the BRA and an ADA consultant will be on board going forward. Bill Kenney also noted that irrespective of responsibility, Simon will try and make it right. KM asked if an ADA consultant had been identified. Jack Hobbes requested KM send him recommendations.

JK called for questions from the board:

JWinske said that he is impressed with the process, however sad it is that it took this process to make Simon be a good neighbor. He applauds the decision to move all affordable housing to be incorporated within the tower and hopes that some units will be accessible units as well. He also hopes the mistake of the Dartmouth Street sliding door voice to wait for one door to close before the other door is opened will be changed.

DE pointed out that 3 or 4 handicap parking spaces in front of the building are notorious for people parking with buses or limos in the spots or blocking the spots. Bill Kenney said he would speak to the Marriott regarding the issue. KM will speak to BTM regarding issue. CR pointed out that the buses are typically Marriott coach or shuttle buses and has experienced the drivers refusing to move to allow them out of the handicap parking space.

JK called for public comment:

Chris H. inquired about the expansion joint issues that permeate the site. Jack Hobbes said that the site is a bridge, the bridges are moving so there will have to be joints. However, efforts will be made to build better joints. Chris H. said that the issue is how the joints are addressed. Going down the hill at Dartmouth Street, in regards to what that does to the cross slope at the crosswalk, will that be able to be re-graded at the intersection? Ron Halter said that there is an ongoing effort to address traffic conditions and perhaps they can look into a tabletop intersection feasibility study in consideration of the bridge. Chris H. noted that anything to address the current 14% slope would be an improvement. Chris H. asked if the intent inside the building was still to go down to go back up. Ron Halter said the sidewalk actually slopes, but the entryway maintains level. They will continue to investigate the grades and possible manipulations, but the whole level is actually higher than the street. Chris H. asked if the Winter Garden is proposed to be at the same level as Neiman Marcus. Ron Halter said that part of the area is at the same level. Chris noted that a tremendous amount of foot traffic pass through that area, they may want to consider reducing the amount of up to go down and vice versa, to ease the flow of pedestrian traffic through the space. Chris H. requested the elevators be glass in order to promote way-finding and security within the mall. The elevators also need to be larger than the current Copley Place elevators. It is not uncommon for someone in a wheelchair to have to wait 4 or 5 cycles to squeeze onto an elevator.

Don Summerfield commented that he is not fully swayed that the current Simon fixes were made because it was the right thing to do, but was done because of the project and gaining community buy-in. The community has money to spend, but will go elsewhere as the current conditions are exclusive.

Dave Iverson outlined how the current parking is not accessible, main parking and street parking. Copley Place only has 1 that meets requirements and it is located in the valet area. Tent City parking that Simon is responsible for, the elevators don't work, people have been trapped inside, close before someone can get it or don't close at all, no emergency phone, door is torn down, etc. Bill Kenney made note of the issues and will looking into them, but had not received any phone calls or emails making him aware of the noted issues. People are encouraged to contact him via the website that will send him a direct email so as not to confuse lines of communication. Dave I. explained that he had tried to send the email the night before but that the link does not work. CR asked about people who have concerns, but no

access to the internet? Bill Kenney produced his business cards. Ron Halter explained that all parking issues will be reviewed and addressed.

Sheila Randolph from the Institute for Human Center of Design asked if it was possible to draw actual (desire) lines on the actual street to think about how people are moving around the street.

Valerie Leiter asked why the use of brick is continued if the bridge condition of the site has historically presented as a hostile environment. Jack Hobbes acknowledged that the material selections are not final in response.

JWinske said that he has seen over and over that elevators are not a part of the big picture, that there is no idea how people would actually gravitate through a space to make it an accessible design for those with and without visible limitations. The Copley Place team needs to strongly consider doubling the accessible efforts, such as the size and number of elevator cabs. The other thing to think about is the evacuation of people above the 11<sup>th</sup> floor. Elevators are the first thing shut down in the event of an emergency.

JWard also asked the Copley Place team to consider the greater impact on the surrounding neighborhood, such as the people across the street and the number of people who access the train station and the MBTA Office of Transportation Access.

Jack Hobbes committed to the path of travel being available during all phases of construction. BTB will require covered paths and accessibility be maintained throughout the project. JK asked if Dartmouth Street will have to be shut down at all. Jack Hobbes will have to investigate, but will likely keep a path of travel clear.

JK brought the meeting to a close with the hope that the Commission will be able to see future plans and work towards the most accessible plan. KM will send out the list of meetings for 2012, next meeting will be January 11<sup>th</sup>, 2012.

JK adjourned the meeting at 7:26pm

### **Disability Commission Supplemental Meeting 12/5/11**

Meeting with Jonathan Greeley, B.R.A. Also present, JK, KM, CR, EB, JW.

\$12 mil for Yawkey Station, \$55 mil for the entire stimulus project.

JG talked about 15 foot setbacks on Boylston St. JK spoke of narrow path of travel on 1340 block. JG said that it was designed before Complete Streets.

3 projects: a multiuse path between Fenway on the D line and Yawkey, restoring Boylston, and restoring Audubon Circle.

The new station would connect Overland St to Maitland St, as well as Beacon St to Boylston St.

The dedicated sidewalk will have a railing with a post every two feet. The sidewalk will have a 5 percent grade. 15 ft wide sidewalk, 13 ft between the railings.

Multiuse path will probably be asphalt.

They want to have a "raised table" crosswalk at the station.

Accessible route will be the first piece of work!

KM asked for sawcut concrete. CR asked if the city would be overseeing it ( answer: no).

KM asked about a maintenance agreement. JG says that MassCo or the Red Sox will probably step up for plowing and maintenance.

Samuel's is the name of the developer, and JG says they have been very receptive.

JG wants the Disability Commission to draft a letter to the state detailing requests, including sidewalk grade requests.

At this point, Jonathan left. The group stayed to discuss a few issues:

Regarding the remote participation letter to the Atty. Gen., people suggested sending copies to Amy Nable, Maura Healy, KM, and Ron Marlow.

Enclose original letter along with the Martha Coakley letter. KM suggests both email and snail mail. Or Carl will hand deliver it.

Regarding Copley Place, there will be a site visit on Thursday December 8 at 10 a.m. in front of Neiman Marcus. They're coming to the commission meeting next Wednesday night.

JW suggested trying to arrange a meeting with Peter Meade. Also possibly write a letter to Peter Meade from the commission complaining that the commission's comments were excluded previously.

-- Notes by Samantha Lowe, edits John Kelly