

**Disabilities Commission**  
**Meeting Minutes**  
**Nov. 2, 2021**

Zoom meeting called to order at 6:02 p.m.

**Introduction of Members;**

Kim D. Hopewell, Marcia Cairns, Edward Ramstrom, Nancy Lucier, Patrick Crowley, Ronald Menard, and Michael McConiville.

**Organization of Commission;**

The following members were voted into office for 1 year terms-

Kim D. Hopewell, Chair  
Marcia Cairns, Co-Chair  
Ronald Menard, Vice Chair  
Michael McConiville, Clerk

**Introduction**

Michael Edwards- Public Services Manager of the Collins Center Boston Massachusetts.

The Town has engaged the services of the Collins Center who is Preparing an Accessibility Self Evaluation and Transition Plan for the Town of West Boylston. Once the Self- Evaluation is completed, the Commission will work collaboratively with the Center Team to develop the Transition Plan. The Commission will take the lead role in the selection, prioritization and implementation schedule of programmatic and facilities mitigation steps as well as the public inputs process.

**521 CMR ADA** Building Codes are the Commercial Building Codes of the early 90's. Mr. Edwards stated that this section of the regulations had many flaws which resulted in many law suits. The Collins Center has assisted towns addressing issues sections and has a public service approach from a building code and safety issue standard. Many result in service or program available accessibility. All don't need to be "fixed", they can change how they currently are. For example if the Town has a Town Meeting at a ball field and the grade of the field to access the said field is uneven, it may not be accessible due to grade, but can be fundamentally altered for the purpose of the accessibility to the field. Problems fixed will be the best and easiest throughout the Town. All site visits will be done by Mr. Edwards and the Building Inspector. Mrs. Cairns inquired if the Commission would be evaluating the Housing Authority. Mr. Edwards stated that it does not fall under the purview of the Commission as that is a state- run facility.

Mr. Edwards will be working closely with the Building Inspector and the Assessors Offices as the Disabilities Commission will be requiring multiple property spreadsheets, Town Inventory, Permits, Town Buildings, Capital Improvements, Capital Replacements, Contractor's, ROW's, Crosswalks, Private Streets, Schools, Codes...

Public Meetings must be accessible to all. If you have a meeting at Town hall for example and it is on the second floor you have the elevator. If you have a Zoom meeting, the telephone number must be made available for the residents to call.

### **iTitle II 521 CMR-**

A copy of the section of the Commonwealth of Massachusetts Regulations is attached at the end of this document.

**Title II 521 CMR** building code regarding access for persons with disabilities for buildings in the Commonwealth of Massachusetts. Mrs. Hopewell inquired as to the availability of a primer for the committee to review. Mr. Edwards will be forwarding an "ADA Update: A Primer for State and Local Governments" PDF for the Commission. He will be sending a link to the Town Administrator to give to the Commission.

### **Pride Park Update**

Mr. Edwards stated that the grading of the permeable material playground equipment would have to be removed in order for the new underlayment to be set. Mr. Ramstrom stated that each time the playground had work done on the ground there was flooding on the adjacent properties of which he resides. Mr. Edwards stated that there should not be any difference that would make it flood issue.

The current equipment will be relocated and additional play equipment will be added to the playground.

### **Reports**

Html documents vs Scanned documents for readability.

Results of survey. Mr. Edwards was disappointed by the amount of participation in the survey.

Mrs. Lucier stated that she thought the response was adequate compared to other surveys done by the town.

Look at other actions for this board to consider.

### **Schedule Next Meeting**

Next Meeting Dec. 6th Rm. 120

**Meeting Dismissed** 7:30 p.m.

**Respectfully Submitted,**

Kim D. Hopewell

Kim D. Hopewell, Chair

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i The following conventions apply when using 521 CMR:

## 521 CMR 2.00: **PURPOSE AND SCOPE**

### **2.1 PURPOSE**

521 CMR is designed to make *public buildings* and facilities *accessible* to, functional for, and safe for use by *persons with disabilities*.

### **2.2 INTENT**

It is the intent of 521 CMR to provide *persons with disabilities* full, free and safe use of all *buildings* and facilities so that all such persons may have the educational, living and recreational opportunities necessary to be as self-sufficient as possible and to assume full responsibilities as citizens.

### **2.3 VIOLATIONS**

521 CMR is deemed to be a specialized code as referred to in M.G.L. c. 143, § 96, the violation of which shall constitute gross negligence for the purpose of M.G.L. c. 112, § 60G, clause (d), and shall be subject to the additional powers granted to the *Board* by M.G.L. c. 22, § 13A.

2.3.1 The *Board* shall receive complaints of non-compliance with any rule or regulation from any person or may receive complaints initiated by its own staff. If the *Board* finds, after notice and opportunity for a hearing, that any person is not in compliance with any rule or regulation, it may issue an order to compel such compliance. Such order may specify the date and the manner by which such person shall cure the noncompliance found by the Board and may require that pending the cure of such noncompliance a performance bond be furnished, payable to the Commonwealth, in such penal sum as the *Board* finds reasonable.

2.3.2 In the event that a person fails to cure such noncompliance by the date specified in the *Board's* order, the *Board* shall be empowered, after further hearing, to impose a fine payable to the Commonwealth not to exceed \$1,000 per day per violation for each day of noncompliance that the *Board* finds was without justification.

2.3.3 The *Board* shall also have the power, if it determines that such failure to cure noncompliance is without justification, to bring a complaint before any appropriate licensing or permit granting authority against the license or permit of such person.

2.3.4 The *Board* shall have the authority to issue subpoenas.

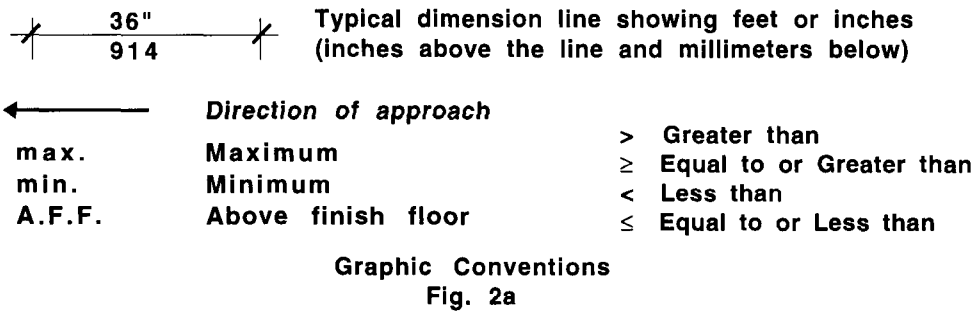
### **2.4 GENERAL CONVENTIONS**

The following conventions apply when using 521 CMR:

2.4.1 Graphic and other illustrations are provided in 521 CMR to illustrate a solution only. They are not to be taken as the best solution or the only solution, but are provided to clarify the intent of the written regulations. The written word always prevails.

2.00: **PURPOSE AND SCOPE**

2.4.2 Graphic conventions are shown in **Figure 2a**. Dimensions that are not marked minimum or maximum shall comply with **521 CMR 2.4.4**, unless otherwise noted in the text or captions.



2.4.3 Words italicized in the text indicate that a definition of that word is provided in **521 CMR 5.00: DEFINITIONS**.

2.4.4 Tolerances on all dimensions, unless otherwise noted, shall not exceed the following:

- a. Dimensions between zero and two inches, (0" and 2" = 0mm and 51mm) inclusive, shall have a maximum tolerance of plus or minus one-eighth inch (1/8" = 3mm).
- b. Dimensions more than two inches and less than 36 inches (>2" and <36" = >51mm and <914mm) shall have a maximum tolerance of plus or minus one-half inch (½" = 13mm).
- c. Dimensions 36 inches or greater (36" or > = 914mm or >) shall have a maximum tolerance of plus or minus one inch (1" = 25mm).
- d. Slopes may not exceed maximums. Slopes shall be measured in two-foot increments.

Note: Tolerances do not apply to minimums or maximums.

2.4.5 When a percentage is calculated to determine the number of *accessible elements* , if the number ends in a fraction of five-tenths (.5) or more, the number shall be rounded up to the next whole number. If the number ends in a fraction less than five-tenths (.5), the number shall be rounded down.

2.4.6 When calculating the conversion from inches to millimeters (using 1"=25.4mm), if the number ends in a fraction of five-tenths (.5) or more, the number shall be rounded up to the next whole number. If the number ends in a fraction less than five-tenths (.5), the number shall be rounded down.

**2.5 REASONABLE MODIFICATIONS**

*Reasonable modifications* to *public use* and *common use* spaces in a *multiple dwelling* must comply with 521 CMR. *Reasonable modifications* to an individual unit do not need to comply with 521 CMR.

2.5.1 Departures from particular technical and scoping requirements of 521 CMR by the use of other designs and technologies are permitted without a variance, where the alternative designs and technologies used will provide substantially equivalent or greater access and

usability of the facility.

## 2.00: **PURPOSE AND SCOPE**

### **2.6 MAINTENANCE OF ACCESS FEATURES**

At all times, accessibility features must be maintained and fully operational. (*i.e.* access aisles kept clear at all times, mechanical devices be kept in operating condition, *etc.*).

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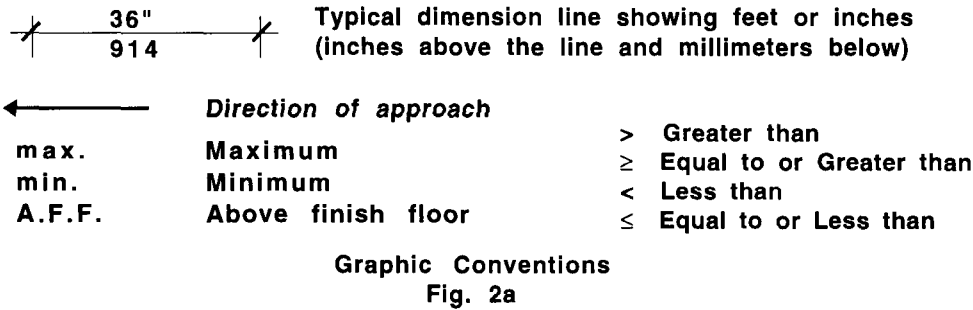
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