

From: Mary O'Connor <moconnor@koilaw.com>
To: Jenny Raitt <JRaitt@town.arlington.ma.us>
Cc: Doug Heim <DHeim@town.arlington.ma.us>
Date: 08/13/2020 10:02 AM
Subject: RE: Lexington Hotel -

CAUTION: This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

Dear Jenny,

Thank you for forwarding the email chain. The Commission's request that the ARB postpone a vote on the request for the requested special permit for this project so the Commission may review the project is wholly inappropriate for several reasons. The ARB's responsibility is to apply the criteria set out in Article 3, Section 3.3.3 in determining whether a special permit should issue. Any review as to compliance with the standards set out in 521 CMR 1, et seq. is premature as the 90% plans are not complete at this point and need not be complete at this point for approval. Further, and more importantly, it is the duty of the Arlington building Inspector, not the ARB, to determine whether the proposed project is in compliance with applicable building codes, including the above referenced statute.

As you know, the building inspector must determine that the project complies with applicable building codes and the AAB requirements before issuing a building permit and before issuing a certificate of occupancy.

Perhaps the Commission would be better able to provide commentary when they review more detailed plans and have an opportunity to review 521 CMR 1, et seq. in greater detail. By way of example, 521 CMR 23.8 provides that where valet parking facilities are provided, 521 CMR 23.2 and 521 CMR 23.4.7, the provisions which reference the provision of handicapped parking spaces and van spaces, do not apply.

I appreciate the work and dedication of the Commission. However, any attempt at this juncture to prevent action on this request for a determination on the special permit by the ARB sending it to the Commission for consideration would be an abuse of authority, arbitrary and capricious. Further, any attempt to derail a vote on this project by postponing it, I suggest, rises to the level of constituting a violation of Mr. Doherty's right to procedural due process, substantive due process and equal protection and treatment under the applicable laws and regulations.

Please feel free to contact me if you need to discuss this matter further. Kindest regards. Mary

Mary Winstanley O'Connor, Esq.
Krattenmaker O'Connor & Ingber P.C.
One McKinley Square, Fifth Floor
Boston, MA 02109
Telephone 617.523.1010 Ext. 223
Fax 617.523.1009
moconnor@koilaw.com
www.koilaw.com

This email may contain privileged and confidential information intended only for the named recipient. If you

are not the named recipient, or if you have received this email in error, please immediately notify us and delete this email from your computer (including temporary electronic storage folders, sometimes called "Trash," "Deleted Items," or "Recycling Bin") and throw away any printed copies. This email (including any attachments) does not contain or constitute an electronic signature except where specifically so stated. Thank you.

From: Jenny Raitt <JRaitt@town.arlington.ma.us>

Sent: Thursday, August 13, 2020 6:58 AM

To: Mary O'Connor <moconnor@koilaw.com>

Subject: Fwd: Lexington Hotel -

Do you also want to respond to this in your letter?

Begin forwarded message:

From: Paul Raia <paulraia@dphd@gmail.com>

Date: August 11, 2020 at 2:29:03 PM EDT

To: Jenny Raitt <JRaitt@town.arlington.ma.us>

Cc: Cynthia DeAngelis <cynthia.deangelis@icloud.com>

Subject: Re: Lexington Hotel -

CAUTION: This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "<>" brackets) and you know the content is safe.

Jenny,

Thank you for this information.

I am a novice regarding the steps involved in getting a building permit. I just wanted to make sure that the Disabilities Commission had an early opportunity to review the interior and exterior proposal before a permit is granted to the Lexington Hotel.

We would like to share our technical knowledge and life experiences so that any proposed building in Arlington meets ADA regulations, follows inclusive design principles, and is in the spirit of Arlington as an officially designated "Age Friendly Community".

Again, thank you for helping me to understand the process.

Be well,

Paul Raia

Sent from my iPhone excuse typos

On Aug 11, 2020, at 9:27 AM, Jenny Raitt <JRaitt@town.arlington.ma.us> wrote:

Paul,

The development is under review by the Redevelopment Board which issues Special Permits. If a permit is granted, the proponent files an application for a building permit through the Department of Inspectional Services. I would be glad to share your letter with the Building Inspector as well.

Jenny

On Aug 11, 2020, at 9:18 AM, Paul Raia <paulraiaphd@gmail.com> wrote:

CAUTION: This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

Question. Should our letter also go to the Town Board that grants building permits?

Thanks,
Paul Raia

Sent from my iPhone excuse typos

On Aug 11, 2020, at 8:50 AM, Jenny Raitt
<JRaitt@town.arlington.ma.us> wrote:

Jill and Commissioners,

Thank you for your comments to the Board. We will share and discuss these comments with the applicant and will be in touch to follow-up accordingly.

Regards,

Jennifer Raitt
Director, Department of Planning and Community Development
Town of Arlington

From: "Jillian Harvey" <JHarvey@town.arlington.ma.us>
To: "Cynthia DeAngelis" <cynthia.deangelis@icloud.com>, abunnell@town.arlington.ma.us, klau@town.arlington.ma.us,
"Jenny Raitt" <JRaitt@town.arlington.ma.us>
Cc: "Paul Raia" <paulraiaphd@gmail.com>, "Paul Parravano" <paulp@mit.edu>, "Maureen" <Maureenhilaire@verizon.net>, "Darcy Devney" <dcd.alist@gmail.com>, "ellen leigh" <ellen.leigh3@gmail.com>, "Liza Evaluation Researchers" <evaluationresearchers@gmail.com>, "Michael Rademacher"

<mrademacher@town.arlington.ma.us>, "Douglas Heim"
<dheim@town.arlington.ma.us>, "kerrie fallon"
<fallonk1@edinburgcenter.org>, "Karen Mathiasen"
<karen_mathiasen@alum.mit.edu>, "Grace Carpenter"
<gmcarpenter1@gmail.com>
Date: Fri, 07 Aug 2020 12:16:23 -0400
Subject: Re: Lexington Hotel -

Good afternoon,

I am forwarding along this email on behalf of the Disability Commission. Please see below.

Thank you,
Jillian

Jillian Harvey
She/Her/Hers
Diversity, Equity and Inclusion Coordinator
Health and Human Services
27 Maple Street
Arlington, MA 02476
781-316-3250
jharvey@town.arlington.ma.us
www.arlingtonma.gov

From: Cynthia DeAngelis <cynthia.deangelis@icloud.com>
To:
Cc: Jillian Harvey <JHarvey@town.arlington.ma.us>, Paul Raia <paulraia.phd@gmail.com>, Paul Parravano <paulp@mit.edu>, Maureen <Maureenhilaire@verizon.net>, Darcy Devney <dcd.alist@gmail.com>, ellen leigh <ellen.leigh3@gmail.com>, Liza Evaluation Researchers <evaluationresearchers@gmail.com>, Michael Rademacher <mrademacher@town.arlington.ma.us>, Douglas Heim <dheim@town.arlington.ma.us>, kerrie fallon <fallonk1@edinburgcenter.org>, Karen Mathiasen <karen_mathiasen@alum.mit.edu>, Grace Carpenter <gmcarpenter1@gmail.com>
Date: Fri, 7 Aug 2020 11:58:19 -0400
Subject: Lexington Hotel -

CAUTION: This email originated from outside of the Town of Arlington's email system. Do not click links or open attachments unless you recognize the REAL sender (whose email address in the From: line in "< >" brackets) and you know the content is safe.

Dear Andrew, Kin Lau and Jenny,
I am the Chair of the disability commission of the Town of Arlington. We are an appointed group of commissioners by the Town Select Board to insure that our community complies with ADA and other compliance as it relates to all areas of disability and inclusion. I am writing to you on behalf of the commission.

Recently, we received a complaint that includes the following:
I would like to bring to your attention the pending Hotel Lexington proposal before the redevelopment board. It does not appear that the applicant has bothered to provide any accessible rooms in the 50 room hotel. The latest plans show

very small rooms with passage ways between the furniture of not more than 24". The bathrooms with doors swinging inward, do not seem to meet ADA standards.

There is a single Handicapped parking space in the rear lot, located on a steep (at least 5%) driveway. From my limited understanding of state requirements for accessibility, these conditions fall woefully short of compliance.

The Commission would ask that the vote with the redevelopment board be postponed until the commission can review the plans and ensure that the plans are both ADA compliant and inclusive.

We have not as yet studied the plans at first glance, it would appear they would need 3- HP accessible rooms with at least a "wheel-in-shower", which is not obvious in the plans.

As a 50 room hotel, the developer is asking for a variance to 32 spaces. (AAB rules say if 26-50 spaces, 2 must be HP).

We invite both the developer and whoever they feel is necessary to our next meeting. They may contact Jill Harvey above. Our meetings are the third Wednesday of the month from 4-6. I will be putting the developers plans on the agenda for this month. Commissioners, please review in preparation at : <https://www.arlingtonma.gov/Home/Components/New/News/9931/3864>

Our interest is to work collaboratively with the developer and the town so that mistakes are not made that ultimately are not in the best interest of our community and its citizens and visitors with disabilities.

We look forward to hearing from you soon.

Feel free to call me should you need to discuss this further.

All the Best,
Cynthia

Cynthia DeAngelis, M.Ed.
Educational Consultant
339-368-0931
cynthia.deangelis@icloud.com

Helping Students Achieve Success
Helping Parents Make Informed Decisions
Helping Educators Find Unique Solutions

Privileged and Confidential Communication. This electronic transmission, and any documents attached hereto, (a) are protected by the Electronic Communications Privacy Act (18 USC §§ 2510-2521), (b) may contain confidential and/or legally privileged information, and (c) are for the sole use of the intended recipient named above. If you have received this electronic message in error, please notify the sender and delete the electronic message. Any disclosure, copying, distribution, or use of the contents of the information received in error is strictly prohibited. The recipient should check this email and any attachments for the presence of viruses. The sender accepts no liability for any damage caused by any virus transmitted by this email.