From: Don Seltzer
Sent: Friday, November 3, 2023 9:46 AM
To: Rachel Zsembery; Kin Lau; Eugene Benson; Stephen Revilak
Cc: Claire Ricker; Jim Feeney; Disability Comm; Christine Bongiorno; Tim Ross
Subject: Docket #3602 Correspondence

To: Arlington Redevelopment Board
Regarding Docket #3602

I have noticed that the document package for Monday's hearing on the reopening of Docket #3602 does not include my correspondence on the matter. I am resending it, along with an additional comment.

As a senior, I am becoming increasingly aware of architectural barriers to those with mobility issues. Not just for wheelchair users, but those who use canes, walkers, and other mobility aids. I am dismayed by how little attention is given to these issues at Special Permit hearings, with all responsibility passed on to Inspectional Services at a later date. Too often, problems go unnoticed for too long.

A prime example is 1500 Mass Ave, a mixed use three story building approved by this Board two years ago. Perhaps you have noticed that work has halted for the last six months or so. The entire building is in serious violation of state regulations on accessibility. The developer has applied to the Massachusetts Architectural Access Board for variances from the law. It is not clear what the basis for an appeal would be, other than ignorance of the law and 'the Redevelopment Board gave me permission.'

There are other recent examples, such as 99 Mass Ave, also shut down because of accessibility issues. And the Town is now stuck with the non-compliant apartment building at 18-20 Belknap St, taken by tax possession.

A similar future faces the proposed hotel at 1207 Mass Ave.

At the time of the granting of a special permit in 2020 there were unresolved issues concerning compliance with Massachusetts laws on accessibility. These included

Accessible routes to hotel entrance (521 CMR 20, 22, 24)
Lack of a compliant passenger loading zone (521 CMR 23.7, 23.8)
Lack of any accessible rooms (521 CMR 8, 44)

The first two categories stem from a late redesign of the front entrance way upon the discovery that Mass Ave is not flat in that neighborhood, but actually drops off by four feet along the property frontage.

The third issue arose from the architect's apparent lack of knowledge that hotels must have a certain percentage of accessible rooms, including Group 2B bathrooms.

Arlington's Disabilities Commission requested a meeting with the developer to discuss these issues

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. (August 2020)

In the last three years, has the developer found time to meet with the Commission and resolve these issues?

One of the provisions of the proposal was the promise of an easement granted for public access and use, on the front terrace of the hotel for public events. Such a public easement requires seeking approval from first the Select Board and then Town Meeting.

I would appreciate it if the Board would ask what progress has been made on these two issues, and whether an extension would result in their resolution.

The Board may wish to consider whether the original traffic impact study from early 2020 is still valid, considering major future changes to this neighborhood. These include the near term opening of the apartment complex at 1165R Mass Ave for which Forest St will be a main access road, another likely development on a one acre Ryder St lot recently purchased by the same Mirak group, the proposed MBTA-C overlay district for the Forest/Ryder/Peirce/Clark neighborhood, and the redesign of the Appleton/Mass Ave intersection.

Thank you,

Don Seltzer