

Hummel, Robert

From: Jack Dawley <jdawley@northlandresidential.com>
Sent: Wednesday, December 1, 2021 12:45 PM
To: Hummel, Robert
Cc: Jack Dawley
Subject: [EXTERNAL]Site and Building Accessibility
Attachments: Site Accessibility Opinion 6.16.21.pdf

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Robert, (Board Chair and Members – not copied)

For next Tuesday's Public Hearing, I provide the following with respect to site and building accessibility.

Site Accessibility:

- see attached letter dated June 16, 2021 by Deborah Ryan – (previously submitted)

Built Product:

- Following up on Ara Yogurtian's question of June 22nd, 2021, concerning the accessibility requirements for the Subdistrict A townhomes, please note the following (previously submitted):
 - **521 CMR Architectural Access Board:**
 - **Group 1 Dwelling Units:** Townhouses are exempt from the Group 1 requirements pursuant to 521 CMR 9.6. As requested, the applicable section from 521 CMR is highlighted on the attached.
 - **Group 2 Dwelling Units:** Group 2 accessible dwelling units are not required in accordance with 521 CMR 9.4, because the Group 2 requirements are not applicable to dwelling units that are for sale. As requested, the applicable section from 521 CMR is highlighted on the attached.
 - **Fair Housing:**
 - Multistory dwelling units are not covered by the Fair Housing Act, except when they are located in buildings with elevators.

Although not discussed during the meeting last night, please note that both Group 1 & Group 2 requirements are applicable to the dwelling units located in Buildings 100 & 200 in Subdistrict B because the buildings are equipped with elevators. As outlined in our site plan submission drawings, 5% of the units (6 total) are required to comply with Group 2A accessible dwelling unit requirements. The remaining units (106 total) are required to comply with Group 1 and Fair Housing requirements.

Jack

John C. Dawley
President & CEO
Northland Residential Corporation

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Code Compliance – Access Surveys – Plan Reviews – Expert Witness – Inspections – Training

June 16, 2021

Mr. John C. Dawley
President & CEO
Northland Residential Corporation
80 Beharrell Street, Suite E
Concord, MA. 01742

RE: McLean Z-3 Site Accessibility

Dear Mr. Dawley:

I have reviewed the site plan provided for the project known as The Residences at Bel Mont McLean District Zone 3 relative to whether or not an accessible route is required to the “public way”. My review is based upon 521 CMR (Rules and Regulations of the Architectural Access Board as well as the Federal Fair Housing Act, Design and Construction Standards.

My professional opinion is as follows:

Under the current edition of 521 CMR dated January 27, 2006, Section 20.2 requires that: “**Within the boundary of the site**, an accessible route shall be provided from accessible parking, accessible passenger loading zones and public streets or sidewalks to the accessible building entrance they serve.”

521 CMR: 20.2 LOCATION

Within the boundary of the *site*, an *accessible route(s)* shall be provided from *accessible* parking, *accessible* passenger loading zones, and public streets or *sidewalks* to the *accessible building entrance* they serve. The *accessible route(s)* shall coincide with the route for the general public.

Since an accessible route is provided to Olmsted Drive, compliance with 521 CMR has been achieved. The regulations limit compliance to the boundary of the site. As the site does not go all

the way down Olmsted Drive to the public street, an accessible route is not required to reach the public street.

Under the Federal Fair Housing Act, (FHA) the requirement is similar. The accessible route requirement is also “within the boundary of the site”. FHA Design and Construction Guidelines state:

REQUIREMENT I

Accessible Building Entrance on an Accessible Route: Covered multifamily dwellings must have at least one building entrance on an accessible route, unless it is impractical to do so because of terrain or unusual characteristics of the site.

Accessible route means a continuous and unobstructed path connecting accessible elements and spaces in a building or **within a site** that can be negotiated by a person with a severe disability using a wheelchair, and that is also safe for and usable by people with other disabilities. Interior accessible routes may include corridors, floors, ramps, elevators, and lifts. Exterior accessible routes may include parking access aisles, curb ramps, walks, ramps, and lifts.

Neither 521 CMR nor FHA requires a developer/owner to go beyond the boundary of their site with an accessible route. In this case, an accessible route is provided to the existing roadway, Olmsted Drive.

In addition, to the above, 521 CMR has an exception for slope of existing sidewalks that follow the natural topography of the road. Therefore, since Olmsted Drive is an existing road, the sidewalk slope is allowed to follow the natural topography of the road.

521 CMR Section 22.3.1 Nowhere shall the *cross slope* of *walkways* exceed one-in-50 (1:50) (2%). (Refer to 521 CMR 2.4.4d.)

Exception: Sidewalks on streets and ways shall be considered *walkways*, with the exception that if the slope of the natural topography exceeds one-in-20 (1:20) (5%) a *ramp* is not required.

It is therefore my professional opinion that an accessible route has been provided within the boundary of the site.

If you have any questions, please feel free to contact me.

Sincerely,



Deborah A. Ryan
Deborah A. Ryan & Associates