



The Commonwealth of Massachusetts

Department of Public Safety

*Architectural Access Board
One Ashburton Place, Room 1310
Boston, Massachusetts 02108-1618*

Phone 617-727-0660

Fax 617-727-0665

www.mass.gov/dps

Charles D. Baker
Governor

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Lieutenant Governor

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Executive Director

Board Meeting Minutes – February 17, 2016 **21st Floor – Inspector General’s Conference Room**

Present Board Members:

- Diane McLeod, Acting Chair (DM)
- Jeffrey Dougan, Massachusetts Office on Disability Designee (JD)
- Andrew Bedar, Member (AB)
- George Delegas, Member (GD)
- Jane Hardin, Member (JH)
- Carol Steinberg, Member (CS)

and

- Thomas Hopkins, Executive Director (TH)
- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)

Members Not Present:

- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Walter White, Chair (WW)

- Meeting began at approximately 9:05 a.m.

1) Discussion: Board Member Roll Call

DM - all but RG and WW present

Walter White, now acting as Chair (WW)

2) Incoming: Sarah Gibbons Middle School, 20 Fisher Street, Westborough (V15-013)

- TH - EXHIBIT – variance application and supplemental information
- large renovation (roof, windows, doors, kitchen, plumbing and access upgrades), spending \$22-24 million – over 30%
- seeking 7 variances
- schedule a hearing

CS – schedule a hearing

DM - second – carries unanimously

3) Incoming Discussion: Rolling Ridge Retreat and Conference Center, 660 Great Pond Rd., North Andover (V15-335)

- TH - conducted a site visit on February 4, 2016, per previous decision of the Board
- originally presented the incoming case in early January, and was reviewed on January 25, 2016, granted 6 of the variance requests, but ordered site visit for the walkway and plaza cobble stones
- EXHIBIT – pictures from February 4, 2016 site visit
- seeking a variance for the surface of the plaza

CS - deny

AB - second – carries unanimously

GD - April 1, 2016 submittal for plans of compliance

CS - second – carries unanimously

Raymond Glazier, Designee for Executive Office of Elder Affairs now present (RG)

4) Incoming: Beaver County Day School, 791 Hammond Street, Brookline (V16-019)

- TH - EXHIBIT- variance application and supplemental information
- spending over 30%
- seeking 13 variances; suggest a hearing

DM - schedule a hearing

GD - second – carries unanimously

5) Incoming: Shopper's Park, 1 Franklin St., Boston (V16-010)

- TH - EXHIBIT – variance application and supplemental information
- park adjacent to Millennium Tower, and adjacent to the MBTA station stop
- cross slopes of 7%, due to thresholds to entryways and the MBTA station entrance

GD - grant

DM - second – carries with CS opposed

6) Incoming: Liberty Tree Park, 2 Boylston St., Boston (V16-008)

- TH - EXHIBIT – variance application and supplemental information
- complete renovation of park
 - putting in new planters and minimal steps
 - seeking three variances for sidewalk cross slope, handrails in 2 of 3 areas, elimination of extensions
 - adjacent to a monument

GD - grant as proposed

DM - second – carries unanimously

7) Incoming: Mixed Use Building, 48 Center Street, Nantucket (V16-020)

- TH - EXHIBIT – variance application and supplemental information
- creating new ice cream service window
 - wedge shaped porch with 5-6 steps, proposing ice cream window at the porch
 - they are proposing sidewalk service, with a buzzer and menu at the sidewalk
 - the commission supports the variance, on the condition that menu board present and buzzer below the menu board (with signage at the buzzer for purpose), and written employee policy about accommodations
 - EXHIBIT – Brenda McDonough of the Disability Commission, e-mail dated February 4, 2016, in support of the variance being requested

JD - grant on the condition that accommodations provided as proposed by the Commission on Disability

DM - second – carries unanimously

8) Incoming: Commercial Building, 289-301 Belmont Street, Belmont (V16-006)

- TH - EXHIBIT – variance application and supplemental information
- renovation due to fire damage
 - one story with no basement
 - eight entrances with sloped landings and one will have a small ramp, which will require some variances
 - spending over 30%
 - four vacant tenant spaces; two of which have compliant entrances
 - four other tenant spaces that are occupied, all have sloped landings
 - proposing slopes of 1:12 or 1:10 with auto-openers
 - two are proposed at 1:12 and two are proposed at 1:10

AB - grant as proposed

DM - second – carries unanimously

9) Incoming: Winthrop House, Harvard University, 32 (Gore Hall) and 48 (Standish Hall), Mill Street and 101 and 111 Plympton Street, Cambridge (V15-339)

- TH - EXHIBIT- variance application and supplemental information
- sent in board packets, for full review at home
 - four requests

JD - grant all, with the condition that directional signage is posted at inaccessible entrances, as is required by 521 CMR 25.6

GD - second – carries unanimously

10) Incoming: Retail and Offices, 125 Newbury Street, Boston (V16-003)

TH - EXHIBIT – variance application and supplemental information
- older building equipped with an elevator, build-out is the basement area, but cannot get there from the existing elevator
- proposing to modify rear of the building to provide access into the ground floor tenant space

JD - *grant as proposed for the lack of access at the front entrance, on the condition that directional signage posted at the front of the building, on the condition that lighting is provided at the rear accessible entrance*

DM - *second – carries unanimously*

JD - *grant all 18 variances as proposed*

AB - *second –*

DM - *question with 24.5.4, landing at the lobby at the front entrance*
- elevator car dimensions 42” by 68”?

TH - they have demonstrated that it is technologically infeasible

WW - *call the vote*
- carries with CS opposed

11) Incoming: Peabody Square Sidewalks, Main Street (South Side), Peabody (V16-005)

TH - EXHIBIT – variance application and supplemental information
- seeking variance for cross slopes
- two structural slabs (A and B) that exceed compliant cross slopes at areaways
- seeking a time variance, would like to complete the sidewalk project that is proposed now, and will deal with the A and B areaways at a later date

DM - *grant on the condition that a plan for compliance for the area ways A and B be submitted to the Board by July 1, 2016*
- rescind

DM - *continue the project and require status updates every two weeks (starting within two weeks receipt of the Notice of Action)*

CS - *second – carries unanimously*

12) Advisory Opinion: Emergency Egress Signage (521 CMR 41.1.3e); J. Henry Higgins Middle School, King Street Extension, Peabody

TH - EXHIBIT – Gary Ainslie, DiNisco Designs, January 28, 2016 advisory opinion request
- all exits in the building are all accessible; do they all need to be signed as emergency egress signage with the International Symbol for Accessibility within the illuminated emergency exit signs

JD - *require that based on the general confusion that toilet rooms are not required to have the International Symbol for Accessibility if all of the toilet rooms within the building; but all*

emergency egress signs on the building, where all the emergency egress signs are required to be illuminated, shall have the symbol illuminated within them, per 521 CMR 41.1.3e

AB - second – carries unanimously

JD - add to the Board website interpretations section

JH - second – carries unanimously

13) Advisory Opinion: Greenline Crossings at Commonwealth and BU Bridge (V15-050)

TH - variance originally heard, March of 2015; variance for three locations, to allow for narrower tactile warning strip at corners

- approved a bridge joint system that was rubberized

- EXHIBIT – submittal of samples and request to use modified joint (Wayne Amico of VHB Engineers, February 5, 2016)

- now seeking to use these new metal transition bridge plates

DM - accept the submitted transition plate designs as proposed

JD - second – carries unanimously

JD left the room

14) Incoming: Maria Mitchell Science Library, 2 Vestal Street, Nantucket (V16-012)

TH - EXHIBIT – variance application and supplemental information

- spending over 30% of the value of the building

- seeking relief for front entrance to the building, proposing alternate accessible entrance

- conducted a site visit last summer, but new architect on the project

- significant number of artifacts kept in the basement, climate controlled room in that location

DM - have TH talk to petitioners to clarify the variances requested for the basement

- withdrawn

JD now present

CS - grant the variance for the lack of access at the one entrance, as proposed

JH - second – carries unanimously

TH - 31” at the interior doors

CS - grant the variances requested for the doors

DM - second – carries unanimously

DM - have TH contact the petitioners about the lack of access to the basement collections and who accesses them

CS - second – carries unanimously

15) Incoming: Mixed Use Building, 1478-1484 Tremont St., Boston (V16-007)

TH - EXHIBIT – variance application and supplemental information

- new construction of 66 dwelling units

- issue with doors that go to balconies within the units
- want to apply the Group 1 theory to all of the violations; proposing to provide swinging French doors upon requests, all sliding doors provided currently

DM - grant on the condition that lease language is submitted to the Board, noting that French doors will be provided upon request and at no cost to the tenant requesting the change, to be submitted to March 15, 2016

GD - second – carries unanimously

- TH - three Group 1 units were designed and constructed where access onto the balcony is not possible
- balconies in question are 33” deep

CS - grant on the condition that lease language is submitted to the Board noting that the balconies can be modified by insertion of decking, upon request and at no cost to the tenant requesting the change, submitted by March 15, 2016

JD - second – carries unanimously

16) Hearing: North Brookfield Town House, 185 North Main Street, North Brookfield (V15-057)

- WW - called to order at 11 a.m.
- introduce the Board

Mary Walter, Town of North Brookfield, Member of Board of Selectman, Town House Project Liaison (MW)

- WW - MW sworn in
- EXHIBIT 1 – AAB1-95

- MW - obligation based on release of cease and desist order to come back to the Board (originally in December of 2015), to present information that includes a plan for access to the building for the future
- took four pages of older drawings, and modified them for an idea of the access that is being provided
- copies of modified plans

WW - accept plans of renovation and addition as EXHIBIT 2

- MW - submittal of package of photographs and some written information

WW - accept as EXHIBIT 3

- WW - in this accessibility plan, have you identified variances that are going to be requested?
- who prepared the proposed plans?

- MW - in the middle of the project, at a point (on schedule – to date) to begin a capital plan for the restoration of the building
- all of this is preliminary, and have identified variance possibilities, but have yet to have an architect review the plans
- will come back formally with an appropriate variance request, once reviewed by an architect
- there is one “obvious” variance that will most likely be requested in the future
- taking what we know about the building currently, and the existing overall floor plan at this time
- currently the building is vacant
- the pink areas highlighted in the submitted plans (Exhibit 2) are the areas where variances may need to be requested; and blue areas are where access is proposed

- will be hiring an architect in the near future
- there is a schedule noted in Exhibit 3
- attachment #3 is the schedule
- not seeking for variances right now; complying with the request to submit a plan for building
- act of good faith to appear today, to not give the impression that anything is going to be completed with the building until the access issues are resolved with the Board
- most predominant variance will be a result of applying to National Parks for registering the building, and for historic tax credits
- there is a condition sheet for the tax credits, that the tax credits are conditional on the entrances and store fronts having to be replicated
- anticipated that the ramp will have a different appearance by either raising the elevation or creating a flat platform to all of the store fronts
- also looking at access through the main doors will be created
- potential to install a LULA within the building to create access to the Main Hall
- building is closed and water tight

DM - understand that cannot do anything until something is approved by the Board, cannot occupy the building

MW - yes, building is currently not occupied

MW - can't hire an architect until the funding is in place

JH - historic registering restricts changing the building, but have to create access
 - are they saying that if you change the building the tax credits will be forfeited

MW - in a sense, but will not intend to dodge access

CS - large amount of possible uses in the "brainstorming session" document

MW - yes, this was the original point of the building
 - is there a town hall now?

MW - restoration of Duncan Building, which is being used as Town Offices, it is maintained by the owner of the building, and the Town is a tenant
 - the building is accessible
 - trying to restore the building to original use

JD - continue the discussion regarding this matter and require status reports are supplied every 3 months, with the first to be submitted by June 1, 2016.

CS - second – carries unanimously

17) Incoming: Ebsco Building, 5 Peatfield Street, Ipswich (V16-036)

TH - EXHIBIT – variance application and supplemental information
 - went to Board of Elevator Appeals and was told to go before the Access Board for a variance
 - seeking to install swipe card locking mechanisms at the exterior of their lift
 - the building is employee only; key is for a man in a wheelchair that works there

DM - waive the 2 week waiting period

GD - second – carries unanimously

DM - grant the use of the swipe card, on the condition that it is for this use only

GD - second – carries unanimously

18) Incoming: Trampoline Park, 96 Milk Street, Methuen (V16-016)

- TH - EXHIBIT – variance application and supplemental information
- one-story brick building; 1/3 of the building used for trampoline park
- spending over 30%
- seeking a variance for the lack of access to the elevated viewing platform that is 1896 square feet, 10 feet above; viewing area at the main level as well

DM - deny

JD - second – carries unanimously

19) Incoming: Garland House, 263 Merrimack Street, Lowell (V16-017)

- TH - EXHIBIT – variance application and supplemental information
- former private residence, converted to special needs residential building
- 2.5 wood story building with brick veneer
- renovation included structural work, site improvements; spent over 30%
- seeking a variance for the upper floors and any common areas at the upper floors
- eight bedrooms
- one bedroom at the first floor proposed
- there is an office, dining, living room, kitchen, and bathroom
- entire first floor is accessible

JD - no second floor plans

CS - continue to require plans of the second floor of the building by the next meeting (March 7, 2016)

DM - second – carries unanimously

20) Incoming: Mercantile Retail Building, 85 Main Street, Gloucester (V16-015)

- TH - EXHIBIT – variance application and supplemental information
- spending over 30%
- proposing variances for slopes at the entrance doors, with the condition automatic door openers will be installed

DM - grant as proposed

AB - second – carries unanimously

TH - plans for van accessible parking space location, existing grades at parking exceed 2% cross slope

GD - 4.75% slope on the parking
- but that is with a guess on the slope

*CS - deny the variance for the noncompliant slope at the van accessible space
- withdraw*

CS - request more information regarding the slope of the van accessible parking space and the surrounding parking spaces, to be submitted for the March 7, 2016 meeting

JD - second – carries unanimously

TH - noncompliant interior stair handrails, proposing compliant wall mounted handrails

DM - grant as proposed

AB - second – carries unanimously

21) Incoming Discussion: Congregation Kehillath Israel, 384 Harvard St., Brookline (V15-331)

TH - EXHIBIT – submittal of e-mail from John Garrahan, received on February 4, 2016, regarding Door #7 and the wedding room

- brides room clarification, it is being removed and will just be a vestibule outside of the single-user toilet room

DM - accept the center door with an automatic door opener (Variance 7)

CS - second – carries unanimously

DM - no variance required for unisex toilet room since not to be used as bride's room

JD - second – carries unanimously

***Break for Lunch
RG left for the day***

22) Hearing: Davis Hall, Westfield State University, 577 Western Avenue, Westfield (V15-261)

WW - called to order at 1:05 p.m.

- introduce the Board

David Bates, Massachusetts State College Building Authority (MSCBA), Project Manager (DB)

Janet Stegman, S & A Design (JS)

Janet Chrisos, Deputy Director Mass. State College Building Authority (JC)

WW - all sworn in

- EXHIBIT 1 – AAB1-65

JC - JS and DB have been involved in this design for past 5 years

- DB is assigned to Westfield State

- MSCBA own, operate and maintain all the state university residential halls

- entirely revenue funded independent state agency

- resident rent is the income for the building

- for a major building project have to issue bonds, over 20, via an increase in the student rents

- rent increases are distributed across the whole system of resident students, increase of 2-3% per year,

and must be approved by the Board of Higher Education

- many of the projects have to be completed in 10 weeks (start when students leave and be done by the time student athletes return to the campus (first to come back to the campus at the beginning of the school year))

- 15-30 requests for accommodations, approximately 3 are for mobility issues

- Westfield provides more than 5% accessible dorm rooms (currently have 6.6%)

- 5 of the 8 residence halls have accessible rooms, proposing to have 7 of 8 at the end of this project

JS - entire practice that is based in student housing, and in 25 years, never found something as difficult as these two buildings

- plans of three of four floors, fourth floor is the same as the second floor
 - building is organized into five pods
 - the pods are all misaligned by 33 ½ inches
 - enter at the front and go up a staircase, and then go up and through a bathroom
 - when the buildings were designed, they were single gender
 - subsequently the buildings have become a central entrance (for security) and multi-gender, which requires going up stairs and through bathrooms
 - project is to provide modern dorms with common space and ability to easily visit fellow students
 - Phase 1 in 2014, moved the bathrooms into zones, to create a corridor (although not continuous due to stairs)
- DB - three level changes through the corridor
- JS - created single user accessible toilet rooms, and any new room that was created was accessible
- small social space created within the Phase 1 renovation
 - proposal for this summer (Phase 2), is to create a new addition and entry with a common space
- addition and create access to all floors of the building
- each elevator opens front and back
 - enter the building and go up a half level or all the way up to the desired level
 - common space will include an accessible kitchenette and lounge space
 - proposed elevator creates access to the different levels of the building, but will not create access to the pods at each end of the building
 - also creating accessible bedrooms, doubles and singles, close to the common space and the accessible bathrooms
- WW - EXHIBIT 2- drawings to be submitted digitally
- DB - manage design and construction team and the funding
- same design as Dickinson Hall
 - Davis Hall originally housed men; and Dickinson originally housed women
 - both are now co-ed
 - floor designation (men or women) changes each year
 - money and time limitations, require work must be completed during the summer months, and all construction work done at existing residence halls has to be done by mid-August
 - proposed scope of work would put the college over the 30% jurisdictional triggers over a 36-month period
 - full compliance would require that Davis Hall be taken offline for the entire school year; would have to find alternate housing; would lose rent revenue, and be harmful to staffing, rent income
 - full compliance would double the cost of the project (currently \$5.5 million)
 - full compliance would call for a rent increase of over 9%, over 3 times what is acceptable to the Board of Higher Education and the University
 - 3/5 of the building will be brought into compliance
 - first variance for the elevator, proposing one eight-stop elevator that serves four floors, two levels on each floor
 - elevator bridges 1 of the three elevation changes across the building
 - full compliance would require three elevators, some spaces requiring the use of at least 2 elevators
 - full elevators would result in loss of 32 beds in Davis Hall
 - Westfield requests 3-5 requests for accessibility per year, but there are more than 6% of the units provided as accessible
- GD - variance for the lack of access to the end pods on each floor and the need for two additional elevators
- AB - three-elevator plan (AAB55), requires the use of two elevators to get to the end locations

DB - currently have 5% of the beds and 6% of the units accessible, and these projects will increase the accessible units provided

DM left the room

CS - students that live in the accessible units within the building will not be able to access the end pods
DB - yes, only other option is the three elevators, or tear down the building
- common space at the inaccessible spaces within the building

DM now present

CS - who lives in the building?
DB - tends to be freshmen, but have had some students that live in the building for all four years

CS - grant the variance for the lack of elevators to the end pods

DM - second – carries unanimously

DB - common areas are provided within the new accessible zone
- seeking a variance to leave 10 other existing small study rooms that are within the accessible zones; 3 are down half a flight of stair; to make them accessible would require widening the doors (32” inch doors, 30” clear)
- would also require adjustments to maneuvering clearances, the doors are adjacent to existing mechanical space
- in order to make the remaining 7 accessible would have to move the electrical panels
- seeking a variance for 10 existing common space study rooms; there are 10 other common area spaces that are accessible
- AAB9 shows standard manual wheelchair
- off-set hinges do not work since the doorframe is set into the wall, so nowhere for the hinges to off-set to

GD - three rooms that are inaccessible with level changes; and 7 others that are inaccessible due to lack of clear door width
DB - yes

CS - no small study rooms in the accessible portion of the dorm?
DB - there are some that are small and part of the new construction

DB - because of the adjacent electrical work, the widening of the doors would cost millions

DM - grant as proposed for the lack of access to the common use spaces

GD - second – carries with CS opposed

DB - lack of continuous handrails and extensions at existing stairs; also noncompliant nosings
- \$1.5 million to create full compliance at the 5 existing stairs in questions
- correctly mounted from the wall, and they are graspable
- seeking a variance to maintain as is the five existing stairs

GD - are the handrails at the right height?
DB - yes, they are at the right height, are graspable (1” wide and 2” tall), and are the correct distance off of the wall

DM - nosings are an inch deep?

DB - yes

GD - \$1.2 million, how much is railings and how much is nosings

DB - have to remove the entire stair to correct the handrails and the nosings, that is the cost projected
- what about the nosings just being modified?

DB - were told by the State Building Inspector that if modify the nosings, will be required to modify the guards as well

WW - could go to the State Building Code Board of Appeals for that

WW - aware of any issues with the stairs?

DB - no, and if there were any issues related to stairways, facilities director would know of them

CS - *grant as proposed*

JD - *second – carries with DM and GD opposed*

DB - doors that part of the proposed modifications or were modified comply in full

- most of the others are 30” clearances, and would require opening the mason block walls;
reconfiguration of built-in closets

- full compliance would require 140 other doorways be demolished and reconstructed, approximately \$1 million cost

GD - some doors in the accessible area?

DB - some are in the accessible area, into dormitory rooms that are not accessible units

- can you use off-set hinges here?

DB - no because the doors are set into the wall, making it infeasible

- there may be a couple where modifications took place that may make an off-set hinge feasible

JS - but any renovation would affect the adjacent closets within the student dorms

CS - how many doors within the accessible zone?

JS - 5 rooms will be fully accessible at each floor (including the bathroom doors)

DB - 19 beds (17 units) in Davis Hall are being made accessible

JH - *grant the variance for doors to other rooms*

JD - *second – carries unanimously*

DB - bathrooms are shared within Davis Hall

- 60% of circulation accessible due to installation of proposed elevator

- single-user accessible toilet rooms at each floor are available for visitors

- 5 multi-user bathrooms at each floor; 3 located within proposed accessible zone

- of those 3, 2 have associated accessible single user bathroom; 3rd is not accessible because of requirement of janitors closet; so only two single-user accessible bathrooms (Group 2B)

- could reconfigure janitor’s closet to provide compliant toilet room adjacent to those bathrooms, at a cost of \$1.2 million based on construction costs and loss of revenue

CS - *grant as proposed*

JH - *second – carries unanimously*

JD - what about policy for use of bathrooms

DB - they are all card access and can monitor how the bathrooms are used by certain students

23) Hearing: Dickinson Hall, Westfield State University, 577 Western Avenue, Westfield (V15-262)
WW - called to order at 2:20 p.m.
- introduce the Board

David Bates, Massachusetts State College Building Authority (MSCBA), Project Manager (DB)
Janet Stegman, S & A Design (JS)
Janet Chrisos, Deputy Director Mass. State College Building Authority (JC)

WW - all sworn in
- EXHIBIT 1 – AAB1-52

JS - five pod building, staggered upon multiple levels
- approach is opposite direction than Davis Hall approach
- the back of the building is the more prominent part of the building
- making both sides of the front entrance accessible
- design for this building is a year off
- scoping the landscape, and creating addition at the rear of Dickinson Hall
- two pods on the far side not accessible

DB - both have three half level breaks down the building corridor
- accessible zoned pushed to one side of the building
- full compliance would require three elevators to access all pods

WW - other than location of accessible zone, what is the differences?
DB - providing 21 accessible beds
- same variances as David Hall
- three study rooms, down three steps; seven other study rooms not accessible

CS - difference in timing?
DB - Phase 1 in Dickinson was last summer, which was the creation of common hall and the single-user accessible toilet rooms at each floor
- Phase 2 is proposed for the summer of 2017

CS - residence primarily what?
DB - primarily freshmen in Dickinson
- building is centrally located, so more popular, so tend to have more sophomores and juniors
- general lottery, but those that need accommodations have a lottery before the general lottery

DM - only concern is with nosings at the existing stairs

JD - grant the variance for the lack of additional elevators

CS - second – carries unanimously

JD - grant the lack of common use rooms at all floors

AB - second – carries with CS opposed

DM - grant variance for the stairs on the condition that nosing inserts are installed

GD - second –

JD - call the vote

- motion fails with GD and DM in favor and JD, JH and AB opposed; CS abstaining

AB - did Louise Vera cite the stairs as noncompliant?

DB - no, it would only be if they touched the stairs
- did not cite the stairs as unsafe
- were told that they have to be code compliant

JD - grant variances requested for stair handrails and nosings

AB - second – JD, JH and AB in favor and CS, GD and DM opposed
- WW – motion fails upon vote of the Chairman

CS - require more information from the State Building Inspector (in writing) regarding the existing stair nosings, and more information about the nosings (dimensions and profile), submit by April 15, 2016

GD - second – carries with JD opposed

DB - doors to other sleeping rooms

JD - grant as proposed

AB - second – carries with CS opposed

DB - bathrooms

JD - grant as proposed

JH - second – carries unanimously

WW - difference between Davis Hall and Dickinson Hall motion for stairs

DM - motion to reopen Davis Hall to discuss stairs

GD - second – carries with JH and JD opposed

DB - Davis Hall correction to the stairs would have to be added to the proposed plans, and if State Building Inspector wants more extensive redesign of the stairs

GD - would like to have a letter from the state building inspector regarding any issues with stairs

CS - rescind previous motion regarding granting variance of stair nosings

GD - second – carries with JH and JD opposed

DM - require more information from the State Building Inspector (in writing) regarding the existing stair nosings, and more information about the nosings (dimensions and profile), submit by April 15, 2016

GD - second – carries with JH and JD opposed

DM - expedite decisions for Davis Hall and Dickinson Hall

GD - second – carries unanimously

24) Hearing: New 36 Unit Apartment Building, 902 East Second Street, South Boston (V15-302)

WW - called to order at 3 p.m.

-introduce the Board

Michael Oratovsky, Architect (MO)

WW - sworn in
- EXHIBIT 1 – AAB1-16

MO - three-story apartment building with underground garage
- framing is almost complete on the project
- in the center of the building required to construct three stoops to imitate surrounding buildings
- 3 feet off the ground
- all of the units have entrances to the main vestibule, via the elevator from garage or the street
- town house type units (three total) are located on the first and second floor, with flats above the town house design at the third floor
- elevation plan

WW - accept elevation plan as EXHIBIT 2

MO - stoops are on the same side as the main entrance, direct entrance into those three individual units
- elevator has two stops, one at sidewalk level, and then at the first floor
- elevator goes to the garage and all the way up to the third floor
- accessible main entrance at grade, can get to elevator which accesses garage through third floor

TH - issue is design of multi-story units and stoops at those units
- not considered as “townhouses” since not separated by fire wall

MO - stoops are available from the interior of the unit
- stoops are not accessible
- Group 2A units also provided and all other units are Group 1
- need variance for entrance to “town house” stoop and lack of access in the multi-story unit

WW - architect was told that if he built “town houses” he would be exempt from the requirements of 521
CMR - he will remove the townhouse style units and make single level units
- if they do not have to be townhouses, will make them flats

JD - units are being identified as town houses, are they going to be changed to single story units

MO - asked if he could eliminate the stairs, and was told could not remove the stairs, needed the architectural feature; and was told to design town house style units
- only 6 feet between property line and building
- 3 foot change in level from sidewalk to first floor

CS - grant the variance to allow the stoops to remain on the condition that the units are converted from town house style units to 6 single story units

DM - second – carries unanimously

DM - expedite

CS - second – carries unanimously

25) Advisory Opinion: Parcel Shelves (521 CMR 26.6.3)

TH - EXHIBIT – written submittal from Bob Wegener of The Narrow Gate Architecture Ltd., January 29, 2016 e-mail
- shelf will be high enough not to interfere with knee clearances
- requirement from Community Based Housing Regulations

DM - accept, no variance required, on the condition that the shelf is above the required knee clearance of 29" above the walkway

JD - second – carries unanimously

DM - put decision of parcel shelves on the board interpretation of website

JD - second – carries unanimously

26) Advisory Opinion: Men’s Room dimensions – Anthony’s Coal Fired Pizza

TH - EXHIBIT – plans and e-mail from Chris Rudman, February 12, 2016
- asking if the entry door into the single-user men’s stall within the men’s bathroom

DM - design would comply with a pocket-door, but does not comply as designed

AB - second – carries unanimously

27) Advisory Opinion: Laura Sengeler, Department of Transportation – Push buttons on pedestrian signal post

TH - EXHIBIT – e-mail from Laura Sengeler on February 12, 2016
- three options for the location of the push button

DM - all options comply, as long as 36" clear path of travel minimum, and buttons are at required heights

JD - second – carries unanimously

28) Incoming: Cathedral Grammar School, 595 Harrison Avenue, Boston (V16-009)

TH - EXHIBIT – variance application and supplemental information
- variance for 13 children’s toilets and sinks on three floors
- only one height set for children’s sinks, and want to lower it below that set height

DM - grant as proposed

JD - second – carries unanimously

29) Incoming Discussion: New Residential 9 Unit Building, 584 East Third Street, South Boston (V15-318)

TH - originally reviewed and asked them to redesign van accessible space
- EXHIBIT – email from Tim Johnson on February 5, 2016, regarding garage height of 8 feet and access aisle space of 6 feet
- at construction docs phase
- van accessible space is at the edge of the parking

CS - deny

DM - second – carries with JH abstaining

30) Incoming: Genesis House, 28 Wallingford Road, Brighton (V16-021)

TH - EXHIBIT – variance application and supplemental information

- reconstruction and remodeling, spending over 30%
- seeking three variances
- proposing to use refrigerators with freezer drawers below for Group 2A units, on the condition that alternate compliant refrigerator will be provided in any of the 209 units,

CS - grant as proposed, on the condition accommodation language is in the lease
JD - second – carries unanimously

TH - lack of access to trash rooms, will maintain existing maintenance of leaving trash beside the trash room door, and it will be brought into trash room

CS - grant as proposed, on the condition that the trash is not an obstacle to people coming down the hallways; i.e. maintain a path of clear travel of at least 36”
DM - second – carries unanimously

TH - time variance for bringing the existing walkways in the courtyard in the complex into compliance before the issuance of a certificate for occupancy
 - walkway work will be done in Spring of 2018
 - currently noncompliant slopes on the walkways

DM - grant a time variance until April 1, 2018 to allow for noncompliant slopes at walkways to be corrected as proposed
JD - second – carries unanimously

31) Incoming Discussion: New 29 Lot Subdivision, Ivy Way, Dartmouth (V15-303)

TH - first heard on December 14, 2015, request for varying slopes
 - slope of the bridge proposed to be treated as a ramp
 - ordered handrails be installed at the bridge
 - EXHIBIT - Geneva Reynolds, Prime Engineering, January 29, 2016 submittal
 - asking to either grant the width between the handrails to be 33” or provide only one handrail with 44 3/4” clearance

GD - grant the removal of the handrail at the curb side, and allow for clearance of 44 3/4”
DM - second – carries unanimously

32) Incoming: Loring Arena, 165 Fountain St., Framingham (V16-018)

TH - EXHIBIT – variance application and supplemental information; letter from Commission 2/7/16; letter from Building 2/4/16, both in support of variances requested
 - spending over 30%

JD left the room

TH - two variances requested for lack of access to the player’s box, penalty box, and scorer’s box

CS - put it in the packet for February 22, 2016
DM - second – carries unanimously

33) Discussion: Enviro Business Inc., 21 B Street, Burlington

TH - EXHIBIT – submittal from Matt Trainor on February 2, 2016; including plans of what is employee space and what is public space, and request to approve affidavit

JD now present

GD - approve the submitted affidavit and record with the local registry of deeds and recorded copy with book and page number submitted to the Board within 60 days receipt

DM - second – carries with CS opposed

34) Incoming: Office and Laboratories, 40 Erie Street, Cambridge (V16-011)

TH - EXHIBIT – variance application and supplemental information

- over 30%

- seeking variance for the lack of vertical access to 1,300 square foot penthouse

- cost for elevator \$323,000

- EXHIBIT – letter of opposition from Michael Muehe

CS - put in packet for February 22, 2016

DM - second – carries unanimously

35) Incoming Discussion: Turner Free Library, 2 North Main Street, Randolph (V15-248)

TH - issued a notice of action, with conditions requiring a LULA

- EXHIBIT – Submittal from Doug Anderson, C3, February 1, 2016

- LULA is not compliant, but will comply with 521 CMR 28.3.2, 28.8.4, 28.6 and 28.9.2, but no date

JD - accept the submittal, on the condition that all items noted are fixed, verified as such and inspected by the State Elevator Inspector within 60 days receipt of decision of the Board

DM - second – carries unanimously

36) Incoming: Life Time Athletic, 490 Old Connecticut Path, Framingham (V16-014)

TH - EXHIBIT – variance application and supplemental information

- new building, three stories

- seeking variance for 19.2.2

- EXHIBIT – letter from Building Department, 2/5/16; e-mail from Commission 2/8/16

- e-mail from Mark Dempsey, Compliance Officer at the time, dated April 29, 2015

- route around the pools are not 48” wide; providing little to no path of travel around the hot tubs

DM - deny

JD - second – carries unanimously

37) Discussion: Canoe Club Ballroom, 2 South St., East Bridgewater (C12-086 and V13-282)

TH - EXHIBIT – January 5, 2016 status and update from Tim Briggs

- gazebo plan will maintain one step, and modified ramp plans

DM - require stamped drawing from registered architect detailing the gazebo access

JD - second – carries unanimously

DM left for the day

38) Discussions: Minutes and Decisions from January 25, 2016

KS - any changes?

CS - approve decisions and minutes from 1/25/16

JD - second – carries unanimously

- End of Meeting -

Matters not reasonably anticipated 48 hours in advance of meeting

- Rolling Ridge Retreat and Conference Center, 660 Great Pond Rd., North Andover (V15-335) - pictures from February 4, 2016 site visit
- Greenline Crossings at Commonwealth and BU Bridge (V15-050) - submittal of samples and request to use modified joint (Wayne Amico of VHB Engineers, February 5, 2016)
- Ebsco Building, 5 Peatfield Street, Ipswich (V16-036) - variance application and supplemental information
- Men's Room dimensions – Anthony's Coal Fired Pizza - plans and e-mail from Chris Rudman, February 12, 2016
- Laura Sengeler, Department of Transportation – Push buttons on pedestrian signal post - e-mail from Laura Sengeler on February 12, 2016
- Turner Free Library, 2 North Main Street, Randolph (V15-248) - Submittal from Doug Anderson, C3, February 1, 2016

EXHIBITS:

- Enviro Business Inc., 21 B Street, Burlington - submittal from Matt Trainor on February 2, 2016; including plans of what is employee space and what is public space, and request to approve affidavit
- Canoe Club Ballroom, 2 South St., East Bridgewater (C12-086 and V13-282) - January 5, 2016 status and update from Tim Briggs
- Sarah Gibbons Middle School, 20 Fisher Street, Westborough (V15-013) - variance application and supplemental information
- Beaver County Day School, 791 Hammond Street, Brookline (V16-019) - variance application and supplemental information
- Shopper's Park, 1 Franklin St., Boston (V16-010) - variance application and supplemental information
- Liberty Tree Park, 2 Boylston St., Boston (V16-008) - variance application and supplemental information
- Mixed Use Building, 48 Center Street, Nantucket (V16-020) - variance application and supplemental information; Brenda McDonough of the Disability Commission, e-mail dated February 4, 2016, in support of the variance being requested
- Commercial Building, 289-301 Belmont Street, Belmont (V16-006) - variance application and supplemental information
- Winthrop House, Harvard University, 32 (Gore Hall) and 48 (Standish Hall), Mill Street and 101 and 111 Plympton Street, Cambridge (V15-339) - variance application and supplemental information
- Retail and Offices, 125 Newbury Street, Boston (V16-003) - variance application and supplemental information
- Peabody Square Sidewalks, Main Street (South Side), Peabody (V16-005) - variance application and supplemental information

- Maria Mitchell Science Library, 2 Vestal Street, Nantucket (V16-012) - variance application and supplemental information
- Mixed Use Building, 1478-1484 Tremont St., Boston (V16-007) - variance application and supplemental information
- Trampoline Park, 96 Milk Street, Methuen (V16-016) - variance application and supplemental information
- Garland House, 263 Merrimack Street, Lowell (V16-017) - variance application and supplemental information
- Mercantile Retail Building, 85 Main Street, Gloucester (V16-015) - variance application and supplemental information
- Cathedral Grammar School, 595 Harrison Avenue, Boston (V16-009) - variance application and supplemental information
- Genesis House, 28 Wallingford Road, Brighton (V16-021) - variance application and supplemental information
- Office and Laboratories, 40 Erie Street, Cambridge (V16-011) - variance application and supplemental information; letter of opposition from Michael Muehe
- Life Time Athletic, 490 Old Connecticut Path, Framingham (V16-014) - variance application and supplemental information; letter from Building Department, 2/5/16; e-mail from Commission on Disability, 2/8/16; e-mail from Mark Dempsey, Compliance Officer at the time, dated April 29, 2015
- Emergency Egress Signage (521 CMR 41.1.3e); J. Henry Higgins Middle School, King Street Extension, Peabody - Gary Ainslie, DiNisco Designs, January 28, 2016 advisory opinion request
- Congregation Kehillath Israel, 384 Harvard St., Brookline (V15-331) - submittal of e-mail from John Garrahan, received on February 4, 2016, regarding Door #7 and the wedding room
- Parcel Shelves (521 CMR 26.6.3) - written submittal from Bob Wegener of The Narrow Gate Architecture Ltd., January 29, 2016 e-mail
- New Residential 9 Unit Building, 584 East Third Street, South Boston (V15-318) - email from Tim Johnson on February 5, 2016, regarding garage height of 8 feet and access aisle space of 6 feet
- New 29 Lot Subdivision, Ivy Way, Dartmouth (V15-303) - Geneva Reynolds, Prime Engineering, January 29, 2016 submittal
- Loring Arena, 165 Fountain St., Framingham (V16-018) - variance application and supplemental information; letter from Commission 2/7/16; letter from Building 2/4/16, both in support of variances requested