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Executive Director

Board Meeting Minutes – March 7, 2016
21st Floor – Inspector General’s Conference Room

Present Board Members:

- Walter White, Chair (WW)
- Diane McLeod, Vice Chair (DM)
- David D’Arcangelo, Massachusetts Office on Disability Director (DD)
- Raymond Glazier, Executive Office on Elder Affairs Designee (RG)
- Andrew Bedar, Member (AB)

and

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

Members Not Present:

- Jane Hardin, Member (JH)
- Carol Steinberg, Member (CS)
- George Delegas, Member (GD)

- Meeting began at approximately 9:40 a.m.

1) Discussion: Board Member Roll Call
DM - all but GD, JH and CS present

2) Discussion: Monica’s Mercato, 130 Salem St., Boston (C14-156)
TH - EXHIBIT – letter from Rosen (attorney for the owner) seeking removal of cease and desist, March 4, 2016

- ordered that look into permits and talk to Boston ISD
- did so in September, never got permit for the work at the basement, Board reviewed on October 5, 2015 meeting and voted to issue cease and desist
- they built an entrance into the basement to get into the pizzeria space
- seeking to submit a variance request for the applicable sections, and have the Board lift the cease and desist while the variance is being adjudicated
- there are outstanding building code issues (door swings into the stairway, with no landing), 780 CMR issue, and not a 521 CMR issue

DM - remove the cease and desist pending that the variance application submitted no later than May 1, 2016

RG - second – carries unanimously

DM - expedite

RG - second – carries unanimously

3) Discussion: Shrewsbury Health and Racquet Club, 1 Tennis Dr., Shrewsbury (V09-145)

- TH - site visit February 11, 2016 to review the LULA
- EXHIBIT – pictures of site visit on February 11, 2016
 - \$150,000 held in forced escrow for each owner
 - day of the site visit, representatives for the bank were there, along with the owner and the building inspector
 - would like to allow release of the restrictions and the escrow, and give them 12 months to come back to the Board with the additional variance requests needed

DD - motion to remove the restrictions and allow the Petitioners one year (March 1, 2017) to submit plan for compliance

RG - second – carries unanimously

4) Discussion: Milford Regional Medical Center, 14 Prospect Street, Milford (C15-124 & V15-267)

- TH - EXHIBIT- Submittal from Steven Madaus, Attorney for the Hospital, March 4, 2016, seeking a 60-day extension to respond to the requirements from the previous hearing

AB - grant 60 day extension to submit complete response to all complaints and additional variance requests if needed, by May 16, 2016

DM - second – carries unanimously

DM - have AAB Staff go and review the new building at Milford Hospital

RG - second – carries unanimously

DM - reschedule March 21, 2016 hearing to another date

AB - second – carries unanimously

DM - expedite

RG - second – carries unanimously

5) Discussion: Harbormaster/Visiting Boaters Building, Municipal Fish Pier, Newburyport (V14-155)

- TH - originally presented on June 15, 2014, the variance was for the lack of vertical access to the second floor

- first floor was proposed to be fully accessible, with additional meeting space to meet with the harbormaster, whose office is on the second floor
- EXHIBIT- E-mail from local disability commission on February 26, 2016; e-mail from resident as well on February 26, 2016
- both e-mails noted that the spending was now more than a million dollars
- EXHIBIT – e-mail from Gordy Vining, City of Newburyport, Senior Project Manager for Office of Planning and Development regarding the plans for the work, the harbormaster’s office has actually been reduced in size

DM - thank you and accept correspondence to place on file, no further action required
DD - second – carries unanimously

6) Incoming Discussion: Ames Hotel, 1 Court Street, Boston (V16-028)

- TH - presented at last meeting, gut renovation in 2005, no variances at that time
- new work proposed to make the existing accessible entrance and require to pass through a coffee shop to get to the entrance lobby
 - EXHIBIT – submittal from Doug Anderson on March 4, 2016 with plans and photo-shopped renderings of what the lobby will look like, along with current pictures of what the lobby looks like
 - there is a hearing scheduled for April 25, 2016 at 2:30 p.m.
 - would like to reconsider the denial, additional information

DM - open for reconsideration
AB - second – carries unanimously

DM - rescind denial and motion to grant the variance requested as proposed and cancel the scheduled hearing
DD - second – carries unanimously

7) Discussion: Mixed Use Building, 171 Newbury St., Boston (V15-332)

- TH - building with retail at the basement and offices above
- EXHIBIT – March 3, 2016 letter from Steve Miller, attorney for the building owner, exhibits with additional photos of stairs and the request for additional variance
 - all offices will have to note that the spaces are not accessible

- KS - Clarks is accessible, variance for the lack of access to the lower level tenant, the existing stairs and handrails and the cab size of the existing elevator

DM - require that a compliant vertical wheelchair lift in place when Clark’s lease expires in 2023, or if Clark’s vacates the space, whichever comes first
DD - second – carries unanimously

DM - grant the variance for the stairs (winders, nosings, handrails), on the condition that compliant wall mounted handrails are installed and nosings are brought into compliance
DD - second – carries unanimously

DM - grant the variance for the existing elevator cab size, as proposed, with notice to be posted for the new tenant spaces that they are not fully accessible
DD - second – carries unanimously

- DM* - expedite decision
AB - second – carries unanimously

8) Incoming Discussion: Garland House, 263 Merrimack St., Lowell (V16-017)

- TH - EXHIBIT – submittal from Ray Guertin, architect of record, sent plans of second and third floors; received March 1, 2016
- seeking variance for lack of access to the second and third floors, the lack of accessible bathrooms at the second and third floors, the lack of access to the main entrance, and relief for the existing handrails
- specialty housing for persons with development disabilities
- originally presented to the Board on 2/17/16

DM - grant the variance for the lack of vertical access to the second and third floors, on the condition that access is provided for all features at the first floor

AB - second – AB and DM in favor; RG and DD opposed; WW in favor – motion carries

DM - grant the variances for the bathrooms at the upper floors

AB - second – carries with RG opposed

DD - deny, variance for the lack of access at the front of the building

RG - second – carries unanimously

AB - grant the variance for the stair handrails on the condition that compliant wall mounted handrails provided

DM - Second – carries unanimously

RG - motion for more information on the nosings, plans with profile dimensions, submitted by March 30, 2016; along with plot/site plan for the property

DD - second – carries unanimously

9) Incoming: Manning Apartments, 237 Franklin St., Cambridge (V16-045)

- TH - EXHIBIT- variance application and supplemental information
- spending over 30%
- seeking two variances, one for curved ramp and one for the height of the inner handrail, proposing to provide compliant wall-mounted handrails at all stairs

DM - grant the variance for the stair handrails, on the condition that compliant wall-mounted handrails as proposed

DD - second – carries unanimously

DM - grant the variance requested for the curved ramp, on the condition that all other aspects of the ramp comply with the applicable requirements of 521 CMR

AB - second – carries unanimously

10) Incoming: Mass. State Police Station, H6, 125 William Day Blvd., South Boston (V16-050)

- TH - EXHIBIT – variance application and supplemental information
- former MDC office, now occupied for State Police
- project is renovation of holding cell area, with toilet and sink combinations, cell door repairs
- spending \$456,745; value of the building is \$5 million; jurisdiction is 3.3.1a

- women's room, 63" by 12 feet; men's room will be 63" by 10 feet; both single user toilet rooms

RG - grant as proposed

DD - second – carries unanimously

11) Incoming: Mass. State Police Barracks, A1, Rte. 125 Bypass Road, North Andover (V16-051)

TH - EXHIBIT – variance application and supplemental information

- renovation of holding cell areas

- spending \$369,397; value of building is \$3 million; jurisdiction is 3.3.1b

- variance is for single user toilet room; 72" by 68 ¾" provided; 72" by 90" required

RG - grant as proposed, based on technologically infeasible

DD - second – carries unanimously

12) Hearing: Sclamo Furniture, 1485 Grafton Road, Millbury (C15-097)

WW - called to order at 11:00 a.m.

- introduce the Board

Peter Sclamo, Owner (PS)

Robert Doud, Jr., Backroom Manager for Sclamo Furniture (RD)

William Joyce, Compliance Officer for the Board (WJ)

WW - all sworn in

- EXHIBIT 1 – AAB1-39

WJ - initially received complain the middle of last year

- first notice was sent in June 2015

- complaint was received by email from Scott Ricker

- complaint alleged lack of compliant accessible parking and lack of compliant ramp

- second notice sent on August 7, 2015

- received further notice from Complainant that further debris placed in accessible parking spaces

- all documentation was verified as received via return receipts

- no communication from the owners of the property

- issue is parking and the slope of the ramp

- AAB17, letter from Town of Millbury to the owners, alleging violations of 521 CMR and work done without a permit

PS - been dealing with the Town of Millbury all along

- had a contractor come in and paid for building permit

- work has been signed off by the building inspector

- have a letter from the Town to submit

WW - read the letter into the record, accept as EXHIBIT 2

- letter from Robert Frederico, Building Inspector for Millbury

- notice that the inspector will not be able to attend the hearing

- present the statements that valid permit was issues, meets requirements of 780 CMR

- ramp and signage complies with 521 CMR

- parking does not comply with the slope per 521 CMR, recommended applying for a variance for the slope; and then will require compliant striping

- the ramp for unloading and loading of materials, but owners propose to use the ramp as multi-use
- PS - just had the parking lot done last year
 - had to wait for the striping of the parking lot
- WW - how many parking spaces are provided?
 - PS - Eight spaces
- WW - what is the use of the ramp?
 - PS - there is a loading ramp, which leads to parking, and use that ramp to bring to customers vehicles
 - there is a full loading dock for deliveries at the other side of the building
- WW - pictures show that appliances into the ramp
 - PS - that happens once a month, when deliveries come in
 - have informed the driver to unload at the other side of the building
- WW - accept the letter from the Building Inspector as Exhibit 2
 - letter states that there is a permit for the ramp
- TH - Mr. Ricker's cell phone was on silent
 - he called to ask the status of the hearing and as to why he had not been called
- WW - Scott Ricker appearing via conference call (SR)
 - SR sworn in
- WW - letter from building inspector states that ramp was properly permitted and the ramp complies
 - however, there are only 8 parking spaces provided, therefore not under the jurisdiction
- SR - there are 16-17 spaces provided
- TH - any zoning plans for parking?
 - PS - not to my knowledge in the last 30 years
 - the other spaces are probably for the two-family building that I also own adjacent to the building
- AB - do you agree that the ramp complies with 521 CMR, per the letter of the building inspector?
 - SR - the ramp does now comply after being rebuilt
- DD - use the ramp for appliances, at some times
- SR - but the bottom of the ramp is often blocked by appliances
- PS - that happened once and now have informed the driver to put on other side of the loading dock
- SR - have seen appliances staged at the bottom of that ramp all day long
- PS - can keep the bottom of the ramp clear
- SR - building inspectors letter, would like to make a statement
 - agree that the ramp is compliant

- issue at the bottom of the ramp is that the bottom of the ramp would be blocked with the current parking designation

PS - are going to restripe the parking lot when the weather warms up and will provide an access aisle

DM - find in favor of the complainant for the reported violations

AB - second - carries unanimously

DM - accept the letter from the Building Inspector, and requiring the striping to be completed by April 15, 2016, relative to the clear path of travel to the ramp, maintain that the ramp and the path to it are maintained as clear in compliance with 521 CMR at all times

AB - second – carries unanimously

DM - require that plans for the parking lot be submitted to the Board by April 1, 2016

Disconnection of the call for SR

WW - in the middle of the motion, since SR is on the phone, will allow statement

SR - dispute only 8 spaces, but understand the requirement of the Board for a site plan of the parking be submitted

DM - plot plan by April 15, 2016 to verify the number of parking spaces provided for the building

AB - second – carries unanimously

DM - expedite the decision

RG - second – carries unanimously

13) Incoming: Commercial Tenant Building, 10 Speen St., Framingham (V16-048)

TH - EXHIBIT – e-mail from Commission on Disability on March 6, 2016, on the condition that deadlines proposed are met; variance application and supplemental information; February 25, 2016 letter from Mark Dempsey of the Framingham Building Department in support of variances

- remodeling of tenant spaces, tenant spending more than 30% of the value of the tenant space

- full compliance for the tenant space and the owner of the building at the common areas

- seeking a variance for the lack of compliant toilet rooms at the second, third and fourth floors; dimensions of 69” by 86”

DM - grant the variance for the single-user accessible toilet rooms at the second third and fourth floors

AB - second – carries unanimously

TH - seeking to renovate each floor as needed

- will install as each floor is renovated

- want 3 years to renovate the toilet rooms in question

DM - grant the time variance for the second through fourth floors, on the condition done within the timeframe proposed, on the condition that status reports are submitted every 6 months, starting September 1, 2016, (March 7, 2019), on the condition that fully compliant toilet room at the first floor by May 15, 2016

RG - second – carries unanimously

TH - vestibule does not provide the required compliant clearance between the vestibule doors
- seeking 12 months to install automatic door openers

AB - *grant the time variance to allow until March 7, 2016 for the installation of automatic door openers*

DM - *second – carries unanimously*

TH - proposing compliant wall-mounted handrails, will maintain the noncompliant interior handrails
- will complete in 12 months

DM - *grant as proposed to allow until March 7, 2016 for the installation of compliant wall mounted handrails at all stairs*

AB - *second – carries unanimously*

DM - *grant a variance for the interior and exterior controls to be completed by March 7, 2021*

DD - *second – carries unanimously*

Break for Lunch

14) Incoming: Christian Science Center Plaza, 175-235 Huntington Ave., Boston (V16-043)

TH - EXHIBIT – variance application and supplemental information
- variance for 23.2.2, some minor areas of the reconstructed plaza will have a slope of more than 2%
- everything else will fully comply

JD - what is the slope measurements?

DM - maximum is a 6% cross slope, as shown in the purple section in the site plan

DM - *grant as proposed*

JD - *second – carries unanimously*

15) Incoming: Euphoria Lounge, 289 Acushnet Lounge, New Bedford (V16-057)

TH - EXHIBIT – variance application and supplemental information
- spending over 30%
- seeking relief for no accessible entrance, proposing noncompliant access via the installation of a chair lift (just a chair that rides the stairs)

DM - *deny, based on the fact that chair lifts are not allowed in public use buildings*

JD - *carries unanimously*

16) Hearing: Northampton Station, Railroad Avenue, Northampton (V14-016)

WW - called to order at 1 p.m.
- introduce the Board

Tim Doherty, Mass DOT (TD)

Laura Brelsford, MassDOT (LB)

- WW - both sworn in
- EXHIBIT 1 – AAB1-52
- TH - on March 4, 2016 received submittal from Astrid Glynn, from MassDOT
- forwarded to the Board via e-mail
- also came with a full set of plans
- WW - EXHIBIT 2, March 3, 2016 submittal from Astrid Glynn
- TD - pass out the presentation to the Board
- WW - EXHIBIT 3- Knowledge Corridor Passenger Rail Stations PowerPoint packet
- TD - background about the project of the Knowledge Corridor
- train service is one train a day, and the ridership for each station
- in 2005, the ridership in Northampton was 44 people
- allowed the installation of mini-high platforms are 46 feet long, there is only the mini-high platform where passengers board from, there is no boarding from the ground level
- they have been completed and in use since December of 2014
- originally proposed 400 foot long, “full-high” platforms for the station
- the existing 46’ platform is being used by all passengers currently, and are accessed by ramps
- LB - only two cars are open to the customers
- TD - route continues from New Haven to St. Albains
- there is long-term construction schedule to build a full high platform
- these stations are used as is currently
- it would cost \$5.5 million per station to create the full high platform
- WW - ridership numbers are per day?
TD - yes, 44 per day from Northampton
- TD - we are asking to use the existing station and not construct the 400-foot platforms, as per the original decisions
- but also allow to add two more mini-high platforms to create 120 feet, to create access to three sets of doors at three different cars
- WW - no stairs from the lower level up onto the train?
TD - no accessed only from the platforms
- JD - everyone boards and exits at the mini-high platform?
TD - yes, but someone could ask to be boarded at another card
- DM - wooden platform, is that the boarding platform?
LB - yes, that is the mini-high
- TH - the code allows for the use of mini-highs for existing stations, all new stations are required to be full high platform
- they are seeking a variance for the shorter 46’ mini-high platform

LB - all passengers have to board from the mini-high platform
- it is an operational policy
- and proposing to potentially triple the mini-high

TD - proposing to use the mini-highs in perpetuity
- can expand later, but the current ridership determines that the existing mini-high platforms are adequate for the ridership
- I work for the division of MassDOT railways that only deals with non-commuter rail based trains
- MBTA has helped with guidance on the accessibility for this station

JD - take the matter under advisement

RG - second – carries unanimously

17) Advisory Opinion: Santander Bank, Boston Medical Center (521 CMR 7.2)

TH - submittal from Clark Brewer, Menemsha, received March 1, 2016
- height of teller station

JD - variance is required

DM - second – carries unanimously

18) Advisory Opinion: Trash/Recycling Chutes, (521 CMR 39), Lovejoy Wharf, Boston

TH - EXHIBIT – submittal from Paul Hardiman of Murphy Specialty, Inc, via a February 3, 2016 e-mail
- T-handle vs. Lever handle

JD - approve the use of a lever handle, and not allow the use of the T-handle, as it is not compliant with 521 CMR 39

DM - second d- carries unanimously

19) Incoming: Restaurant (Peel and Eat), Units 5 & 6, 123 Lincoln St., Boston (V16-060)

TH - EXHIBIT – variance application and supplemental information
- seeking a variance for the lack of access to the proposed restaurant
- all of the stops for the elevator are up a small staircase
- they did remodel the elevator, but did not modify the stops; appears technologically infeasible
- change in level within the restaurant as well

DM - deny

JD - second – carries unanimously

JD - require that Board staff receive a copy of the building permits, and an explanation of the elevator project

DM - second – carries unanimously

George Delegas, Member (GD) – now present

20) Incoming: ABC House, Williams College, 58 Hoxsey St., Williamstown (V16-061)

TH - EXHIBIT – variance application and supplemental information; 2/25/16 Tim Widman, Architectural Designer from EDM wrote an e-mail to Thomas Hopkins, seeking to withdraw the variance application
- seeking to withdraw the application

JD - accept the withdrawal, based on the understanding that the project is not going forward

DM - Second – carries unanimously

WW left the room – DM acting chair

21) Incoming: Kiz Garden, 227 Washington St., Newton (V16-047)

TH - EXHIBIT – variance application and supplemental information
- insufficient information submitted

JD - continue to have more information submitted

DM - second- carries unanimously

22) Incoming: Darwin’s Limited, 323 Mass. Ave., Unit 313, Cambridge (V16-055)

TH - EXHIBIT – variance application and supplemental information
- expanding into adjacent tenant space and proposing small mezzanine with 14 seats
- seeking a variance for the lack of access to the mezzanine

GD - grant the variance as proposed

AB - second – carries unanimously

23) Incoming: Rosewater Market and Take-away, 20 South Summer Street, Edgartown (V16-053)

TH - EXHIBIT – variance application and supplemental information
- spending over 30%
- seeking a variance for lack of access to the front entrance
- will provide an alternate accessible entrance

JD - grant on the condition there is directional signage posted, and the accessible entrance is open at all times that the main entrance is open

AB - second – carries unanimously

24) Incoming: YWCA, Levi Standish House, 20 South Sixth St., New Bedford (V16-040)

TH - EXHIBIT – variance application and supplemental information
- spending over 30%
- would like to put in packet for 3/21

JD - put in the board packet for 3/21/16

RG - second – carries unanimously

25) Incoming: Central Building, 322-332 Main Street, Worcester (V16-059)

TH - EXHIBIT – variance application and supplemental information
- spending over 30%
- would like to put in packet for 3/21

AB - put in the board packet for 3/21/16

JD - second – carries unanimously

26) Incoming: Serenity Apartments, 105 South Huntington Avenue, Boston (V16-039)

TH - EXHIBIT – variance application and supplemental information
- new construction
- seeking 3 variances (43.3.2, sink depths; 45.4.5, sink depths; 9.5.6, electrical outlet locations)
- curtain walls are glass

JD - *grant the variance for the sinks (43.3.2 and 45.4.5), with the normal conditions of availability of compliant sinks at request and at no cost to the tenant*

RG - *second – carries unanimously*

JD - *grant the variance for the electrical outlet locations*

RG - *second – carries unanimously*

27) Hearing: Greenfield Station, 12 Olive Street, Greenfield (V14-017)

DM - called to order at 2 p.m.
- introduce the Board

Tim Doherty, MassDOT (TD)

Laura Brelsford, MassDOT (LB)

DM - both sworn in
- EXHIBIT 1 – AAB 1-40
- EXHIBIT 2 - March 3, 2016 submittal from Astrid Glynn
- EXHIBIT 3 – Knowledge Corridor Passenger Rail Stations PowerPoint packet

WW now present and acting as chair

TD - this station is next to a transit center
- proposing to allow the existing 46’ mini-high platform to remain
- the ridership is usually 18 passengers per day, can fluctuate up to 30
- train has a capacity of 280 seats, the train only fills up 10-15 days per year
- the platform extends past the solar ray, last 50-80 feet would be by solar ray and would block the view of others from the other end of the platform

DM - same proposal

TD - yes, can provide 3 mini-high platforms out to 120’

JD - 46’ long platform, what is the timeframe for expanding the platform

TD - 120’ is the “sweet spot”

- financial value to making an additional 74’ feet and would end with a fence

- would fence of the right of way

WW – cost to build?

TD - built for \$1 million, but probably paid a premium to get the work done

LB - internal decision to go up to 120’

TD - no funding in place to extend the platform currently, but there is a request in the funding

AB - how long would the project take?

TD - construction time is 3 weeks, bids and procurement is 9 months
- paid a premium to have the work done by the start of the service in December 2015

LB - currently boarding everyone at the same location, no need to extend at this time

JD - take the matter under advisement

DM - second – carries unanimously

DM left the room

28) Incoming: St. Vincent DePaul Church, 363 E Street, South Boston (V16-049)

TH - EXHIBIT – variance application and supplemental information
- building served the parish from 1872-2009, when it was closed due to falling plaster from the ceiling
- spending \$750,000, correcting the ceiling, which will trigger full compliance with fire alarms and sprinkler systems
- first phase is over 30%, triggering full compliance with 521 CMR
- seeking a time variance to comply with the requirements of 521 CMR, and propose to complete all accessibility work by September 30, 2019
- proposing lift, new accessible entrances, seeking variances for the other main entrance into the building; seeking variance for the lack of vertical access to the balcony space; seeking a variance for (27.4.1, 27.4.3, 27.4.4 and 27.4.5) propose compliant wall-mounted handrails at all stairs
- phase 2 will provide fully accessible entrance, 3-stop vertical wheelchair lift, accessible seating locations and accessible path of travel to the altar area

JD - grant the time variance for the implementation of access as proposed, to be completed by September 30, 2019, with status reports to be submitted every 6 months starting June 1, 2016

AB - second – carries unanimously

TH - seeking a variance for the other entrance to the building

AB - grant as proposed

JD - second – carries unanimously

TH - lack of access to the balcony

AB - grant on the condition that they use it as overflow

JD - second – carries unanimously

TH - stair handrails

AB - grant as proposed, on the condition wall-mounted handrails provided

JD - second – carries unanimously

DM now present

29) Hearing: Northampton Station, Railroad Avenue, Northampton (V14-016); Greenfield Station, 12 Olive St., Greenfield (V14-017)

DM - motion to reopen both

AB - second- carries unanimously

- DM* - grant a variance for the lack of full-high, on the condition that 120 feet of mini-high platforms are completed by November 1, 2016
AB - second – carries with *JD* opposed

DM left for the day

30) Incoming: Residences at Marina Bay, 260 Victory Road, Quincy (V16-058)

- TH* - EXHIBIT – variance application and supplemental information
- new construction of multi-story residential units
- seeking variances for the sinks in Group 1 and Group 2 units
- variance for the outlet locations, proposing no outlets at the glass curtain walls

JD - grant as proposed for the lack of fully compliant depths for the Group 1 and Group 2 sinks, on the condition that fully compliant sinks are provided to tenants upon request, at no cost to them; with the language regarding the accommodation written into the leases

AB - second – carries unanimously

JD - grant the variance for the lack of compliant outlets along the glass curtain wall

RG - second – carries unanimously

31) Discussion: Pilot House and Annex Building, 32 Atlantic Ave (Lewis Wharf), Boston (V14-333)

- TH* - EXHIBIT – March 4, 2016 receipt of submittal from Marcia Gordon of the Pilot House, which included dates for completion of some of the work for this year, and confirmation that other items have been completed per the decision of the board

AB - accept the status report

JD - second – carries unanimously

32) Advisory Opinion: Wood Carpet (521 CMR 19 and 20)

- TH* - EXHIBIT – submittal of sample of bonded wood fiber carpet; advisory opinion request submitted to the Board via an e-mail from Chris Horiuchi of Horiuchi Solien, Inc., on February 19, 2016
- seeking advisory about the use of the bonded wood fibers to create an accessible route path
- this is for a playground at Niantic Park in Oak Bluffs
- they have set up an area that has been set up and ready to be tested
- concern with no contrasting color
- they did show that they could color the fibers
- would like to schedule a site visit to try the sample path

- JD* - maintenance policy is monthly and weekly
- sealing of the product yearly; and need to restrict use during freeze/thaw cycles
- issue with fungus can grow and needs to be washed
- this is a large maintenance obligation for this product
- need to be capped off as well and patched regularly

AB - have board staff conduct a site visit

JD - second – carries unanimously

33) Hearing: Community Christian School, 39 South Broad St., Westfield (V10-101) – FINE

WW - called to order at 3 p.m.
- introduce the Board

Thomas Fiorini, Secretary for the Board, Community Christian School (TF)
Tim Sheranko, School Administrator for the Community Christian School (TS)
Christopher Dolan, Chair for the Board, Community Christian School (CD)

WW - all sworn in
- EXHIBIT 1 – AAB1-42

CD - received the fine hearing notice from administrator; came as a shock to the members of their board
- the board of CCS did not have the information from the previous decision of the Board
- previous administrator, Bob Cree, was terminated from the school for lack of communication with the CCS board, among other things
- the decision of the Board, required status reports, starting January 1, 2011; was advised by TH that no submittals were made
- also a requirement for accommodation policy was required in September of 2011; was not received by the Board in 2012
- have not been using the second floor since the decision of the Board
- we have been in full compliance with only utilizing the first floor of the building, since the time of the order

TH - one of the other orders was confirming that the first floor was accessible; photographs of the accessible routes into the school

TF - clarify?

TH - initial hearing was held on July 26, 2010
- August 14, 2012 amended decision of the Board, required Board Staff visit
- need confirmation that the first floor is accessible

TF - what is required?
WW - compliance with 521 CMR

JD - there is an ADA checklist, to confirm accessibility, and although not AAB, can confirm basic access

TH - January 11, 2016 submittal from the School, seeking help from the Board and expansion of the school to the second floor
- letter states that the first floor is accessible, but there is a policy in place to accommodate a student at the first floor

JD - contemplating making upgrades or looking for a new location?
- any idea when that will happen?

CD - have been looking at different locations since bought the first building
- under the impression that needed a full service elevator to get up to the second floor; have since been advised that a wheelchair lift is option

TH - must be a vertical wheelchair lift

TF - clarify the stair lift versus vertical wheelchair lift

TH - need a vertical platform to hold a wheelchair

TF - lift with a platform to fold down?

TH - that is an incline wheelchair lift, which may be a possibility, but need to confirm with a lift company and an architect

JD - continue to allow for the submittal of the current accessibility at the first floor, and the proposed means of vertical access to the second floor (either a vertical wheelchair lift or an incline lift), clarification of the amount of space used by the Community Christian School via the submittal of floor plans and an overall site plan; be submitted within 90-days of receipt of the decision of the Board.

AB - second – carries unanimously

JD - expedite

RG - second – carries unanimously

34) Incoming: New 3-family Condo, 165-167 Bowen Street, South Boston (V16-054)

TH - EXHIBIT – variance application and supplemental information

- new construction

- seeking a variance for the use of a vertical wheelchair from the garage to the first floor of the building

JD - grant as proposed, on the condition that complies in full with 521 CMR 28.12.2

AB - second - carries unanimously

35) Incoming: West of Chestnut, 21 Chestnut St., Quincy (V16-044)

TH - EXHIBIT – variance application and supplemental information

- new construction of 169 dwelling units in 2 building

- seeking variances for the sink depths in Group 1 units

JD - grant as proposed, on the condition that compliant sinks provided upon request at no costs to the tenant and in the lease language about accommodations

AB - second – carries unanimously

36) Incoming: Northeastern University, Parsons Field, 186 Kent St., Brookline (V16-041)

TH - EXHIBIT – variance application and supplemental information

- new construction of new press box

- seeking a variance for the use of a vertical wheelchair lift to the new press box

- EXHIBIT – letter from Brookline Commission on Disabilities on February 19, 2016

- lift is for the press box and the upper level of seating

- Commission on Disability requires that the lift is usable without assistance from others

- should attach the power to the lift into the power for the press box, so that when you turn the press box on, the lift is turned on

- want to know why the variance is coming in now, at the end of the project

- apparently, the commission sent a second letter that the lift is in place

JD - grant on the condition that the lift is installed, inspected and in working order; with the additional condition that the power for the lift is connected to the power for the press box, so that when the press box electricity is turned on, the lift is turned on and regularly available; would also like the submittal of the plans and permits for the project

RG - second – carries unanimously

37) Incoming: Mixed Use Building, 605 Tremont St., Boston (V16-046)

- TH - EXHIBIT – variance application and supplemental information
- renovation of the entire building
 - retail at the first floor, and residential above
 - commercial space at the first floor, seeking a variance for the lack of access into the retail space
 - EXHIBIT – submittal from Kristen McCosh on 3/3/16 that the commission cannot support the variance request
 - EXHIBIT – letter from Ryan Maceji of Mass Historic, stating unsure of effect the project would have on the historic nature of the building

JD - deny

AB - second – carries unanimously

38) Incoming: Healing Hills Village, 9 Village Inn Road, Westminster (V16-052)

- TH - EXHIBIT – variance application and supplemental information
- two-story building
 - building is 42,536 square feet
 - renovating two existing bathrooms in resident rooms to create compliant accessible Group 2B bathrooms
 - renovation of sidewalks
 - upgrading fire alarms, installing new lift
 - jurisdiction is work performed
 - seeking a variance for the use of a vertical wheelchair lift

JD - grant on the condition that the lift complies with 521 CMR 28.12.2

AB - second – carries unanimously

39) Incoming: Clement Street Development, 14-16 Clement St., Malden (V16-056)

- TH - EXHIBIT – variance application and supplemental information
- two-story residence for clients of the Department of Mental Health
 - spending over 30%
 - seeking 4 variances
 - the route to the accessible entrance at the rear of the building (521 CMR 20.9)
 - cross slopes vary from 1.0% to 2.5% along the route to the entrance, and will cross-hatch the route with paint

JD - grant as proposed for the walkway (all sections requested)

AB - second – carries unanimously

- TH - plans for accessible entrance at the front of the building

RG - grant the variance for the lack of access to the front entrance, on the condition that directional signage is posted at the front entrance

JD - second – carries unanimously

- TH - variance for the lack of access to the upper floors; proposing to use a LULA elevator with a platform size of 51” by 51”

AB - *grant as proposed*
GD - *second – carries unanimously*

40) Incoming: Curb cuts and sidewalks, corners of Centre Street and Ferry St., Malden (V16-042)

TH - EXHIBIT – variance application and supplemental information
- seeking variances for running slope along the existing sidewalk

JD - *continue and require a meeting with TH about the variances requested and to clarify the variances requested*

RG - *second – carries unanimously*

41) Incoming Discussion: Mixed Use Building, 201 Newbury St., Boston (V16-035)

TH - 2/22/16 continued the review of the case since request was incomplete
- EXHIBIT – 3/3/16 submittal from Suzanne Walsh of United Elevator, on behalf of the building owners
- proposing to have to call for the use of a lift and require assisted usage of the lift upon request

JD - policy in place for use of lift?
- nothing found in the lift

JD - *grant as proposed*

AB - *second – carries unanimously*

42) Advisory Opinion: Sidewalks Concord Street, Framingham (21.8)

TH - EXHIBIT – BETA Group, Kenneth Patraglia, received March 4, 2016
- width of the sidewalk, seeking determination if it complies with 21.8 for curb cuts

JD - *does not comply, needs a variance*

GD - *second – carries unanimously*

43) Advisory Opinion: 28.1, vertical access; Millis Fire Station

TH - EXHIBIT – letter from Mark Saccocio, Maguire Inc., received February 29, 2016
- plans and affidavit submitted to the registry and recorded

AB - *accept the submittal as compliant*

GD - *second – carries unanimously*

44) Advisory Opinion: Proposed Three Dwelling Unit (521 CMR 9.6), 9 Chandler St., Newton

TH - EXHIBIT – advisory opinion request received by the Board on February 24, 2016, submitted by Ralph Kilfoyle, RDK Architects
- three townhouse units that are side-by-side
- need a firewall to and through the roof

WW - not a compliant firewall

JD - *current design does not comply, in that there is not a compliant firewall separating the 3 units; per chapter 7 of 780 CMR*

RG - *second – carries unanimously*

45) Discussion: Executive Session Minutes

KS - need to know who will review the minutes and how frequently

RG - review of executive session minutes every 6 months, commencing July 1st, to be done by the chair or his/her designee,

AB - second – carries unanimously

46) Discussion: Minutes from 2/17 and 2/22; and decisions for Pratt Property, Marshfield and Bowdoin St., Boston

AB - accept the minutes and the decisions as noted

GD - second – carries with RG abstaining

- End of Meeting -

Matters not reasonably anticipated 48 hours in advance of meeting

- Monica's Mercato, 130 Salem St., Boston (C14-156) - letter from Rosen (attorney for the owner) seeking removal of cease and desist, March 4, 2016
- Shrewsbury Health and Racquet Club, 1 Tennis Dr., Shrewsbury (V09-145) - pictures of site visit on February 11, 2016
- Ames Hotel, 1 Court Street, Boston (V16-028) - submittal from Doug Anderson on March 4, 2016 with plans and photo-shopped renderings of what the lobby will look like, along with current pictures of what the lobby looks like
- Sidewalks Concord Street, Framingham (21.8) - BETA Group, Kenneth Patraglia, received March 4, 2016
- 28.1, vertical access; Millis Fire Station - letter from Mark Saccocio, Maguire Inc., received February 29, 2016

EXHIBITS:

- Milford Regional Medical Center, 14 Prospect Street, Milford (C15-124 & V15-267) - Submittal from Steven Madaus, Attorney for the Hospital, March 4, 2016, seeking a 60-day extension to respond to the requirements from the previous hearing
- Harbormaster/Visiting Boaters Building, Municipal Fish Pier, Newburyport (V14-155) - E-mail from local disability commission on February 26, 2016; e-mail from resident as well on February 26, 2016; e-mail from Gordy Vining, City of Newburyport, Senior Project Manager for Office of Planning and Development regarding the plans for the work, the harbormaster's office has actually been reduced in size
- Mixed Use Building, 171 Newbury St., Boston (V15-332) - March 3, 2016 letter from Steve Miller, attorney for the building owner, exhibits with additional photos of stairs and the request for additional variance
- Garland House, 263 Merrimack St., Lowell (V16-017) - submittal from Ray Guertin, architect of record, sent plans of second and third floors; received March 1, 2016
- Santander Bank, Boston Medical Center (521 CMR 7.2) - submittal from Clark Brewer, Menemsha, received March 1, 2016
- Trash/Recycling Chutes, (521 CMR 39), Lovejoy Wharf, Boston - submittal from Paul Hardiman of Murphy Specialty, Inc, via a February 3, 2016 e-mail

- Pilot House and Annex Building, 32 Atlantic Ave (Lewis Wharf), Boston (V14-333) - March 4, 2016 receipt of submittal from Marcia Gordon of the Pilot House, which included dates for completion of some of the work for this year, and confirmation that other items have been completed per the decision of the board
- Wood Carpet (521 CMR 19 and 20) - submittal of sample of bonded wood fiber carpet; advisory opinion request submitted to the Board via an e-mail from Chris Horiuchi of Horiuchi Solien, Inc., on February 19, 2016
- Mixed Use Building, 201 Newbury St., Boston (V16-035) - 3/3/16 submittal from Suzanne Walsh of United Elevator, on behalf of the building owners
- Proposed Three Dwelling Unit (521 CMR 9.6), 9 Chandler St., Newton - advisory opinion request received by the Board on February 24, 2016, submitted by Ralph Kilfoyle, RDK Architects
- Commercial Tenant Building, 10 Speen St., Framingham (V16-048) - e-mail from Commission on Disability on March 6, 2016, on the condition that deadlines proposed are met; variance application and supplemental information; February 25, 2016 letter from Mark Dempsey of the Framingham Building Department in support of variances
- Manning Apartments, 237 Franklin St., Cambridge (V16-045) - variance application and supplemental information
- Mass. State Police Station, H6, 125 William Day Blvd., South Boston (V16-050) - variance application and supplemental information
- Mass. State Police Barracks, A1, Rte. 125 Bypass Road, North Andover (V16-051) - variance application and supplemental information
- Christian Science Center Plaza, 175-235 Huntington Ave., Boston (V16-043) - variance application and supplemental information
- Euphoria Lounge, 289 Acushnet Lounge, New Bedford (V16-057) - variance application and supplemental information
- Restaurant (Peel and Eat), Units 5 & 6, 123 Lincoln St., Boston (V16-060) - variance application and supplemental information
- ABC House, Williams College, 58 Hoxsey St., Williamstown (V16-061) - variance application and supplemental information; 2/25/16 Tim Widman, Architectural Designer from EDM wrote an e-mail to Thomas Hopkins, seeking to withdraw the variance application
- Kiz Garden, 227 Washington St., Newton (V16-047) - variance application and supplemental information
- Darwin's Limited, 323 Mass. Ave., Unit 313, Cambridge (V16-055) - variance application and supplemental information
- Rosewater Market and Take-away, 20 South Summer Street, Edgartown (V16-053) - variance application and supplemental information
- YWCA, Levi Standish House, 20 South Sixth St., New Bedford (V16-040) - variance application and supplemental information
- Central Building, 322-332 Main Street, Worcester (V16-059) - variance application and supplemental information
- Serenity Apartments, 105 South Huntington Avenue, Boston (V16-039) - variance application and supplemental information
- St. Vincent DePaul Church, 363 E Street, South Boston (V16-049) - variance application and supplemental information
- Residences at Marina Bay, 260 Victory Road, Quincy (V16-058) - variance application and supplemental information
- New 3-family Condo, 165-167 Bowen Street, South Boston (V16-054) - variance application and supplemental information
- West of Chestnut, 21 Chestnut St., Quincy (V16-044) - variance application and supplemental information

- Northeastern University, Parsons Field, 186 Kent St., Brookline (V16-041) - variance application and supplemental information; letter from Brookline Commission on Disabilities on February 19, 2016
- Mixed Use Building, 605 Tremont St., Boston (V16-046) - variance application and supplemental information; submittal from Kristen McCosh on 3/3/16 that the commission cannot support the variance request; letter from Ryan Maceji of Mass Historic, stating unsure of effect the project would have on the historic nature of the building
- Healing Hills Village, 9 Village Inn Road, Westminster (V16-052) - variance application and supplemental information
- Clement Street Development, 14-16 Clement St., Malden (V16-056) - variance application and supplemental information
- Curb cuts and sidewalks, corners of Centre Street and Ferry St., Malden (V16-042) - variance application and supplemental information