



The Commonwealth of Massachusetts

Department of Public Safety Architectural Access Board

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Board Meeting Minutes – July 11, 2016 21st Floor – Conference Room 3

Present Board Members:

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

and

- Kate Sutton, Program Coordinator/Clerk for Proceedings (KS)
- William Joyce, Compliance Officer

Members Not Present:

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

- Meeting began at approximately 9:15 a.m.

1) Discussion: Board Member Roll Call

DM - all but WW, JH, RG and DG present

Jane Hardin, Member (JH) – Now Present

2) Incoming: Sidewalks and Curb Cuts along Mechanic Street, Spencer (V16-184)

- KS
- sent in your board packets
 - EXHIBIT – variance application and supplemental information
 - project began in July of 2015, contract awarded in June of 2015 and proposed to be completed in summer of 2016
 - spending an estimated \$630,000
 - the project is the resurfacing of Mechanic Street and the sidewalk reconstruction from Main St. (Rte. 9) to Chestnut St.
 - seeking variances for 6 locations
 - Location 1, WCR #1: curb cut at northwest corner of the intersection of Mechanic St. and Wall St. (Plan 1 of 3)
 - variance for 521 CMR 21.3 and 21.7 regarding the slopes the recently constructed curb cut
 - the existing sidewalk has several constraints, including the existing adjacent roadway slopes (5% at Wall St. and 6.4% at Mechanic St.) and an existing building entrance at the back of the sidewalk with a doorway located approximately 9.4 feet north of the curb cut
 - existing slope is up to 11%
 - there was previously no curb cut or level landing at this corner of the intersection
 - cost to bring location into full compliance is estimated to be \$150,000-\$200,000

JH - grant as proposed

GD - second – carries unanimously

- KS
- Location 2, WCR #8: Ramp at northwest corner of the intersection of Mechanic St. and Chestnut St. (Plan 2 of 3)
 - variance for 521 CMR 21.3 regarding the slopes of the newly constructed curb cut
 - the existing sidewalk has several constraints, including the existing adjacent roadway slopes (2.1% at Chestnut St. and 8% at Mechanic St.) and an existing retaining wall at the back of the sidewalk, and a utility pole on the corner of the street
 - existing slope is up to 10%
 - there was previously no curb cut or level landing at this corner of the intersection
 - cost to bring location into full compliance is estimated between \$60,000-120,000

GD - grant as proposed

AB - second – carries unanimously

- KS
- Location 3, WCR #10: Ramp at southeast corner of the intersection of Mechanic St. and Chestnut St. (Plan 2 of 3)
 - variance for 521 CMR 21.3 regarding the slopes of the newly constructed curb cut
 - the existing sidewalk has several constraints, including the existing adjacent roadway slope (10.2% at Mechanic St.) and an existing retaining wall and traffic signal mast arm at the back of the sidewalk, and a catch basin located approximately 8.2 feet south of the high side curb cut transition
 - existing slope up to the level landing curb cut is 14.6%
 - there was previously no curb cut or level landing at this corner of the intersection
 - cost to bring location into full compliance is estimated to be \$50,000-\$80,000

AB - grant as proposed

GD - second – carries unanimously

- KS - Location 4, WCR #12: Ramp at southwest corner of the intersection of Mechanic St. and Chestnut St. (Plan 2 of 3)
- variance for 521 CMR 21.3 regarding the slopes of the newly constructed curb cut
 - the existing sidewalk has several constraints, including the existing adjacent roadway slope (11% at Mechanic St. and 2.1% at Chestnut St.) and an existing doorway for #54 Mechanic St., at the back of the sidewalk, and a catch basin located on the southeast/high side of Mechanic Street.
 - existing slope at the flared sides of this location are 12.2% and 8.5%
 - there was previously no curb cut or level landing at this corner of the intersection
 - cost to bring location into full compliance is estimated to be \$80,000-\$120,000

GD - grant as proposed

AB - second – carries unanimously

- KS - Location 5: Sidewalk and entryways in front of #13 Mechanic Street (The Café at Five Loaves Bakery) (Plan 3 of 3)
- variance for 521 CMR 22.3.1, regarding the walkway cross slope, and 24.2.1, regarding the slope in front of 13 Mechanic St.
 - the sidewalk is constrained based on the existing driveway to the north of the location, multiple building entry sills/doorways at varying elevations, and steep roadway grades
 - the cross slopes vary from 12.2% at the driveway side of the walkway, then up to 3.8% leaving both the ramped and step entryways to #13, and up to 14% at the employee entrance to the space
 - cost to bring location into full compliance is estimated to be \$100,000-\$125,000

GD - grant as proposed

JH - second – carries unanimously

- KS - Location 6: Sidewalk at base of stairs to #48 Mechanic Street (Plan 2 of 3)
- variance for 521 CMR 22.3.1, regarding the walkway cross slope
 - the sidewalk is constrained based on the adjacent roadway slope of 10.2%
 - the project included reducing the riser height at the building entrance from 10 inches to 6 inches to improve the cross slope of this sidewalk section
 - the cross slope is up to 5.2% in this location
 - cost to bring location into full compliance is estimated to be \$80,000-\$100,000

CS - grant as proposed

AB - second – carries unanimously

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

- KS - sent in your board packets
- EXHIBIT – Administrative Review packet with July 1, 2016 cover letter
 - there are three outstanding variances from the original application and three newly submitted variances
 - there are two unresolved complaints from the initial complaint and one new complaint received by the Board staff on June 21, 2016, which the Board staff has not yet addressed since it was submitted after a variance for the same item (drop-down grab bar) was already submitted by the petitioners.

CS - Hearing

GD - second – carries unanimously

4) Discussion: Jenkins Elementary School, 54 Vinal Ave., Scituate (C15-148 & V16-123)

- KS - EXHIBITS – June 27, 2016 e-mail from Jean Batty, clarifying statements made at hearing; June 28, 2016 e-mail from William Shine, Independence Associates with measurements of the pathway; July 8, 2016 e-mail from Jean Batty with petition; July 8, 2016 submittal from Brandon Moss, attorney for the Town of Scituate
- slopes up to 20.2% with cross slopes up to 3.9% via Town’s submittal
 - slopes up to 21.4% via Shine’s submittal
 - complaint regarding lack of curb cut and slopes, already found in favor of the Complainant
 - still seeking a variance for slopes and curb cut
 - measured with a 2-foot smart level
 - \$120,000 to fix the slopes, as stated in their original variance application
 - slopes are also potential for a ramp with handrail in some locations

CS - *deny, require full compliance*

AB - *second – carries with JH abstaining*

CS - *require a curb cut or another temporary access point to the walkway by the beginning of the school year 2016*

JH - *second- carries with DD and AB opposed*

CS - *plans of compliant pathway by October 31, 2016 and comply by beginning of 2017 school year*

JH - *second – carries unanimously*

DD left

5) Advisory Opinion: Accessible Toilet rooms, 205 Main St., Marlborough

- KS - EXHIBIT- July 4, 2016 e-mail from Tom Stephanian
- seeking advisory regarding expansion of existing Chapa Quente Restaurant (203 Main St.)
 - permits pulled and work done (light carpentry to add counters, tables, seating and open the space between 203 and 205 Main Street)
 - at Occupancy inspection, Marlborough Inspector at the time (Robert Camacho), stated that two accessible bathrooms were required, based on the seating provided (documented in an April 6th letter), noting that Heider Rabelo, the restaurant owner, could apply to the State for a variance to install a single unisex accessible toilet room in lieu of two accessible toilet rooms
 - spending is under \$100,000 and under 30% of the value of the space (analysis submitted by property owner)

GD - *no jurisdiction, since our code does not mandate how many toilet rooms, just that if installed it would have to comply or they would have to seek a variance*

CS - *second – carries unanimously*

6) Incoming: George Robert White Memorial Fountain, Public Garden, Corner of Beacon St. and Arlington St., Boston (V16-185)

- KS - EXHIBIT- variance application and supplemental information
- work performed (521 CMR 3.3.1a)
 - historic fountain within the northwest corner of the Public Garden

- space includes “The Angel” statue, granite and concrete basin, two bronze rams head fountains, the plaza with benches and granite staircase connecting to the Public Garden’s main pathway system and plantings
- project will cost an estimated \$45,000 and include:
 - new utility and mechanical systems to support fountain reactivation
 - new drain components and restored fountain basin
 - repointing of joints in granite fountain elements
 - possible restoration (cleaning and grouting) of rounded stone and concrete plaza surface
 - new accessible pathway to the fountain plaza
 - new railings on the steps
 - related work and site restoration
- variance for the staircase handrails (521 CMR 27.4), proposing to install historic handrails to match other handrails throughout the Public Garden
- variance for the plaza surface, which is constructed of rounded stone imbedded in concrete, which is assumed to be original to the construction of the plaza in 1924
- majority of the surface has no more than a ¼” change in level, but there are some areas that may be noncompliant with the requirements of 521 CMR 29.1 (variance states 95% will comply)

CS - grant handrails variance
GD - second – carries unanimously

CS - grant variance for surface
JH - second – carries unanimously

7) Incoming: Millis Police Station, 1003 Main St., Millis (V16-186)

- KS** - EXHIBIT – variance application and supplemental information; July 5, 2016 e-mail from Michael Gaimpietro, Building Commissioner for the Town of Millis; July 8, 2016 e-mail from Catherine MacInnes, resident
- new construction of police station with training room open to the public (521 CMR 3.2)
 - Building Commissioner’s e-mail states that the training room was originally not proposed to be used by the public, only for employees of the police department; he was unaware of the change of proposed use until conducting an inspection; his e-mail stated that if the use of the space changed to one that was open to the public, a building permit application would be required for the change from the originally issued permit
 - variance for change in level (521 CMR 29.2.3) within the training room
 - Drawing SKA-038 shows the training room with two accessible seating locations and three tiered seating levels above, 6” steps at each
 - variance application and letter from applicant states that the training room is for use by the police and/or the general public and that the tiered seating was removed from the design, but requested to be put back into the design by the Town
 - e-mail from MacInnes states that the use of the room was changed from the original design to be open to the public, and therefore should be completely accessible

CS - deny, require plans for compliance within 30 days receipt of notice
AB - second – carries unanimously

8) Incoming: Radcliffe Institute for Advanced Study, Harvard University, 40 Concord Ave., Cambridge (V16-187)

- KS** - EXHIBIT – variance application and supplemental information

- project is renovation and small addition to the existing building, spending \$5.8 million
- building is valued at \$905,700, so spending is over 30% (521 CMR 3.3.2)
- all construction in the new building will comply in full and will include an accessible second means of egress, accessible toilet rooms, an accessible entrance, and a lobby at each floor of the building; a new elevator serving all floors of the building will be installed within the existing building
- only variance requested is for the stair handrails at the existing central stair (521 CMR 27.4.1-27.4.6)
- paneled newel post at the base, chamfered newels at turns in the balustrade, a heavy wooden handrail and paneled tread-ends
- proposing to install a wall-mounted compliant handrail at all levels
- the bottom stair treads at the first and second floors will be modified to provide a uniform trade depth
- letter of support from the Cambridge Historical Commission

GD - grant as proposed

AB - second – carries unanimously

9) Incoming: Two-Story Office Building, 398 Libbey Parkway, Weymouth (V16-188)

- TH - EXHIBIT – variance application and supplemental information
- renovation of existing building, spending \$400,000; value of building is \$1,256,600; over 30 % (\$376,980) (521 CMR 3.3.2)
 - project includes removal and replacement of two non-compliant stairs, and new stairs will be “ADA” compliant; additional work of rearrangement of office partitions
 - elevator access is estimated to be \$60,000-80,000; no plans; no proposals for vertical wheelchair lift or LULA
 - Company that occupies the space appears to be Vertex Engineering, so most likely private office space for employees only, but cannot assume, since nothing from the company is in the file, other than “Vertex” being on the submitted CD

CS - continue for more information regarding test plans and cost estimates for other methods of vertical access, and how the space is used, within 30 days receipt of decision

AB - second – carries unanimously

10) Incoming: Thompson Chemistry Labs, Williams College, 47 Lab Campus Drive, Williamstown (V16-190)

- KS - EXHIBIT – variance application and supplemental information
- building is a three-story academic laboratory building that is part of the larger Unified Science Center
 - proposed work (\$60,000) is the reopening of an existing door as an entrance, and the expansion of exterior stair landing and installation of new interior and exterior compliant stair handrails
 - jurisdiction is work performed (521 CMR 3.3.1a)
 - building is part of the Unified Science Center, which includes the Thompson Physics (1893), Thompson Chemistry (originally 1893, reconstructed in 1916 after fire), Thompson Biology (1893)
 - the three separate buildings facing the Science Quad were combined along with the Bronfman Science Center, and Morely Scientific Laboratory to create the single Unified Science Center in 2000
 - once inside one of the four accessible entrances (five entrances to the complex provided), one can access all of the building
 - entrance in question is historic and directly aligns with the West Hall building entrance to the north
 - the entrance in question is up a rise of 21” (2 steps up and a step at the door) and then once within the interior vestibule there is a 27 ½” rise via 4 steps
 - cost to comply in full \$250,000, plus historically detrimental alteration to the historic facade

JH - grant as proposed

GF - second – carries with CS abstaining

11) Incoming: Uxbridge Town Hall, 21 South Main Street, Uxbridge (V16-191)

- TH - EXHIBIT – variance application and supplemental information; July 7, 2016 e-mail from Mike Kennedy of Center for Living and Working
- existing two-story raised building with municipal office and meeting rooms, originally built in 1879 and expanded in 1939
 - spending \$7,500 to repair and re-paint the existing ramp, which was originally built by the Blackstone Regional Valley Technical High School in 1993
 - length of the ramp is 32 feet with no intermediate landing (521 CMR 24.4)
 - Kennedy’s e-mail stated that the slope of the ramp varied from 7.8% to 8.9% so a variance for the slope is also required (521 CMR 24.2)

GD - grant both as proposed

JH - second – carries unanimously

JD now present acting as chair and DM left the room

12) Incoming: The Storage Bunker, 20 Sycamore Ave., Medford (V16-192)

- TH - EXHIBIT – variance application and supplemental information
- existing one-story self storage facility with existing office space at the front of the building
 - proposed project is the removal of an existing vertical wheelchair lift with a step and the installation of a new permanently installed modular ramp to side/rear entrance
 - jurisdiction is work performed (3.3.1a)
 - spending \$15,000 to remove the broken lift and install modular ramp as shown in Plan A1.1

AB - continue for more information regarding the ramp proposed to be installed, details plans including but not limited to handrails, footings (permanently installed) within 14 days receipt

CS - second – carries unanimously

DM now present

13) Incoming: East Boston Neighborhood Health Center, 79 Paris Street, East Boston (V16-193)

- KS - in your packets
- EXHIBIT- variance application and supplemental information
 - existing four-story building with three-stories above grade
 - building is an office building, limited to employees only, with a health clinic on Level 1 and a small medical record area on Level 2
 - spending \$3,600,000; over 30% of the value of the building (\$4,791,000) (3.3.2)

JD - no notification to Commission on Disability

KS - yes, looks like that

- variance request #1:

- Paris Street entrance (25.1);

- proposing to maintain and improve the existing accessible side entrance

- accessible entrance is adjacent to the building accessible parking and approximately 60 feet from the Paris Street entrance
- there are only two entrances into the building

CS - *grant as proposed, on the condition that the Boston Commission on Disability is given the packet and verify receipt*

JD - *second – carries unanimously*

KS - variance request #2:

- Vestibule 36 has a sloped walkway ranging from 10.6-11.9% (24.2.1)
- length of the landing at the bottom of the ramp is 53 inches (24.4.3)
- ramp is constrained by existing Stair 2, which is a required egress stair
- proposing to install compliant handrails along the ramp

AB - *grant as proposed for both, on the condition that the Boston Commission on Disability is given the packet and verify receipt*

CS - *second – carries unanimously*

KS - variance request #3:

- existing elevator provides clear opening of 31” wide, when 32” clear is required (28.6.1)
- existing elevator cab is 40 ½” wide by 46” deep, when a minimum of 48” by 48” is required (28.7)
- cost of full compliance would be \$945,875 since it would require replacing the existing elevator
- only access to medical records rooms

JD - *grant as proposed for this use only on the condition that the Boston Commission on Disability is given the packet and verify receipt*

CS - *second – carries unanimously*

KS - variance request #4:

- handrails at existing Main Stair and Stair 2 do not comply
- Stair 2 handrails will be replaced at both sides to comply in full as part of the current project
- Main Stair is a monumental stair with a clear width of 60” from Level 1 to Level 2, and 48” from Level 2 to Level 3
- the interior handrails are continuous from Level 1 to Level 3, but do not comply in full
- interior handrails are mounted at heights between 30 1/2” and 32 ½” (27.4.2)
- the interior handrail is 2 ½” wide and is rounded at the top, but the shape is not a round or oval cross-section (27.4.4 and 27.4.5)
- wall-side handrail will be replaced with a compliant handrail
- cost to replace interior handrail as well is \$51,968

CS - *grant as proposed, on the condition compliant wall side handrail, and that the Boston Commission on Disability is given the packet and verify receipt*

AB - *second – carries unanimously*

AB left the room

14) Incoming: Lowney Chocolate Factory Housing, 150 Oakland St., Mansfield (V16-189)

KS - EXHIBIT- variance application and supplemental information

- \$37 million phased renovation of 5 existing buildings valued at \$1,288,100 (521 CMR 3.3.2)
- current phase of project is renovation of historic factory buildings, Building A (10,000 square feet) and Building B (164,600 square feet)
- requesting variances for distribution of Group 2A units (10 units in Building A and 120 units in Building B); entrances; treads and risers; nosings; and stair handrails
- application is very detailed, would like to put it in the packets for the July 25th meeting

JD - put in packet for July 25th
CS - second – carries unanimously

AB now present

15) Incoming: Cabot Performing Arts Center, 286 Cabot Street, Beverly (V16-194)

- KS** - EXHIBIT – variance application and supplemental information; Letter of support from John Frates dated June 20, 2016
- \$227,500 spent since May of 2015 on three different permits; building is assessed at \$763,600 (over 30%)
 - existing two-level theater with accessory storefront and office space
 - seeking outright and time variances of up to 5 years; total of 39 variances requested

CS - hearing
JD - second – carries unanimously

16) Incoming: New Three-Family Dwelling Unit, 12 Mallard Avenue, Dorchester (V16-195)

- KS** - EXHIBIT – variance application and supplemental information
- at June 20, 2016 meeting, voted to grant an at-risk permit for the work to begin on the construction of the three-family, on the condition that a variance application was submitted, which was received by the Board on June 24, 2016
 - new construction of 5,049 square foot 3-family, to be occupied by the building owner and his family
 - proposing to install a vertical wheelchair lift at the rear entrance of the building if a tenant other than family occupies the building, but proposing to have family occupy the building “for the remainder of our lives”
 - May 25, 2016 letter of support from Jerome Smith, Director of the Mayor’s Office of Neighborhood Services, supported the issuance of a temporary permit, and noted “include handicap ramp”

JH - grant the variance for no access at this time, on the condition that affidavit submitted documenting that the housing is strictly for his family, should that change have to comply with applicable requirements of 521 CMR; within 30 days receipt of decision
JD - second – carries unanimously

17) Incoming: Subway Sandwich Shop, 951 Main Street, Walpole (C16-013 & V16-174)

- KS** - EXHIBIT – Complaint file; variance application and supplemental information
- complaint submitted on January 9, 2016 regarding steps at the rear entrance to the building from the public parking
 - First Notice sent on March 24, 2016 and cited reported violations of 521 CMR 25.1 and 25.2

- April 29, 2016 Stipulated Order was sent to all parties ordering that a plan for compliance or a completed variance application regarding the reported violations was to be submitted to the Board by June 1, 2016
- Extension requested by attorney for building owner to submit required documents by June 24, 2016
- Variance application received on June 24, 2016 seeking a variance for the lack of access at the rear entrance to the building, adjacent to the public parking lot
- building was built in 2003 and is three floors with four retail stores at street level in front (Main St.) and eight apartments on the two floors above
- Town of Walpole owns the municipal parking lot at the rear of the building and the sidewalk that abuts the porch entrance in question
- the Main Street entrance to Subway is accessible
- any ramp structure would be on the Town owned sidewalk, which the Town is opposed to per the June 15, 2016 letter from James Johnson, Walpole Town Administrator
- no response from Complainant regarding the variance requested as of this morning
- 70 feet between

JH - find in favor of the complainant

JD - second – carries unanimously

JH - grant, on the condition that the front entrance is accessible in compliance with 521 CMR

AB - second – carries with JD and CS opposed

18) Hearing: North Easton Village Shoppes, 285 Washington Street, Easton (C15-152)

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

Donald Brabants, Owner (DB)
 William Joyce, Compliance Officer (WJ)

- DM - both sworn in
 - EXHIBIT 1 – AAB1-41

- WJ - complainant is Steven Higgins of Independence Associates
 - received in September of 2015
 - 1st notice was sent January 26th
 - stipulated order issued requiring stamped plans be provided no later than 3/29/16
 - did receive plans via e-mail on April 25, 2016, but they were not stamped
 - AAB5, some of the issues that were raised with the plans on AAB10
 - since that time, only correspondence is the hearing notice
 - issues are the number of parking space and curb cuts at the lot
 - AAB37 pictures from the complaint

- DB - prepared three packets of full size plans
 DM - accept as EXHIBIT 2

- DB - manage the property for the past 30 years
 - changed all of the signs
 - spent 2 hours with Paul Debargis of the Easton Building Department
 - just opened a new restaurant, flat run less than 2%

- planning board will review outdoor seating on July 30th, but restaurant has been open since January 1, 2016
- had the building inspector review the case

CS - *find in favor of the complainant*

JD - *second – carries unanimously*

DB - 23.4, picture #4

- both of the spaces are going to be eliminated and adding two accessible van spaces, one directly in front of the restaurant, and one van accessible space in front of a hair salon

CS - location

DB - in front of the Village Toy Shop and a very large hair and nail salon that does have patrons with disabilities that frequent the business

DB - majority of the parking is in the main portion of the lot, the location is an alcove

- will restripe and make the parking spaces comply

- intend to do this in the first week of August

AB - overall number of spaces?

DB - 286, 7 will be accessible, 2 of the 7 will be van accessible

DM - where the two spaces are being eliminated, what is in the corner of the building?

DB - right now, nothing is there

- one door serves at corner serves Tedeschi's and the other door is for delivery

JD - AAB39, curb cut, proposing to correct

WJ - space 7, ramp with a slope

DB - will be repaving the whole lot and creating walkways and no curb cuts

WJ - built up curb ramp is in an access aisle

KS - AAB37 picture of existing

DB - also moving the fire lane

JD - *accept the plan for compliance, on the condition that space #7 submit a variance within 14 days receipt of the decision; work to be completed by September 1, 2016 with pictures to be submitted to the Board upon completion*

GD - *second – carries unanimously*

JD - *expedite the decision*

GD - *second – carries unanimously*

Brief Break

All but CS present

- KS - EXHIBIT – variance application and supplemental information
- existing two-story wood frame house with basement, being converted into a small counselors’ office
 - spending \$16,000, value of building is \$114,600; jurisdiction is change of use (3.4) and work performed (521 CMR 3.3.1a)
 - Petitioner proposes to create an accessible route to the first floor counseling rooms and will provide an accessible toilet room, as well as an accessible common room at the first floor for those unable to access the second floor
 - variance for the lack of access to the second floor (28.1)
 - variance for the layout of the toilet room (30.7.2)

JD - *grant as proposed*
JH - *second – carries unanimously*

CS now present

20) Incoming: Pineapple Thai Cuisine, 6 Cypress Street, Brookline (V16-199)

- KS - EXHIBIT – variance application and supplemental information; June 28, 2016 e-mail from Saralynn Allaire, member of the Brookline Commission for the Disabled, in support of the request variance
- spending \$10,000 and spent \$5,500 in September of 2015
 - building is valued at \$237,800; 600 square foot restaurant space is approximately 14% of the overall space; value of space is \$32,142
 - spending is over 30% of the value of the space (\$9,642) (3.3.3)
 - business is a small, mostly takeout and delivery restaurant, with ten seat proposed to be added
 - creating a compliant toilet room would reduce the seating to only 4 seats
 - Commission supports the variance request based on turnover of take-out restaurants in the past and the thought that the seating will help the business to grow
 - installation of a bathroom is a Board of Health/Plumbing Code requirement

CS - *grant as proposed, for this use only*
JH - *second – carries unanimously*

21) Incoming: Housing Building (Annex Building), Ash Street Jail, 226 Ash Street, New Bedford (V16-200)

- KS - EXHIBIT – variance application and supplemental information; July 8, 2016 e-mail from Gracinda Ouellete, Administrative Assistant to the Superintendent of Dartmouth Security Operations for the Bristol County Sheriff’s Office
- existing and occupied 130 year old four-story masonry structure, which includes 228 cells on four stacked tiers
 - a small portion of the building contains an officers quarters, a registration room for visitors, and individual cells include a toilet and a sink; inmate showers are provided in another building and there is no elevator within the building
 - project is energy conservation including the installation of fans, replacement of the porcelain toilets and sinks within the cells with stainless steel fixtures
 - project will cost \$2,311,125, with \$1,193,200 specifically dedicated for the Housing Building; \$750,000 spent on roof repairs in 2013; spending is under 30%, but over \$100,000 (3.3.1b)
 - cited variances to 3.3.1b and 3.9; but seeking variance for the lack of an accessible entrance (25.1) and the lack of accessible toilet rooms (30.1) at the lobby

- JH* - grant as proposed, on the condition that accommodations are made for visitors and prisoners with disabilities and displayed as stated
AB - second – carries with CS opposed and JD abstaining

22) Advisory Opinion and Incoming: Lovejoy Wharf, 131 Beverly Street, Boston (V16-197)

- KS* - EXHIBIT – advisory opinion request submitted by Steve Ng of Related Beal, originally submitted via e-mail on June 29, 2016, including a unit breakdown chart and plans showing locations and layouts of the proposed Group 2A units
- requesting opinion regarding distribution of Group 2A units
- new construction of 161 units provided (29 studios, 59 1-bedrooms, 58 2-bedrooms, and 15 3-bedrooms) within the 15-story structure
- proposing 9 Group 2A units (2 studios, 3 1-bedrooms, 3 2-bedrooms, and 1 3-bedroom)
- seeking verification that location and number complies with the distribution requirements

- JD* - accept the plan as compliant with 9.4
JH - second – carries unanimously

- KS* - EXHIBIT – variance application and supplemental information
- seeking a variance for the electrical heights in the dwelling units (9.5.6)
- based on the glass perimeter wall, electrical outlets will be located at inaccessible locations (13” above the floor) along the perimeter wall, all other outlet heights will comply
- previously granted variances for sink depths, refrigerator door swings and grab bars at bathtubs for the Group 1 units

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

Break for Lunch

Back with all accept JD

23) Discussion: Lynn Economic Building, 156 Broad Street, Lynn (V15-207)

- KS* - in your packets
- EXHIBIT – June 7, 2016 letter from Birgitta Damon, Chief Executive Officer for Lynn Economic Opportunity, Inc.
- starting a feasibility study in June of 2016
- seeking an extension to the December 1, 2016 deadline for the work required at the stairs, doors, toilet rooms, elevator and service counter;
- seeking extension to June of 2017 to allow for time for the feasibility study to be completed, with the understanding that if the feasibility study finds that site renovations would be beneficial to have a child-care within the building, the work would most likely begin in January of 2018 and would include significant access upgrades

- CS* - grant as proposed
JH - second – carries unanimously

JD now present

24) Discussion: Mixed Use Building, 605 Tremont St., Boston (V16-046)

- KS - EXHIBIT – July 5, 2016 submittal from Nancy Lo, including plans and costs for the installation of a lift; July 10, 2016, e-mail Betsy Hall, President of the Ellis South End Neighborhood Association in support
- hearing held on May 23, 2016 and continued
 - previous decision of the Board was to continue the discussion to have the petitioners submit plans and cost estimates for the installation of a wheelchair lift or a ramp at the interior or the exterior of the building to create access to the first floor commercial space
 - installation of a 60” by 42” vertical wheelchair lift is \$67,000 (\$30,000 for the site work and \$37,000 for the lift and installation)

CS - deny
- no second – motion fails

JD - grant on the condition that home delivery and buzzer with signage and notice on the website
GD - second – carries with CS opposed

25) Discussion: Mixed Use Building, 1435 Dwight Street, Holyoke

- KS - EXHIBIT – June 30, 2016 letter from Michael Moriarty, Executive Director of Olde Holyoke Development Corp.; variance application received on July 8, 2016
- seeking approval of provisional permit, on the condition that a compliant Group 2A unit will be provided, and based on the submittal of a variance application for any areas that may not comply
 - variance received as proposed, seeking variance for kitchen and doors and doorways within the unit (need more information)
 - permit is sought so work on the first floor commercial spaces to begin, but no variances submitted for those stores as of yet, only variance received was for the Group 2A unit

CS - grant a provisional permit on the condition that the Petitioners meet with Board Staff regarding their variance application the case is presented to the Board

JD - second – carries unanimously

26) Incoming Discussion: Everyday Mindfulness, 40 Center Street, Northampton (V16-169)

- KS - on June 6, 2016, voted to deny the variance requested for the lack of compliance with 521 CMR 11.1, and required more information to be submitted since it was evident that the spending was over 30% (3.3.2)
- EXHIBIT – June 29, 2016 amendment to the variance, including plans and cost estimates, as well as modified variances to specific sections of 521 CMR
 - seeking variance for the front entrance to the building (25.1), based on the fact that an entrance is proposed at the rear of the building, which will function as the primary entrance for all of the clinical offices within the building
 - additional cost of \$42,895 to build another ramp at the front entrance

CS - grant on the condition that an accommodation plan includes the provision of that space upon request

JH - second – carries unanimously

- KS - variance for lack of access to the second floor (28.1)

- a lift would cost an estimated \$41,055, plus service contract costs
- a full elevator, with the necessary two-story vestibule, would cost an estimated \$216,635, plus service contract costs
- proposing to accommodate customers at the first floor rear corner office on an as needed basis
- offices on either floor are shared by multiple clinicians
- lease language “The downstairs office 31 is a dedicated, fully accessible and furnished space available to all lessees without cost and on an as-needed basis, with scheduling managed via a shared calendar.”

JD - grant as proposed

AB - second- carries unanimously

- KS - variance for the lack of clear width at the existing second floor front right-side office door is 30” when 32” is required by 521 CMR 26.5
- second floor existing toilet room door is also only 30” clear, will provide a new accessible unisex toilet room on the same hallway

CS - grant as proposed for both

AB - second – carries unanimously

- KS - variance for the lack of pull side clearance at the second floor existing toilet room (26.6.3)
- an accessible unisex toilet room will be located on the same hallway

CS - grant as proposed

AB - second- carries unanimously

- KS - variance for the lack of push side clearance at the existing second floor front right-side office door

CS - grant as proposed

AB - second – carries unanimously

27) Incoming Discussion: New Pedestrian Path and Bridge, 17 Maple Street and 4 South Main Street, Middleton (V16-099)

- KS - on April 25, 2016, voted to grant the variances requested, on the condition that plans showing the details of the bridge approaches and surface detail were submitted by July 1, 2016
- EXHIBIT – June 23, 2016 submittal from Katrina O’Leary, Town Planner for the Town of Middleton, including plans drawn by the Dock Doctors, dated June 21, 2016, and a grading and drainage plan by Civil Design Group LLC, dated with a February 18, 2016 revision

JD - accept submittal

GD - second – carries unanimously

28) Incoming Discussion: Ruka Restaurant, 505 Washington Street (aka 59 Temple Place), Boston (V16-177)

- KS - previously voted to grant on the condition that plans showing the lack of feasibility of the incline wheelchair lift were submitted
- no decision was sent since the decision was based on something that was yet to be received
- EXHIBIT – June 28, 2016 submittal from Doug Anderson of C3, including pictures and plans drawn by Bergmeyer Associates, Inc, dated June 23, 2016, showing the incline wheelchair lift
- incline lift installation is an issue with head height and loss of seating

- AB* - grant as proposed
GD - second – carries with CS opposed

CS left the room

29) Discussion: Bright Stars Preschool, 240 Washington Street, North Easton (V13-179)

- KS* - EXHIBIT – June 27, 2016 letter from Melissa DePasquale, President of Bright Stars Preschool with a Profit and Loss Statement for 2015
- shows a net income of \$33,210.55, but nothing set aside for fundraising for the ramp
- deadline for the installation of the ramp is June 1, 2017, which was noted as not being able to be extended beyond that date in the June 17, 2016 amended decision

JD - require the submittal for fundraising to meet the June 1, 2017 deadline for the installation of the ramp, and no further extension, submitted within 30 days receipt

GD - second – carries unanimously

30) Discussion: Beverly Golf and Tennis Club, 134 McKay Street, Beverly (C11-080 & V11-231)

- KS* - Original April 22, 2013 decision of the Board ordered that first floor men's and women's toilet rooms would be renovated and compliant by May 1, 2016
- EXHIBIT – June 23, 2016 letter from Dale Gienapp of Gienapp Designs
- seeking to postpone the work on the first floor men's and women's toilet rooms to May 1, 2018 (the other previously ordered deadline for compliance for a multitude of items), since a second floor shower area is proposed to be converted to an accessible men's toilet room, and there is an existing women's toilet room that will be made fully accessible by the fall of 2016
- variance to delay first floor accessible toilet rooms to May 1, 2018, and to complete the second floor accessible toilet rooms by the fall of 2016
- mention of this possible change was mentioned in the June 2015 status update as a "heads up"

JD - grant as proposed, on the condition that there is signage directing to accessible toilet rooms

AB - second – carries unanimously

CS now present

Brief Break

31) Hearing: Forbes House Museum, 215 Adams Street, Milton (V16-126)

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

Sarah Zhang, C3 (SZ)

Doug Anderson, C3 (DA)

Eugene Sullivan, Forbes House Museum Treasurer (ES)

Jeffrey Gonyeau, Forbes House Museum Preservation Consultant (JG)

George Tougias, Spaulding Tougias Architects (GT)

DM - all sworn in

- EXHIBIT 1 – AAB1-89

KS - EXHIBIT 2, submittal from Cheryl Tougias of Spaulding Tougias

- DA - hired by Spaulding Tougias as consultant
 - initial permit \$99,000 so nothing would be triggered under jurisdiction of AAB
 - cost is under 30% now, most of the variance that were originally requested are no longer requested
 - cost breakdowns and property cards per Thomas Hopkins request, as shown in Exhibit 2
 - spending under 30%, but over \$100,000, so providing an accessible entrance
 - seeking to withdraw the rest of the variances
 - need to note why under 30% now, as opposed to original submittal

- KS - why the \$300,000 value jump from 2013 – 2014
 - ES - town reassessed all properties during that time frame
 - DA - even with that valuation, still under 30%

- ES - lift is going on the north porch

- DA - historic building
 - porch was restored to the same height as it was historically located

- ES - originally thought that a small ramp could be provided for someone to get onto the porch
 - compliant temporary ramp would be 17' to create access to the porch
 - porch is only used 1-3 times per year
 - no place to store a temporary ramp

- DM - 8" change in level of the drop

- JD - band performs on the porch
 - ES - in the past they have done that, proposing to have the band use the grass instead of the porch

- JG - more of an architectural feature
 - will no longer be used for the public

- JD - *in light of new materials presented, variance not required based on spending and the fact that the south porch is employee-only space, on the condition that the south porch is employee only space and not used by the public*
- GD - *second – carries with CS opposed*

32) Discussion: Performing Arts Center, 51 Walden Street, Concord (V16-004)

- KS - Decision from the April 4, 2016 hearing regarding this matter was to continue the discussion to have the Petitioners submit more information regarding:
 - the work performed from July 3, 2006 and 36 prior and past said date;
 - photographs of the existing interior;
 - full set of as-built plans for the stage; and
 - plans and cost estimated for proposed alternate means of access to the stage
- to be submitted by July 1, 2016
- EXHIBIT – June 21, 2016 letter from Robert Carasitti of Building Fire & Access, Inc., requesting an extension to complete the review 90 days beyond the original deadline, since he had recently been hired by the Petitioners
- Carasitti spoke with Thomas Hopkins and stated that the project has triggered full compliance, hence the need for a thorough review
- seeking until October 1, 2016

- CS - *grant as proposed*
JD - *second – carries unanimously*

33) Advisory Opinion: School Desks, Peabody (12.2.2.c and 14.1)

- KS - EXHIBIT – June 19, 2016 e-mail from Tom Muxie asking about desks in classrooms
- seeking clarification as to if desks are required to be accessible
- cites 12.2.2, which is the library section

- JD - only speaks to counter and tables
- IEP follows students throughout

- GD - always have provided an adjustable desk in all school projects

- CS - *shall comply in 12.4, as they are “other work areas”, 5% but not less than 1 should comply*
JD - *second- carries unanimously*

34) Advisory Opinion: Parcel Storage (10.1 and 39.1)

- KS - EXHIBIT – June 10, 2016 e-mail from Nicholas Branch, CNK Architects
- building two new apartment complexes and proposing parcel storage boxes from “Parcel Pending”
- have to sign up to join “Parcel Pending” for a fee, and residents are sent an e-mail with a number once their parcel is delivered; the number is entered into a keypad at the locker unit and the locker where their parcel is located will open
- parcel access varies depending on the size of the delivery
- Parcel Pending has a system in place where the applicant stated that they have a disability, making their packages deliverable only to certain boxes within the unit
- the system is in addition to the standard postal mailboxes
- Unit is 78.74” high, 78.74” wide and 24.02” deep

- JD - *based on the policy and usage (notification upon sign-up), the design complies, as long as packages are within reach ranges*

- GD - *second –*
- withdrawn

- JD - *require more information regarding the end-user (package recipient) with a disability will be guaranteed lower accessible delivery and what the policy is, to determine whether or not a variance is required*

- GD - *second – carries unanimously*

35) Discussion: Father Bill’s MainSpring House, 54 North Main Street, Brockton (V14-230)

- KS - EXHIBIT – June 30, 2016 e-mail from Nicole Fitzgerald
- status update on LULA installation, granted a 5 year time variance in October of 2014, allowing until April 1, 2019, on the condition that status reports submitted every 6 months
- have selected MCI Construction who began work on June 20, 2016
- engaged Strekalovsky Architecture to complete the drawings and prepare cost estimates for the LULA
- restricted an additional \$5,000 in private fundraising to assist in the LULA installation (total funds to date - \$20,000)

- JD - *accept the status report*
- JH - *second – carries unanimously*

36) Discussion: Minutes from June 20, 2016

KS – any changes?

- CS - *approve minutes*
- AB - *second – carries with JD abstain*

DM left for the day, JD acting as chair

37) Hearing: Days of Discovery Child Care Center, 581 Church Street, New Bedford (V16-075)

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

Darcy Leiria, Owner/Director (DL)

James Leiria, Owner (JL)

- JD - both sworn in
- EXHIBIT 1 – AAB1-19

- JL - located at 581 not 575
- KS - verified that original application states 581

- DL - 575 opened 12 years ago, licensed for 98 children
- bought the adjacent building to expand for 40 children
- can serve all children with disabilities in the existing building
- sharing a parking lot
- submittal of picture of property
- JD - accept as EXHIBIT 2

- DL - picture of existing building and proposed building next door
- JD - accept as EXHIBIT 3

- GD - tree in between the buildings?
- DL - yes, took that tree down

- JD - same services for same age group at each building

- DL - photos of the interior of the existing building to show access
- JD - EXHIBIT 4, front entrance ramp picture at 575 Church Street
- EXHIBIT 5, accessible bathroom picture at 575 Church Street
- EXHIBIT 6, swinging gate at the doorway of 575 Church Street, wider than normal doorway

- CS - any plans of the building
- DL - plans of the existing building and the conversion of 581 Church
- JD - accept plans as EXHIBIT 7

- DL - have 26 children in HeadStart, want to expand to the new building

- new building will have infant, toddlers and preschool, same as existing
- ages 1-9
- also do before and after school care in both buildings
- added onto the existing building 6 years ago, so the existing building is all connected and access from ramp
- pull up directly to the ramp to the existing building

JH - currently have any children that use the services?
 DL - did have a child in a wheelchair 3 years ago, and made some accommodations at that time

JD - not a separate building, continuation of existing building
 DL - yes

AB - rear entrance is at grade?
 JL - yes

DL - two entrances to the building
 JL - three steps into the building

AB - kitchen is staff only?
 DL - everything is brought to the children in their classroom

GD - new building has an accessible toilet
 DL - yes, also makes it easier for changing kids

DL - accessible entrance at the rear

GD - any shared space?
 DL - creating new playground in between, but cannot all be at the one playground at one time; existing playground behind 575 is accessible and new one will be as well

DL - second floor office space for payroll

CS - any shared assembly space?
 DL - no

CS - any website?
 DL - creating one now

CS - HeadStart program
 DL - yes, just paired up with them via a grant a few months ago
 - they have access requirements as well

GD - segregate age groups at buildings?
 DL - one infant room, one toddler, one preschool and one school age in both buildings
 - same curriculum

KS - variance for lack of access at the entrance
 - variance for lack of access between the two floors

DL - other building is fully accessible, all classrooms are accessible

- classrooms are at both levels
- looking for complete variance for no access at 581, on the condition that access provided at 575

JL - walkway not feasible because change in level from parking area

GD - *grant the variance for no access at 581, on the condition that all services are provided at 575, and that 581 does not function independently from 575; for this owner and use only; decision recorded with the registry of deeds for each building, recorded within 60 days receipt of the decision of the Board*

JH - *second – carries unanimously*

CS - *also requiring notice on website or any promotional material regarding access provided at 575*

AB - *second – carries unanimously*

- End of Meeting -

Matters not reasonably anticipated 48 hours in advance of meeting:

- Milford Regional Medical Center, 14 Prospect Street, Milford (C15-124 & V15-267) - Administrative Review packet with July 1, 2016 cover letter
- Jenkins Elementary School, 54 Vinal Ave., Scituate (C15-148 & V16-123) - June 27, 2016 e-mail from Jean Batty, clarifying statements made at hearing; June 28, 2016 e-mail from William Shine, Independence Associates with measurements of the pathway; July 8, 2016 e-mail from Jean Batty with petition; July 8, 2016 submittal from Brandon Moss, attorney for the Town of Scituate
- Accessible Toilet rooms, 205 Main St., Marlborough - July 4, 2016 e-mail from Tom Stephanian
- Lynn Economic Building, 156 Broad Street, Lynn (V15-207) - June 7, 2016 letter from Birgitta Damon, Chief Executive Officer for Lynn Economic Opportunity, Inc.
- Mixed Use Building, 605 Tremont St., Boston (V16-046) - July 5, 2016 submittal from Nancy Lo, including plans and costs for the installation of a lift; July 10, 2016, e-mail Betsy Hall, President of the Ellis South End Neighborhood Association in support
- Everyday Mindfulness, 40 Center Street, Northampton (V16-169) - June 29, 2016 amendment to the variance, including plans and cost estimates, as well as modified variances to specific sections of 521 CMR
- New Pedestrian Path and Bridge, 17 Maple Street and 4 South Main Street, Middleton (V16-099) - June 23, 2016 submittal from Katrina O’Leary, Town Planner for the Town of Middleton, including plans drawn by the Dock Doctors, dated June 21, 2016, and a grading and drainage plan by Civil Design Group LLC, dated with a February 18, 2016 revision
- Ruka Restaurant, 505 Washington Street (aka 59 Temple Place), Boston (V16-177) - June 28, 2016 submittal from Doug Anderson of C3, including pictures and plans drawn by Bergmeyer Associates, Inc., dated June 23, 2016, showing the incline wheelchair lift
- Bright Stars Preschool, 240 Washington Street, North Easton (V13-179) - June 27, 2016 letter from Melissa DePasquale, President of Bright Stars Preschool with a Profit and Loss Statement for 2015
- Beverly Golf and Tennis Club, 134 McKay Street, Beverly (C11-080 & V11-231) - June 23, 2016 letter from Dale Gienapp of Gienapp Designs
- Performing Arts Center, 51 Walden Street, Concord (V16-004) - June 21, 2016 letter from Robert Carasitti of Building Fire & Access, Inc., requesting an extension to complete the review 90 days beyond the original deadline, since he had recently been hired by the Petitioners
- School Desks, Peabody (12.2.2.c and 14.1) - June 19, 2016 e-mail from Tom Muxie asking about desks in classrooms

- Parcel Storage (10.1 and 39.1) - June 10, 2016 e-mail from Nicholas Branch, CNK Architects
- Father Bill's MainSpring House, 54 North Main Street, Brockton (V14-230) - June 30, 2016 e-mail from Nicole Fitzgerald
- Sidewalks and Curb Cuts along Mechanic Street, Spencer (V16-184) - variance application and supplemental information
- George Robert White Memorial Fountain, Public Garden, Corner of Beacon St. and Arlington St., Boston (V16-185) - variance application and supplemental information
- Millis Police Station, 1003 Main St., Millis (V16-186) - variance application and supplemental information; July 5, 2016 e-mail from Michael Gaimpietro, Building Commissioner for the Town of Millis; July 8, 2016 e-mail from Catherine MacInnes, resident
- Radcliffe Institute for Advanced Study, Harvard University, 40 Concord Ave., Cambridge (V16-187) - variance application and supplemental information
- Two-Story Office Building, 398 Libbey Parkway, Weymouth (V16-188) - variance application and supplemental information
- Thompson Chemistry Labs, Williams College, 47 Lab Campus Drive, Williamstown (V16-190) - variance application and supplemental information
- Uxbridge Town Hall, 21 South Main Street, Uxbridge (V16-191) - variance application and supplemental information; July 7, 2016 e-mail from Mike Kennedy of Center for Living and Working
- The Storage Bunker, 20 Sycamore Ave., Medford (V16-192) - variance application and supplemental information
- East Boston Neighborhood Health Center, 79 Paris Street, East Boston (V16-193) - variance application and supplemental information
- Lowney Chocolate Factory Housing, 150 Oakland St., Mansfield (V16-189) - variance application and supplemental information
- Cabot Performing Arts Center, 286 Cabot Street, Beverly (V16-194) - variance application and supplemental information; Letter of support from John Frates dated June 20, 2016
- New Three-Family Dwelling Unit, 12 Mallard Avenue, Dorchester (V16-195) - variance application and supplemental information
- Subway Sandwich Shop, 951 Main Street, Walpole (C16-013 & V16-174) - Complaint file; variance application and supplemental information
- Counseling Facility, 204 Main St., Shrewsbury (V16-198) - variance application and supplemental information
- Pineapple Thai Cuisine, 6 Cypress Street, Brookline (V16-199) - variance application and supplemental information; June 28, 2016 e-mail from Saralynn Allaire, member of the Brookline Commission for the Disabled, in support of the request variance
- Housing Building (Annex Building), Ash Street Jail, 226 Ash Street, New Bedford (V16-200) - variance application and supplemental information; July 8, 2016 e-mail from Gracinda Ouellete, Administrative Assistant to the Superintendent of Dartmouth Security Operations for the Bristol County Sheriff's Office
- Lovejoy Wharf, 131 Beverly Street, Boston (V16-197) - advisory opinion request submitted by Steve Ng of Related Beal, originally submitted via e-mail on June 29, 2016, including a unit breakdown chart and plans showing locations and layouts of the proposed Group 2A units; variance application and supplemental information
- Mixed Use Building, 1435 Dwight Street, Holyoke - June 30, 2016 letter from Michael Moriarty, Executive Director of Olde Holyoke Development Corp.; variance application received on July 8, 2016

