



The Commonwealth of Massachusetts

Department of Public Safety Architectural Access Board

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Board Meeting Minutes – October 17, 2016 21st Floor – Conference Room 3

Present Board Members:

- Walter White, Chair (WW)
- Diane McLeod, Vice Chair (DM)
- Jeffrey Dougan, Massachusetts Office on Disability Designee (JD)
- Andrew Bedar, Member (AB)
- Jane Hardin, Member (JH)

and

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

Members Not Present:

- George Delegas, Member (GD)
- Raymond Glazier, Massachusetts 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 RG, DG and GD present

2) Incoming: Market 32, Price Chopper, 555 Hubbard Ave., Pittsfield (V16-286)

TH - EXHIBIT – variance application and supplemental information
- over 30%
- variance for 7.2.2 in 4 areas
- service counter requirement
- and unisex single user toilet room 86” x 74” instead of 72” x 90”
- EXHIBIT - 10/14/16 e-mail from June Hailer, Pittsfield Commission on Disability, not in support of the variances requested

JD - grant for 30.7.1
DM - second – carries unanimously

JD - deny 7.2.2
DM - second – carries unanimously

3) Incoming Discussion: Boston Courtyard Marriot, Sidewalk at 275 Tremont St., Boston (V15-306)

TH - EXHIBIT – plans submitted by Peter Vanko on October 11, 2016
- variance for cross slope requirements
- noncompliant cross slope pushed to the furniture zone
- manhole cover location required swaling sidewalk to create a flush entrance and deal with the manhole cover

Dawn Guarriello, Member (DG) – Now Present

AB - grant as proposed in submitted plans
DM - second – carries unanimously

4) Discussion: Ventforth Hall, 104 Walker St., Lenox (V16-253)

TH - previous decision required custom elevator completed by 10/1/16, 10/1/15 for plans, contract and check
- EXHIBIT- 10/6/16 Hill Engineers Architects submitted a new plan for a vertical wheelchair lift and was asking support for length of travel before the Elevator Board
- 4-story building, plans at the time of the original variance was to expand to the basement and 4th floor

DM - reiterate previous decision and have signed contract and copy of deposit check for the previously accepted and required elevator submitted by January 2, 2017 or a fine hearing will be scheduled

JD - second – carries unanimously

5) Incoming Discussion: Middlesex County House of Correction, Building #2, 269 Treble Cove Rd., Billerica (V14-043)

TH - EXHIBIT- 10/12/16 email from Emmanuel Andrade of DCAMM, seeking a 4-month extension to the deadlines ordered in the original decision

JD - grant extension to 2/1/17
AB - second – carries unanimously

6) Incoming Discussion: Press Box @ Sabourin Field, 9 Muddy Way, Bedford (V14-285)

TH - EXHIBIT – 10/4/16 Alani submitted letter seeking 4-month extension to the original March 30, 2017 deadline, seeking to July 1, 2017 to either install the lift or dismantle the press box
- money for the work is proposed to be voted on in March

DM - motion to request copy of the article for the money

JH - second – carries unanimously

DM - grant extension to July 1, 2017, but press box not to be used after that date until the press box is accessible

DG - second – carries unanimously

AB left the room

7) Incoming: Cubesmart Storage, 18-20 North Montello St., Brockton (V16-279)

TH - EXHIBIT – variance application and supplemental information
- reconstruction to create self-storage facility on all 4 floors
- spending over 30%
- seeking variance for change in use (3.4), upper floors going from non-public to public
- freight elevators in the building
- checked with elevator department, cannot transport public in freight elevators

Raymond Glazier, Executive Office of Elder Affairs Designee (RG) – Now Present

DM - continue to have the petitioners submit policy regarding accommodating people unable to access the upper floors, must maintain 5% of units specifically for people with disabilities

TH - first floor has 267 storage units

RG - could hold the first floor units to last

DM - also must submit clarification of ability to use the freight elevator for use by persons with disabilities, per the requirements of the elevator regulations

DG - second – carries unanimously

AB now present

8) Advisory Opinion & Incoming: Wynn Casino, One Horizon Way, Everett (V16-292)

TH - EXHIBIT – submittal from Brown Rudnick on September 8, 2016
- asking to reconsider advisory opinion previously issued on November 2, 2015
- originally requested from Deborah Ryan on October 28, 2015, regarding 2 story suites with 2500 square feet, seeking opinion about bathrooms within the units all being required to be accessible
- opinion of the Board was that all of the bathrooms did have to comply
- meeting was requested with myself to discuss the advisory
- second request for opinion, and variance application submitted for sections subject to the advisory, as well as a variance for 19.1 regarding access to spa and treatment rooms

AB - read requirements for Group 2A units, more details for 9 then 8

- DG - asking is access is required to the upper floors of the 2-story suite
 TH - no seeking variance for bathrooms and spas
- JD - still need a variance for the lack of an accessible route to the second floor of the suite
- DG - only one bedroom, an accessible bathroom, a billiards room, and a massage room
 - 521 CMR 47 requires more than just one bedroom be accessible
- JD - looks like two (2) presidential suites provided, one (1) which is accessible
- TH - elevator within the suite is estimated to cost \$243,800
- JD - asking if the elevator is required to access the second floor of the suite
 - asking if they have to provide more than one accessible bedroom and bathroom
- JD - variance is required relative to the number of bedrooms*
DM - second – carries unanimously
- TH - Two 2-story units
- DG - also a 1-story suite
- TH - will provide at least one accessible bathroom in each accessible unit, effects 6 accessible rooms that have multiple bathrooms, proposing to only provide one accessible bathroom within those 6 units
 - additional cost and square footage requirements
- DG - 47.1, requires a second bedroom be accessible
- JD - 44.1, requires that the “bathroom” in the unit is accessible, except as outlined in Group 2B requirements in bold
- TH - reference “private elevator”
- JD - accept the interpretation that only one bathroom is required to be accessible*
RG - second – carries unanimously
- JD - vertical access is required due to unique common space is above the main level of the accessible suite*
DM - second – carries unanimously
- JD - deny variance requested for 19.1, lack of access at spa*
DM - second – carries unanimously
- JD - second story has more bedrooms and bathrooms
- JD - 8.4.3 and 44.1, motion to deny, based on not proven excessive cost without substantial benefit to persons with disabilities nor technological infeasibility is not provided, clarify that variance is for bathrooms, sleeping rooms and elevator*
RG - second – carries unanimously

9) Incoming: Sidewalk Width, Commercial Street, intersections of Howland St. and Johnson St. Provincetown (V16-278)

TH - EXHIBIT – variance application and supplemental information
- 24” in some locations currently, proposing 48” including the curb stone, instead of the 48” excluding the curbstone

JD - grant as proposed

AB - second – carries unanimously

10) Incoming: Roxbury Community College, Building #3, 1234 Columbus Ave., Roxbury (V16-289)

TH - EXHIBIT – variance application and supplemental information
- 5-story academic building
- spending is over 30%
- seeking variance for fume hoods in classrooms
- 12 requires 5% but not less than 1 of each element shall be accessible
- seeking variance for 15 fume hoods to allow for side reach with no knee space

JD - deny, based on substantial benefit

AB - second – carries unanimously

11) Incoming: Gable Housing, Arsenal Street, Watertown (V16-281); Siena Condos, 40 Traveler St., Boston (V16-287); Montaje, 449 Canal Street, Somerville (V16-291)

TH - EXHIBIT – variance applications and supplemental information
- all new construction
- all seeking variances for sink depths and outlets at curtain walls and the corner of the kitchen counters
- usual conditions of sink available upon request and at no cost and all other outlets comply

JD - grant all as proposed

DM - second – carries unanimously

12) Discussion: Benefitness Health Club, 85-87 Harvard St., Brookline (V16-250)

TH - originally reviewed September 12, 2016, scheduled a hearing and required analysis per 3.7
- EXHIBIT – 10/14/16 Mark Armstrong, provided 3.7 review and noted that he met with the Commission on Disability regarding the proposed variances
- seeking variance for sloped corner entrance
- EXHIBIT – letter from Commission on Disability in support of the variance, sent by Sara-Lynn Allair on October 14, 2016
- proposing alternate accessible entrance at Harvard Street
- variance for the corner entrance, the landing at the interior of the corner entrance, and no access to the basement level of the club

JD - grant the entrance, landing and entrance as proposed

DG - second – carries unanimously

DG - grant as proposed for the lack of access to the basement, on the condition same services at both floors

JD - second – carries unanimously

- DM* - cancel the hearing
DG - second – carries unanimously

13) Advisory Opinion: Parcel Storage, 10.1 and 39.1, Fairfield Residential

- TH - EXHIBIT – request from Cheryl Middleton of Fairfield Residential, September 12, 2016
- parcel system for storage box interface for large multiple dwellings

- JD* - based on the information provided, variance not required since equivalent facilitation and controls meet the requirements of section 39
DM - second – carries unanimously

14) Incoming Discussion: New J. Henry Higgins Middle School, 85 Perkins St., Peabody (V16-262)

- TH - EXHIBIT – letter on 9/27/16 from Gary Ainslee of DiNisco Design
- proposing 2 passenger elevators within the school with card readers
- continued from last meeting because unclear as to LULA or full elevator
- policy says swipe cards students and staff

- JD* - would like to change “physically impaired”

- TH - should say all persons with disabilities

- JD* - grant on the condition changes to the policy as noted
RG - second – carries unanimously

15) Incoming: Topsfield Town Hall, 8 West Common St., Topsfield (V16-249)

- TH - reviewed originally on 9/26/16, it was in the board packets
- granted all variances, except variance for 14.6 for access to the stage
- EXHIBIT – submittal of plan from Wendell Kalsow on 10/6/16 seeking reconsideration for the access to the stage
- proposing route outside the venue to the stage

- JD* - rescind decision based on new information
DG - second – carries unanimously

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

JH and DM left room

16) Incoming Discussion: Essex Town Hall and Library, 30 Martin St., Essex (V15-283)

- TH - originally before in 11/15
- asked for 3 variances at that time, which were granted with conditions
- EXHIBIT – 10/6/16 amendment request for second floor area, submitted by Wendell Kalsow, architect of record
- issue is protruding object, 20.7
- height of ceiling arch, lowest measurement is 5’11” at 8” out; at 1’2” up to 6’3

JD - grant as proposed
AB - second – carries unanimously

JH and DM now present

17) Incoming: Sidewalks at Emerson College Dining Hall, 122-124 Boylston St., Boston (V16-285)

TH - EXHIBIT – variance application and supplemental information; option 3 submitted on 9/19/16 by Elin Carter of Elkus Manfredi
- seeking the Board’s opinion on options

DG - 11.4% at furniture zone for 3.5’, but compliant slope is 8’ wide

TH - also seeking variance for slope at the dining hall entrance to be 1:12

DG - grant option 3, as proposed, on the condition that visual cues are provided at the furniture zone
JD - second – carries with *JD* abstaining

WW and TH left the room, DM acting as chair

18) Hearing: Martha’s Vineyard Chowder Company, 9 Oak Bluffs Avenue, Oak Bluffs (C16-019)

DM - scheduled for 11 a.m., called to order at 11:14 a.m.
- introduce the Board

William Joyce, Compliance Officer for the Board (*WJ*)

DM - *WJ* sworn in
- EXHIBIT – AAB1-155

WJ - 4/19/16 received complaint (AAB17-19)
- 4/7/16 received submittal from owner for the Board to review plans, at the request of the Commission on Disability
- building permits were requested and submitted
- in 1993 there was an internal stair created, which is the primary stair between the two levels, at the time required vertical access within the building
- no vertical access within the building is provided
- existing toilet room, letter from Oak Bluffs Building Inspector, the owners were cited for doing work without plumbing permits
- 4/19/16 sent out first notice
- no response, so second notice sent on 5/13/16
- have received called from building owner, and disputed the work being done without permits
- letter from the owner’s attorney submitted on 5/10/16 (AAB6), noting that they were compiling records to dispute jurisdiction or will submit variance application
- letter from the owner’s attorney on 5/17/16, restating that additional information being sought, but no date set
- 2 additional e-mails
- communication was largely by telephone
- continuing to dispute jurisdiction

- vertical access is required based on creation of internal staircase in 1993

RG - find in favor of the complainant and order that variance or plan for compliance be submitted within 30 days receipt of decision

JD - should be set date

RG - amend to December 1, 2016

JD - second – carries unanimously

DG - expedite decision

AB - second – carries unanimously

TH now present

19) Discussion: Boston Sports Club, 135 Wells Avenue, Newton (C14-159)

WJ - EXHIBIT – e-mail and pictures from Matt Cogen 9/27/16, showing mat installed in the center of the women’s shower area; e-mail from Katie McGuinness, Complaint, 10/13/16,
- complainant is in support of solution

TH - need a motion to stop the fines as of the date of submittal from the owners

KS - 36 days

DM - \$18,000 even with \$500 per day (seven-day basis)

RG - send collection letter for fines

JD - second - carries

JD - accept the solution of the mat as shown, as a compliant solution, on the condition that it is maintained in perpetuity

AB - second – carries unanimously

RG - expedite

JH - second – carries unanimously

WW now present and acting as chair

20) Discussion: PrimaCare, 277 Pleasant St., Fall River (C15-002)

WJ - EXHIBIT – 9/15/16 submittal from Shannon Khoury, included plans with highlighted parking spaces
- 370 parking spaces, 21 accessible parking spaces provided
- 5 spaces do not show access aisles
- question as to if 10% or 5% required because specialized medical care facility

DG - based on interpretation given the parking count provided on the plan, require compliance with 23.2.4a, based on specialized medical care facility, and therefore do not provide adequate accessible parking spaces; require full compliance with this section 37 accessible parking spaces, with the required number of van accessible parking spaces as well in accordance with 23.2.2 (5 total required)

AB - second – carries with JD abstaining

DG - expedite

JH - second – carries with JD abstaining

21) Incoming Discussion: House of Peace and Education, Inc., 29 Pleasant Street, Gardner (V16-254)

- TH - 9/12/16 voted to continue and require TH to meet with architect
- met with Executive Director on 9/28/16, no architect for the project
- did call Jeffrey Cook, Building Inspector to send permits for the last 3 years
- currently the program has a state grant and proposes to
- EXHIBIT – 10/17/16 submittal of requested material, would like to move to 10/31/16

JD - move to 10/31/16

DG - second – carries unanimously

22) Discussion: Mocha Mott's, 10 Circuit Avenue, Oak Bluffs (V16-117)

- TH - EXHIBIT – 9/26/16 submittal from Mo O'Connor, showing the installation of the buzzer/intercom system and the lighted menu board

DM - accept the proposed method of compliance, on the condition that items are in place at time of opening

DG - second – carries unanimously

RG - expedite

DG - second – carries unanimously

23) Incoming Discussion: Brass Lantern Inn, 11 North Water Street, Nantucket (V16-173)

- TH - originally presented on 6/17/16, and was granted as proposed
- EXHIBIT – 10/4/16 submittal from Joshua Bancroft, project manager, now seeking time variance
- want to phase first part of the project (addition, roof, windows), let them open in summer of 2017 during construction moratorium, without accessible guest room or lift
- second phase will start in September/October of 2017 will complete the accessibility and will have it ready for 2018 summer season

DG - grant as proposed

RG - second – carries unanimously

24) Incoming: Shelburne Buckland Community Center, 53 Main St., Shelburne (V16-255)

- TH - EXHIBIT – variance application and supplemental information
- proposing to renovate existing stairs
- an existing ramp but if slope is more than 5%, handrails do not comply
- bathrooms are accessible
- requested permit to proceed

DM - grant on the condition that the stairs comply with 27, and ramp handrails are brought into compliance with 521 CMR

DG - second – carries unanimously

Break for lunch

JD not present; David D’Arcangelo, Director of Mass. Office on Disability, present as representative for MOD (DD)

25) Hearing: Milford Regional Medical Center, 14 Prospect St., Milford (C15-124 & V15-267)

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

Joseph Boczanowski, Milford Regional Facilities (JB)
Peggy Novick, Administration for Milford Regional (PN)
Jennifer Walsh, Chairman for Milford Commission on Disability (JW)
John Erickson, Building Commissioner (JE)
Stephen Madaus, Attorney for Milford Regional Medical (SM)
Ed Kelly, President and CEO of Milford Regional Medical (EK)
Kevin Hastings, RW Sullivan (KH)
Margaret Pinkham, Attorney for Complainant (MP)
Maura Rhodes, (MR)
Mike Nicholson, Former Chair of Milford Commission on Disability (MN)
Harold Rhodes, Complainant (HR)
William Joyce, Compliance Officer for the Board (WJ)

WW - KH, HR and WJ sworn in; KH, SM, MP, HR and WJ at the table
- EXHIBIT 1 – AAB1-107

TH - submittal of additional items that did not make it into the Board packet
- 10/11/16 e-mail from Michael Kennedy regarding variances being requested
- 10/14/16 e-mail from Harold Rhodes with letter attached stating that they are withdrawing the complaint for the fold-down grab bar and support variance requested

WW - e-mails from Michael Kennedy as EXHIBIT 2
- e-mail from Harold Rhodes as EXHIBIT 3

TH - only change to Kennedy’s e-mail was item #1

SM - decision issued by the Board dated 2/2/16
- did meet with the parties concerned on 2/25/16 to review the parking lot at the Hill Center
- disseminated plans of the proposed work
- needed additional time to review the matters, and were granted additional time on 3/9/16
- TH and WJ conducted tour of the hospital on 3/14/16
- 4/27/16 circulated revised plans for work to the Hill Center (Plans C and H)
- met with group again on 6/4/16
- Plan H was the unanimously approved solution, which will up the parking from 19 to 34 with van and standard accessible spaces
- 5/12/16 withdrew the two variances applications for the Hill Center
- site inspection did point out 3 additional variances that were required, two in the new addition and the fold-down grab bars in the existing building
- AAB18 is the letter from decision
- EXHIBIT 3 – agreeable with signage and other improvements would meet his approval and allow him to support the variances that remain

- MP - agree with SM factual summary
 - Rhodes were very pleased to come to an agreement regarding Hill Center
 - procedural question regarding July 1, 2016 summary of outstanding items
 - EXHIBIT 1 does not include the original complaint, and the last item noted on the July 1, 2016 letter, referencing to the final item of the complaint
- WJ - July 1, 2016 summary was for the Board's information when previously reviewed by the Board, and the board scheduled the hearing
 - received a letter from the hospital that the building inspector went back and inspected the toilet room in question where the distance between the toilet and the wall was more than 18"
 - pictures submitted were not able to determine if the measurement was in compliance
 - sink in common area was lowered
 - AAB2-7 toilets are on AAB5 & 6, those two items were resolved for the single user toilet room
- MP - AAB61-73 report issued from site visit
 - on the report, there were eight items still in process and not yet resolved
 - were the items re-inspected or was correspondence submitted
 - relied on hospital submittals to close certain items?
- WJ - since March inspection have received correspondence from the hospital clarifying completion of outstanding items with written and photographic verification
 - all of the issues originally cited in the complaint have been resolved
- MP - AAB47-48, have seen 49-50, but appreciate the explanation
- WW - comfortable that complaints are resolved
- SM - AAB26, PN managed all of the work
 - everything has been completed exclusive of the variance application
- MP - agreement for the Hill Building also included the support of the walkway to the building
 - that is part of the withdrawal of the complaints
- SM - AAB10
 - walkway connecting main entrance to Prospect Street
- KH - submittal of plans
 WW - accept as EXHIBIT 4
 - it actually is in the packet as AAB83
- KH - existing walkway from parking lot across the street from the hospital at a cancer center, and also serves as overflow parking for the hospital
 - no accessible parking spaces are at that lot, all accessible parking spaces are within the main hospital parking lot
 - AAB83 and EXHIBIT 4, cross slopes as much as 5.6%, running slope as high as 7.5%
 - originally intended to be a walkway with a 5% running slope and 2% cross slope
 - to completely reconstruct it would cost \$360,000
 - due to the lack of consistent use of the walkway, due to its location
 - proposing to install handrails where the slopes are not in compliance
 - lower half of the ramp has a running slope of 4% to 7.5%
 - seeking variance based on excessive cost without substantial benefit to persons with disabilities

- DG - railings are going to be continuous?
- KH - handrails will be installed in compliance with 521 CMR
- DD - what will the construction of the walkway be?
- KH - propose to maintain the existing walkway as shown on AAB84, concrete, bound by granite
- handrails will be attached into the ground or granite
- DD - how is the walkway going to be maintained during the inclement weather?
- KH - part of the snow management plan, will most likely be maintained with salt and sand
- SM - confirm that this walkway is part of the snow maintenance plan
- RG - Kennedy recommended a railing on the full length of the walkway
- can see the benefit to having railings along the full length of the walkway
- KH - proposal for handrails was based on Mr. Kennedy's proposal
- unsure if he meant full length of the walkway or just the noncompliant area
- TH - they would not be required at the compliant areas of the walkway
- MP - consider incorporating terms of agreement as noted in EXHIBIT 3
- DM - grant the variances requested for the walkway, on the condition that compliant handrails are installed at the noncompliant areas of the walkway, with signage also posted at the walkway*
- JH - second – carries unanimously*
- KH - interior ramp, AAB81, also noted on the second page of Kennedy's submittal
- existing ramp
- AAB81 and 82 show existing conditions
- Kennedy's photo show new handrail along the window
- ramp primarily has a 5% slope, and peaks at 6.5%, odd shaped triangular level landing
- to completely reconstruct would be \$90,000
- ramp is not commonly used by the public, primarily used for moving patients
- seeking to maintain with new handrails
- DG - what is the surface?
KH - typical tile
- slip resistance looked at
- standard flooring?
KH - yes standard for the hospital
- DD - what is the training regarding alerting hospital staff for slope being steeper?
KH - no training, since the staff used the ramp daily
- would like staff to be trained that the slope is slightly steeper than a standard walkway
- DM - steepest slope?
KS - 6.5%

DM - grant slope as proposed with compliant handrails

AB - second – carries

KH - Item 3, AAB91-93
- two existing stairs within the hospital, proposing to have existing nosings remain
- West stair is an egress only secure stair
- cost of full compliance is \$193,000
- three elevators for the hospital are available

DG - egress stair?
KH - yes, both are egress stair
- construction is concrete pan with rubber covering?
KH - yes, east stair has rubber covering and west stair has metal nosings
- what does the cost of the construction include?
KH - reconstruct the stairs with rubber covering to mitigate the nosings

AB - directional signage?
KH - yes, will direct people to the elevator

DD - color contrasting on stair nosings?
KH - not proposed
- when constructed?
KH - 1960s

MP - would like the Board to reconsider the previous decision of the Board to include the agreement of the complainant to include the requirement for phone to call for assistance

DM - all motions have been based on the proposed agreements

DM - grant all variances requested as noted in the agreement as proposed

DG - second – carries unanimously

DD left for the day

26) Hearing: Cabot Performing Arts Center, 286 Cabot Street, Beverly (V16-194)

WW - called to order at 2:00 p.m.

- introduce the Board

Stefano Basso, Siemasko & Verbridge (SB)

Thaddeus Siemasko, Siemasko & Verbridge (TS)

J. Casey Soward, Cabot Performing Arts Center, Executive Director (CS)

DM left the room; Jeff Dougan now present

WW - all sworn in

DM now present

WW - EXHIBIT 1 – AAB1-44

TS - closed 2 years ago
- work as the vice chair of the board for Cabot Performing Arts Center
- have made some changes, but still need more time for some required work due to need for funding
- also seeking outright variance for some items
- also met with Independent Living Center of the North Shore and included their suggestions with their submission as well

CS - previously used for magic shows
- now being used for all ages, from children to the elderly
- first project was reorganization of the seating to be able to provide accessible seating

DM - are there any issues sought for variances, that the ILC was not in favor of
SB - essential concerns for the ILC was the essential features for the theater, such as getting into the building, getting to a seat, and getting to an accessible bathroom

TS - AAB15
- double leaf doors at the front entrance (variances 1 and 2)
- slight slope to the entrance lobby doors
- 27" clear doors, with doors that are heavier than 15 pounds of force to open, floor slopes towards the front doors
- variance #3 doors are kept open during an event, and the front doors are staffed during events
- seeking 3 years to modify the doors and modify the slope of the lobby vestibule entrance
- full replacement for doors at position #1 because of energy code, and maintain Doors at position #3

DG - fire suppression system?
TS - within the building but not within the grand lobby vestibule
- curious about doors being too heavy to open during an emergency

DG - what about #3 doors
TS - would either replace or remove those doors within the next 3 years

RG - if going to remove them in 3 years, why not just remove them now?

DM - grant the 3-year time variance for items 1 and 3, to November 1, 2019, status reports to be submitted every 6 months, starting June 30, 2017

RG - second – carries with DG opposed

DM - continue the variance for Item #2, to have the petitioner submit the actual slopes of the lobby floor

DG - second – carries unanimously

TS - second level of the theater is a secondary lobby, shown on AAB16
- it is an intermediate landing, stairs have noncompliant handrails and nosings
- seeking 1 year for item #5, seeking 3 years for #4 regarding the nosings

DM - grant the variances as proposed for Item 4 and Item 5 as proposed, Item 5 completed by November 1, 2017, status reports as previously stated

JD - second – carries unanimously

TS - #6, door to the stall swings into the accessible stall

SB - dimensions of the stalls are compliant

- grab bars and toilet location are correct; just did not take into account the size of the overall toilet stall

KS - need to know distance from the swing of the door to the front edge of the toilet

TS - door does now swing out

DM - no variance needed for Item 6, based on the fact that the doors swing out

DG - second – carries unanimously

TS - variance #7 is for location of accessible unisex toilet room, located off of Grand Lobby

- proposal is to have a service bar in the area in question

SB - proposal to install a single user unisex toilet room within the existing storefront space, which will be part of the extended grand lobby

DG - grant item #7 as proposed with directional signage at other toilet rooms

KS - done now?

TS - no will be put in later, just need the variance for the location, since other toilet rooms are accessible

JD - second – carries unanimously

TS - item 8, door thresholds and width of existing double-leaf doors

- panic bar on the doors currently

- only 30.5" of clear space and noncompliant threshold

AB - how big is the threshold?

TS - less than $\frac{3}{4}$ " of an inch, but more than $\frac{1}{2}$ "

JH - threshold is not flush

TS - approximately $\frac{3}{4}$ "

TS - emergency egress door only

JD - will grind it down a little, but will not get rid of $\frac{3}{4}$ " change in level at threshold

DM - grant as proposed for Item #8

JH - second – carries unanimously

DG - does the emergency egress signage designate which exits accessible?

TS - will take care of all signage to comply with 521 CMR

TS - Item 9, 14.4.2, slope of orchestra level seating is sloped 42 feet at 1:10

RG - grant item 9 based on technological infeasibility

DM - second – carries unanimously

TS - Item 10 is the sloped aisles and the lack of continuous handrails (item 11)

JD - grant both as proposed

DG - second – carries unanimously

TS - Item 12, soundboard that sits on the same slope
- sound board is level, but leveling floor would create tripping hazard

JD - grant item 12

DG - second – carries unanimously

TS - item 13, stairs with sloped landing and shallow landing at the top of the stairs
- handrails are provided and run past steam radiator, but do have the proper clearance

JD - grant as proposed

AB - second – carries unanimously

TS - Item 14, 15 and 16
- hallway ramp to the back of the stage
- variance for door width and maneuvering clearance (item 14), ramp width and landings (item 15), and ramp handrails (item 16)
- propose to maintain in its existing condition

JH - grant the variances as proposed for 14-16, on the condition that one compliant handrail is installed by November 1, 2018 and lighting in the hallway be improved

DG - second – carries unanimously

TS - Item 17, is part of 14-16, based on the

TH - no test drawings for access to the stage?

TS - didn't think that access to the stage was required because it was a performing arts center

RG - are all performers paid?

TS - believe so, except for some local dance recitals

TH - that is considered members of the public

SB - access to the stage from the exterior of the building by modifying the threshold and then proposing installation of vertical wheelchair lift

JD - continue item 17 and 18, have submit alternate proposal for interior access to the stage, and the historic impact of providing from seating to the stage; submit by November 9, 2016

AB - second – carries unanimously

DM left for the day

TS - toilet room at the stage is currently not accessible (item 19)

JD - grant item 19, on the condition that complies by November 1, 2019

RG - second – carries unanimously

TS - access to upstairs pavilion lobby, only accessed by two stairs from the ground level
- seeking time to install a LULA in between the two floors; 5 years

JD - grant for item 20 and 21, on the condition that a compliant LULA be installed by November 1, 2019

JH - second – carries with DG opposed

TS - stairs from pavilion to the balcony seating (item 22 and 23)
- plan to change nosings and handrails within the three year timeframe
- item 24-26 is regarding the stairs to the balcony seating area

JD - grant 22-26, with 3-year time variance for 22 and 23, to November 1, 2019, and outright for 24-26

JH - second – carries

DG - buy by the seat or general admission

CS - go on the website and buy a seat

- maybe have some language regarding seating and the routes to certain seating areas

JD - include requirement that web notification regarding seating that is in an area where stairs and or noncompliant routes are provided

- motion carries

TS - item 27 is the lack of accessible seating at the balcony

DG - grant as proposed

JD - second – carries unanimously

JH left for the day

TS - door maneuvering clearances, accessible route widths and stair treads and risers to project booth (item 28)

- proposing no access to the projection booth, toilet room (item 29) is existing and not accessible

JD - grant as proposed for 28 and 29, based on tech. infeasibility

DG - second – carries unanimously

TS - balcony seating area egress door thresholds (item 30)

- one threshold is 1.5” high and the other is a 4” concrete step

- lead to fire escapes, two doors lead to fire escapes and two interior egress stairs from the balcony level

WW - how many seats at the upper balcony?

TS - about 450 for total balcony

- roughly 400 at the ground level

JD - grant the variance for item 30

AB - second – carries unanimously

JD - item 31, not under jurisdiction of the Board, therefore no variance required

DG - second – carries unanimously

TS - item 32 storefront front entrance doors
- AAB33, 4 recessed doorways across the front
- spaces will be used for receptions prior to events or for offices
- doors do not have compliant maneuvering clearances

JD - two of the doors in question are part of the main lobby, but the other two spaces do not connect to the theater

TS - it will probably be rented as an office space

DG - would those existing entrances proposed to be part of the expanded lobby area, and would they be exit only

TS - yes

TH - don't know what the slope of the landing either
- also need to clarify overall spending

CS - HVAC system and balcony seating will be approximately a million dollar project

AB - is building registered?

TS - mortgage holder is not allowing to put any impediments on the building, which a historic restriction would be

- HVAC is top priority right now and then access

DG - grant a time variance until November 1, 2019 for the four existing entrances (Item 32), with the understanding that the doors will not be used as entrances until such time that they comply

JD - second – carries unanimously

TH - doors noted in 33 and 34 go up to the second floor offices
- upstairs are 4-5 offices used by Cabot staff
- 35-38 is for the stairs to those second floor offices

DG - do any member of the public go up to the second floor offices

CS - any meetings would take place at the main level
- meetings are generally held at the ground floor
- offices are used by volunteers and staff

DG - grant 3-year time variance until November 1, 2019 for items 33-38, with status reports

JD - second – carries unanimously

DG - include 39 with the previous motion

JD - second – carries unanimously

JD - concern with companion seats being movable seats

TS - comfortable chairs, but the movable chairs are not as comfortable

- American seating company did the new seats, and provides the movable seating as well with the same features as the permanent seating

- KS - pavilion level bathrooms
- TS - existing landing level women's room
 - tucked between ceiling of first floor and balcony above
 - stairs are down 4 steps
- DG - what is the floor to floor between lobby and pavilion lobby?
 TS - 11'6"
- KS - bar at pavilion lobby?
 SB - removing the pavilion lobby bar
- DG - bar at the main lobby also says too high
- TS - one at the lobby is also 1" too high, but will be lowered
- SB - this is part of what will be fixed as part of the existing project
- JD - grant a variance for the lack of accessible toilet at the pavilion lobby*
AB - second – carries with DG opposed
- KS - status reports every 6 months, starting July 1, 2017
- JD - expedite*
RG - second – carries unanimously

Brief Break

- 27) Incoming: CrossPoint Conference Center, 900 Chelmsford St., Lowell (V16-290)
- TH - EXHIBIT – variance application and supplemental information
 - separate tenant amenity, 2-story conference center
 - propose to install a LULA “lift” to the 2-story conference center
 - distance from conference center to main elevators is long distance
- DG - grant as proposed, on the condition that compliant LULA installed (28.12.2)*
JD - second – carries unanimously
- 28) Incoming: Hyatt Centric Boston, 54 Devonshire St., Boston (V16-280)
- TH - EXHIBIT – variance application and supplemental information
 - spending over 30%
 - 27.2, 27.3, 27.4.3 and 27.4.4 at stairs
 - proposing compliant wall mounted handrails and maintain existing interior handrails
- DG - grant as proposed for both stairs*
JD - second – carries unanimously

TH - threshold of 3/4" at egress door

DG - grant as proposed

JD - second – carries unanimously

29) Incoming: A Happy Healthy Start Daycare, 428 Walnut Plain Rd., Rochester (V16-282)

TH - EXHIBIT – variance application and supplemental information

- new addition for expansion of daycare
- spending over 30%
- seeking variance for a number of sections
- existing ramp to deck does not comply
- ramp handrails not provided
- handrail extensions are not provided
- main entrance, propose to maintain the existing ramp entrance

JD - deny all variances requested

DG - second - carries unanimously

30) Incoming: Proposed Day Care, 340 Woodland Street, Holliston (V16-284)

TH - EXHIBIT – variance application and supplemental information

- spending is over 30%
- variance for no access

JD - deny all variances requested

AB - second – carries unanimously

31) Incoming Discussion: One Framingham Center, 5 Edgell Rd., Framingham (V16-174)

TH - 6/20/16 first reviewed and continued for more information

- never heard from owner until recent contact from owner
- 3.3.1b jurisdiction
- toilet room dimensions require auto-opener since can't get required maneuvering clearances at the door
- EXHIBIT – Plan A-1, submitted by James Reisling on 10/7/16
- seeking variance for 30.5 and 30.7.1
- EXHIBIT – e-mail from Karen Dempsey, Commission on Disability, commission voted to support the variance for the time for the elevator controls. They also voted to support the variance for the toilet rooms with conditions

DG - schedule a hearing

JD - second – carries unanimously

32) Incoming: Roudenbush Community Center, 65 Main Street, Westford (V16-271)

TH - EXHIBIT – variance application and supplemental information

- spending over 30%
- seeking 4 variances

JD - 25.1, grant as proposed

DG - second – carries unanimously

JD - 26.1.2, 26.5, 26.6, 26.7, and 26.11, grant as proposed

DG - second – carries unanimously

JD - 26.4, grant on the condition that doors are maintained in the open position as proposed

DG - second – carries unanimously

JD - 27, grant as proposed

AB - second – carries unanimously

JD - 30, grant as proposed

DG - second – carries unanimously

33) Incoming Discussion: Lodging House, 4 Leighton St., Fitchburg (V14-053)

TH - originally before the Board on 3/10/14

- granted variance for use of lift on the condition that swing of lift door changed

- now the installation of the two door swings makes it unusable

- has to go back to the factory to change the swing of the door

- want to keep it as is

- jurisdiction was they were spending over 30% on the building, so public and common use areas are required to comply

- lift is the solution to the entrance

RG - must fix the swing of the lift doors

JD - second – carries unanimously

34) Incoming Discussion: Sidewalk at Cambridge Street Arcade, Center Plaza, Boston (V15-315)

TH - EXHIBIT - new area of cross slope measuring 9.5%, plans submitted on 10/12/16 from Peter Gory

- proposing elevator next to the escalator

- available 16 hours a day 365 days a year

- 9 feet wide area of walkway

- approved previous plan for slopes in 2015

- new area is the 9.5% area

DG - grant as proposed

RG - second – carries unanimously

35) Incoming: Mixed-Use Building, 40 Berkeley St., Boston (V16-266)

TH - 9.26.16 voted to put it in packets

- EXHIBIT – variance application and supplemental information

- 15 variance requests

JD - grant all as proposed; require status reports to be submitted every 6 months, starting 4/1/16

AB - second – carries unanimously

36) Incoming: P.C.E.A NEEMA Church, 201 Coburn Street, Lowell (V16-268)

TH - EXHIBIT – variance application and supplemental information

- spending over 30%

JD - schedule a hearing and meet with TH, some variances missed

AB - second – carries unanimously

37) Incoming: Babbitassit Village, 4 Foster St., Pepperell (V16-283)

TH - EXHIBIT – variance application and supplemental information
- 3.3.1a, work performed
- renovation of kitchen, seeking variance for cabinet height

JD - grant, as proposed for cabinets

DG - second – carries unanimously

TH - two side-by-side refrigerators used for storage
- need variance for the lack of access

JD - grant as proposed for refrigerators

DG - second – carries unanimously

38) Incoming: Curb Cuts at Cambridge and Ridgeway Lane and Derne Street and Ridgeway Lane, Boston (V16-276a and b)

TH - EXHIBIT – variance application and supplemental information
- part a is 21.3 for center slope of curb cut and 22.3 for walkway cross slope, at Cambridge and Ridgeway Lane

JD - grant as proposed on the condition that use wire-cut bricks

RG - second – carries unanimously

TH - part b is for Ridgeway Lane and Derne Street, Cross slope and running slope
- 2.7% cross slope and 10% center slope of curb cut

DG - grant a proposed

JD - second – carries unanimously

39) Incoming Discussion: Strand Theater, 11 Oak Bluffs Avenue, Oak Bluffs (V16-117)

TH - originally heard on 4/25/16
- EXHIBIT – 10/5/16 submittal from Gerald Burke, confirming compliance with the conditions of the notice of action, including photographs

JD - accept submittal and close the case

AB - second – carries unanimously

40) Discussion: Beauty Salon, 128 Mayor J. McGrath Highway, Quincy (V16-156)

TH - at last meeting voted to grant a variance for the installation of lift at the rear
- also required contract by 11/1/16 and lift installed by 2.1.17
- in writing the decision, petitioners seeking variance for the lack of access to the second floor
- it was previously presented, as there would be no use at the second floor

DG - lift is proposed at the front of the building

KS - tables are at least 6 feet long
- since I am 6'1" and just fit when lying down

JD - deny the variance for the lack of access to the second floor, and not accept the plan; therefore no use of the second floor until compliance is verified with the Board; require that the lift be installed at the rear of the building

DG - second – carries unanimously

JD - expedite

DG - second – carries unanimously

41) Incoming: Mixed Use Building, 625 Mass. Ave., Cambridge (V16-288)

TH - EXHIBIT – variance application and supplemental information
- exceed 30% value of tenant space
- seeking variance for lack of access to lower level of the building
- EXHIBIT- 10/6/16 email from Michael Muehe, opposed to variance request

DG - deny

JD - second – carries unanimously

42) Discussion: Minutes from 9/26/16

JD - accept minutes and decisions

DG - second – carries with RG abstaining

43) Advisory Opinion: Worcester RTA, 42 Quinsigamound Avenue, Worcester (521 CMR 24.5)

TH - EXHIBIT- submittal from Doug Anderson of C3
- what about drop-offs less than 30 inches
- design of the ramp in question is 30 ft. sections

JD - grant a variance to not require the handrails continue through the landings, on the condition guardrails provided; submit variance application within 2 weeks receipt of the board's decision

DG - second – carries unanimously

DG - expedite

JD - second – carries unanimously

- End of Meeting -

Items carried to next meeting:

- Triple Decker Apartment, 9 Alleghany Street, Roxbury (V16-223)
- First Parish Unitarian Universalist, 630 Massachusetts Avenue, Arlington (V14-111)
- Temporary Acton Town Hall Offices, 33 Nagog Park, 2nd Floor, Acton (V14-241)
- Sherman Gardens Elderly Housing, 131 Sycamore Street, Belmont (V16-277)

- *The Greenhouse Apartments, 150 Huntington Avenue, Boston (V15-121)*
- *Town Hall, 9 Main Street, West Stockbridge (V13-330)*

EXHIBITS:

- Market 32, Price Chopper, 555 Hubbard Ave., Pittsfield (V16-286) - variance application and supplemental information; 10/14/16 e-mail from June Hailer, Pittsfield Commission on Disability, not in support of the variances requested
- Boston Courtyard Marriot, Sidewalk at 275 Tremont St., Boston (V15-306) - plans submitted by Peter Vanko on October 11, 2016
- Ventforth Hall, 104 Walker St., Lenox (V16-253) - 10/6/16 Hill Engineers Architects submitted a new plan for a vertical wheelchair lift and was asking support for length of travel before the Elevator Board
- Middlesex County House of Correction, Building #2, 269 Treble Cove Rd., Billerica (V14-043) - 10/12/16 email from Emmanuel Andrade of DCAMM, seeking a 4-month extension to the deadlines ordered in the original decision
- Press Box @ Sabourin Field, 9 Muddy Way, Bedford (V14-285) - 10/4/16 Alani submitted letter seeking 4-month extension to the original March 30, 2017 deadline, seeking to July 1, 2017 to either install the lift or dismantle the press box
- Benefit Health Club, 85-87 Harvard St., Brookline (V16-250) - 10/14/16 Mark Armstrong, provided 3.7 review and noted that he met with the Commission on Disability regarding the proposed variances; letter from Commission on Disability in support of the variance, sent by Sara-Lynn Allair on October 14, 2016
- Parcel Storage, 10.1 and 39.1, Fairfield Residential - request from Cheryl Middleton of Fairfield Residential, September 12, 2016
- New J. Henry Higgins Middle School, 85 Perkins St., Peabody (V16-262) - letter on 9/27/16 from Gary Ainslee of DiNisco Design
- Topsfield Town Hall, 8 West Common St., Topsfield (V16-249) - submittal of plan from Wendell Kalsow on 10/6/16 seeking reconsideration for the access to the stage
- Essex Town Hall and Library, 30 Martin St., Essex (V15-283) - 10/6/16 amendment request for second floor area, submitted by Wendell Kalsow, architect of record
- Boston Sports Club, 135 Wells Avenue, Newton (C14-159) - e-mail and pictures from Matt Cogen 9/27/16, showing mat installed in the center of the women's shower area; e-mail from Katie McGuinness, Complaint, 10/13/16
- PrimaCare, 277 Pleasant St., Fall River (C15-002) - 9/15/16 submittal from Shannon Khoury, included plans with highlighted parking spaces
- House of Peace and Education, Inc., 29 Pleasant Street, Gardner (V16-254) - 10/17/16 submittal of requested material, would like to move to 10/31/16
- Mocha Mott's, 10 Circuit Avenue, Oak Bluffs (V16-117) - 9/26/16 submittal from Mo O'Connor, showing the installation of the buzzer/intercom system and the lighted menu board
- Brass Lantern Inn, 11 North Water Street, Nantucket (V16-173) - 10/4/16 submittal from Joshua Bancroft, project manager, now seeking time variance
- One Framingham Center, 5 Edgell Rd., Framingham (V16-174) - Plan A-1, submitted by James Reisling on 10/7/16; e-mail from Karen Dempsey, Commission on Disability, commission voted to support the variance for the time for the elevator controls. They also voted to support the variance for the toilet rooms with conditions
- Sidewalk at Cambridge Street Arcade, Center Plaza, Boston (V15-315) - new area of cross slope measuring 9.5%, plans submitted on 10/12/16 from Peter Gory
- Strand Theater, 11 Oak Bluffs Avenue, Oak Bluffs (V16-117) - 10/5/16 submittal from Gerald Burke, confirming compliance with the conditions of the notice of action, including photographs

- Worcester RTA, 42 Quinsigamound Avenue, Worcester (521 CMR 24.5) - submittal from Doug Anderson of C3
- Cubesmart Storage, 18-20 North Montello St., Brockton (V16-279) - variance application and supplemental information
- Wynn Casino, One Horizon Way, Everett (V16-292) - submittal from Brown Rudnick on September 8, 2016; variance application and supplemental information
- Sidewalk Width, Commercial Street, intersections of Howland St. and Johnson St. Provincetown (V16-278) - variance application and supplemental information
- Roxbury Community College, Building #3, 1234 Columbus Ave., Roxbury (V16-289) - variance application and supplemental information
- Gable Housing, Arsenal Street, Watertown (V16-281); Siena Condos, 40 Traveler St., Boston (V16-287); Montaje, 449 Canal Street, Somerville (V16-291) - variance applications and supplemental information
- Sidewalks at Emerson College Dining Hall, 122-124 Boylston St., Boston (V16-285) - variance application and supplemental information; option 3 submitted on 9/19/16 by Elin Carter of Elkus Manfredi
- Shelburne Buckland Community Center, 53 Main St., Shelburne (V16-255) - variance application and supplemental information
- CrossPoint Conference Center, 900 Chelmsford St., Lowell (V16-290) - variance application and supplemental information
- Hyatt Centric Boston, 54 Devonshire St., Boston (V16-280) - variance application and supplemental information
- A Happy Healthy Start Daycare, 428 Walnut Plain Rd., Rochester (V16-282) - variance application and supplemental information
- Proposed Day Care, 340 Woodland Street, Holliston (V16-284) - variance application and supplemental information
- Roudenbush Community Center, 65 Main Street, Westford (V16-271) - variance application and supplemental information
- Mixed-Use Building, 40 Berkeley St., Boston (V16-266) - variance application and supplemental information
- P.C.E.A NEEMA Church, 201 Coburn Street, Lowell (V16-268) - variance application and supplemental information
- Babbitassit Village, 4 Foster St., Pepperell (V16-283) - variance application and supplemental information
- Curb Cuts at Cambridge and Ridgeway Lane and Derne Street and Ridgeway Lane, Boston (V16-276a and b) - variance application and supplemental information
- Mixed Use Building, 625 Mass. Ave., Cambridge (V16-288) - variance application and supplemental information; 10/6/16 email from Michael Muehe, opposed to variance request