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Board Meeting – March 28, 2011

One Ashburton Place – Plaza Level, Cafeteria Conference Room

Present Board Members:

- Diane McLeod, Acting Chair (DM)
- Walter White, Executive Office of Public Safety Designee (WW)
- Richard Flippin, Executive Office of Elder Affairs Designee (RF)
- Gerald LeBlanc, Member (GL)
- Mark Trivett, Member (MT)
- Carol Steinberg, Member (CS)

and

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

Members Not Present:

- Donald Lang, Chair (DL)
- Myra Berloff, Director of Massachusetts Office on Disability (MB)

1) Incoming: Old Town House, Market Sq., Marblehead (v11-048)

- TH
- EXHIBIT – variance application
 - used as a polling place for hundreds of years, and recently the Sec. of State's Office said could not use because of access violations
 - intend to extend slope of ramp
 - seeking variance for 12" granite threshold, slope of 11.3% up to threshold
 - want to maintain because of historic nature (26.10)

GL - grant on the condition other upgrades to accessibility are done as proposed

WW - Second

CS - add auto opener, GL & WW accept – motion carries unanimously

Donald Lang, Chairman (DL) present

2) Discussion: Cases of the day

CS - status of Louie B's

TH - architect submitted the material, but the Petitioners did not pick up the decision, and architect said no longer working for him
- same practice as last time
- case has been going on since 2007
- architects stuff not relevant since not working for them
- architect just called and said that they paid him in full again

CS - where did they not comply with orders?

TH - consistent problem since the beginning of this case for no response to orders of the Board
- file is full of returned decisions, continued practice of ignoring the orders of the Board and making a last minute effort
- level of frustration for lack of response to the Board

DL - need to follow process

CS - impose a date for compliance and then fine

DL - impose a date for compliance and then if not done, close the business

TH - the Board was extremely generous at last meeting to grant a lot of variances
- the last decision was mailed to the owners home address at her request and then not picked up
- attempted 3 times and returned to the Board

MT - just issue of do the work before you open

CS - Brookline condos hearing

TH - design for covered parking and seeking variance for awning from parking area to building
- fire department ordered that the awning could not connect from the garage over to the building across the parking lot
- asked to look into provide parking space at the garage below
- big issue is that a woman bought a parking space that has now become the access aisle, but not an issue that the Board needs to interfere with, just the requirement of the accessible parking spaces

CS - trustees letter that was in the package

DM - read letter into the record (AAB22 from Board Packet)

TH - AAB3, from Board Packet, is the newest plan submitted

3) Discussion: Cases of the Day

CS - Mount Auburn Street

TH - received an email from Larry Braman that they are spending over 30% of the value of the building, originally came before the Board as a variance for a tenant space
- received another variance application for the entrance

DL - need to know what the work being done on the building is going on

KS - owner representative put together variance application, project architect for smaller sorority space called and was told that owner rep needed them at Monday's hearing

CS - DYS case, accessible facilities elsewhere?

4) Hearing: Louie B's Restaurant, 101 Point Grove Road, Southwick (C08-132 & V10-096)

DL - called to order at 10:40 a.m.
- introduce the Board

Jennifer Nolasco, Owner (JN)

Mark Dempsey, Compliance Officer for the AAB (MD)

Thomas Hopkins, Director of AAB (TH)

DL - all parties sworn in
- EXHIBIT 1 – Board Packet AAB1-41

JN - confused as to why here for the hearing
- understanding that architect going to work with architect and architect submitted requested documents
- paid architect, and assumed that architect would be the one working with the Board
- was out of the state when the decision was sent, and when she went to pick it up, it had already been sent back to the Board

MD - had conversations with Mr. Carey, architect, was told that he was awaiting payments and that he was again not working on the project

DL - architect submitted plans and then is no longer part of the project, those plans don't have standing

JN - architect was told not to come to the hearing by the Board Staff

MD - spoke to Carey on Friday and was told that he was now paid up to date

- JN - railing detail plan done by Christian Carey, dated March 25, 2011
- CS - when did MD talk to CC?
MD - Friday, March 25th, to say that he was paid up to date
- DL - when did packet come in?
TH - prior to the date, but Mark met with CC at site visit and told MD that he was not part of the job
- JN - was told by the Board staff not to come, the work is going on now
- DL - understand what is required?
- JN - did not receive the mail
- hired architect to do the work for him
- DL - granted the Petitioner relief on many of the things previously requested
- appears that they are working on the required work
- JN - several things are being done now, but not sure of drop dead date
- unsure of timeline from the architect
- DL - responsibility of Petitioner to work with their architect and with builder
- JN - removed one stage and not sure about removing other stage, because built into the deck
- busy season begins Memorial Day weekend
- DL -hearings in May?
KS - May 9th and 23rd
- DL - work done by May 9th hearing, and have final request and work done thus far
- TH - not open now?
- JN - they are open all year round, because they are required to be open year round to continue the liquor license
- TH - motion to close the business until the work is done, because of lack of compliance with orders
- DM - this case has been going on for quite some time
- other decisions that have come back unanswered
- TH - every decision is unclaimed
- JN - day got back, went to go pick up mail and decision already sent back

- CS - business is open now, because town requires it to be open
 - bands booked every weekend?
 - JN - have hired booked bands, need bands for people to come in
 - make no money off of the bands that come in
- RF - closed until the work is done
 - if not finished by memorial day, then can't open
 - endless cycle
- JN - designed to be done in bits and pieces
 - unaware of issue being started on 2008
- WW - why they are required to stay open is not typical
 - many places close for the winter and then open in the summer
- GL - do you have the requirement to be open year round in writing
- CS - work done would be beneficial to be closed, can be done
- JN - work done for men's room cannot be done for years
- CS - indicated that work would be done by memorial day, but now can't do the work until next year
- JN - two big issues is the men's room and the outside stage
- DM - work presented to be done by May 25, 2011, other than variance given, allows site visit by staff prior to opening*
- MT - Second –*
- CS - stage work*
- JN - two stages taken out, one remains because built into the deck*
- CS - add amendment that variance can be requested for the lack of access to the remaining stage*
- need to outline what work needs to be done, aab12 and 13
- DM - work listed on AAB29, from January 3, 2011*
- MT - second again*
- DM - change date to the 20th of May, so that it can be reviewed at the May 25, 2011*
- MT- second change – carries unanimously*
- DM - work noted in AAB29, shall be completed by May 20, 2011, with both written and visual verification to be submitted on or before said date, and once received staff will conduct site visit to verify compliance*

DM - Expedite
MT - Second – carries unanimously

DL - uphold ability to uphold fines

DM - uphold ability to fine
MT - Second – carries unanimously

5) Hearing: 25 Mt. Auburn St. & 10-14 Arrow St., Cambridge (V11-006)

DL - called to order at 11:15 a.m.

Charles Reggio, Mt. Auburn St. Manager (CR)

Derrick Winters, Wesling Architects (DW)

Dennis Rieske, Developmental Resources (DR)

Richard Horgan, Horgan & Assocs. (RH)

DL - all sworn in
- EXHIBIT 1 – AAB1-23

DL - AAB3, email from Larry Braman, regarding pending permit for an envelope renovation for the building

DW - small tenant space designed by DR's Office
- their firms job is the exterior renovation
- two architects, one for the inside and one for the outside

DL - any assessment of 521 CMR for the spending?

DW - did know that variances can be sought for historic nature
- received letter from Mass Historic

DL - variance for historic is based on registered building AND the need to prove excessive cost without substantial benefit or tech. infeasibility
- issue is not historical quality, issue is the spending triggering full compliance with 521 CMR

DW - 7 buildings, and there is one entrance at Mount Auburn Street that makes the buildings accessible

CR - 3.3.1c, exemptions roof repairs replacement

KS - yes, but 3.3.2 states, including exempted work
- what is the date of the code book?

CR - 1998
- latest addition is 2006

- DL - can purchase online and view and print from website
- DW - why historic area even mentioned
- DM - have to prove impracticable and Board takes historic aspects into consideration
- DL - would take the historic fabrics of the building into consideration
- RH - prepared initial application, did produce a list and did take into account threshold
- DR - small space architect and did do more homework on the overall building, but issue is the smaller space
 - it is in a portion of the building that is not accessible, only accessible via the 25 Mt. Auburn Street entrance
 - making the other entrances accessible would be technologically infeasible
 - the building is an old mill building, there are multiple tenants with multiple level changes, built in four different phases
 - 25 Mt. Auburn Street entrance is the accessible entrance into the building, which leads to the lobby and the elevators to all five floors
 - any of the floors, there is a common hallway that leads to 12 arrow street, but all of the tenants off of this hallway are accessible
 - last renovation to the building was 30 years ago
 - recent upgrades is life safety and paint and carpet for common hallways

(TAPE)

- DR - small tenant spaces, with a couple of larger tenants
 - do have copies of the building plans
- DL - cannot review the entire building right now
- DR - submit March 27, 2011 letter
- DL - Accept as EXHIBIT 2
- DR - small sign at 12 arrow street directing people to the 25 Mt. Auburn Street entrance
- DL - any prior variances
 - DR - to the best of my knowledge, no
- DR - virtually all of the tenants in the building, are not open to the public, but understand that the Board's consider these offices open to the public during business hours
 - no retail space

RH - details of each area

DL - detailed variance requests and proposals

(TAPE)

DR - current issue is the small tenant space which is being converted to a sorority office space
- 12 arrow street, two spaces just inside the entrance, small spaces that are the only ones that are not accessible within the 25 Mt. Auburn street building
- not a change of use, same use
- so small, does not trigger assembly use, tenant cannot have more than 50 people

RH - Delta Gamma Epsilon, Harvard, office space for occasional board meetings
- 10 feet below grade, previously a book store

CS - can we decide this piece mail?

DL - status of project, don't want to hold up current project

CS - policy to meet elsewhere?

CR - one of many meeting locations for the sorority

CS - need to know the accommodation policy

CR - two days away from occupancy, permit has been signed

DR - proposing no access to these spaces?

DL - route to these spaces for general public

RH - get into building from either Mt. Auburn or 12 Arrow Street, issue is the stairs
- arrow street is 10 feet lower than Mt. Auburn Street

DR - no connection between 25 Mt. Auburn Street and lower level of 12 arrow street

RH - AAB19

DR - all interior common space access

DL - not a change of use, since continued use of the bookstore space as open to the public
- so jurisdiction would not be triggered for this tenant via a change of use, but would be incumbent on the building owner to bring the common areas into compliance
- need to know use, traffic into the businesses

TH - need to notify the Building Department that tenant space is okay to open because of continued public use

DL - yes, and also need to have the building owners come back before the Board for the full compliance issue

DM - variances for the rest of the building by April 29, 2011

RF - second – carries unanimously

DM - no change of use for tenant space, so no jurisdiction and no variance required

MT - Second – carries unanimously

Myra Berloff, Director of Massachusetts Office on Disability now present (MB)

6) Hearing: 109 Seawall Ave., Brookline (V10-216)

DL - called at 1:00 p.m.

- introduce the Board

- *Walter White not present - recused*

Jeff Feuerman, Developer (JF)

David O’Sullivan, Architect (DO)

Howard Horn, Unit Owner (HH)

Jacob Walker, Attorney for Condo Association (JW)

David Jensen, Unit Owner (DJ)

DL - all but JW sworn in

- variance request

- EXHIBIT 1 – AAB1-35

TH - decisions made on variances listed on AAB1, as shown in AAB7-9

- Petitioners seeking alteration to request to the awning requirement of the last decision

DL - AAB8, action of the Board, Item 6, granted on certain conditions

DO - AAB8, response to requirements of the Board in that decision

- no problem with expanded the rear, propose to cover walkway being covered and maintained and two garage doors and passage door, plan AAB3 is what is proposed

- garage planned to be enclosed, but cannot extend roof of the garage due to concern of fire trucks and ambulances accessing the facility

- only 22 feet between parking and walkway start, covering for walkway would start at the building corner, closest to the garage

- canopy from garage door to the building would not provide protection due to the height that would be required for emergency vehicles to pass thru

- did look into modifying the site to get the accessible spaces into the garage, but would have required more work to the foundation and the slab, but at zoning height and need for ramp slope

- building was previously designed taller and denied by zoning

- the longer run to the ramp would further eliminate exterior parking spaces

- initial proposal for underground accessible van parking was based on van heights for converted minivan, which the majority of accessible vans now are

MB - awning proposal, very little protection from this proposal
- would like to see enclosed design at the building
- all of the parking spaces are sold?

DO - spaces at exterior are all sold, but there is an exception in the condo docs that allows for the moving of parking spaces if needed

MB - what about people who develop a disability?
- addendum that says that those two parking spaces, may be switched if need be

JF - not specific language, but does state that spaces at the exterior may be swapped

DO - not in original condo docs

JF - cannot switch from garage to exterior

DO - completely enclosing the walkway along the building would block the windows to the ground floor units
- adjacent courtyard and building close to the entrance provides extra coverage

CS - can't enclose walkway, and now people with disabilities have to walk in the elements while others can park under the building and take the elevator up to the building

- height of garage?

DO - will comply in full

JF - sorry that in this situation
- wish it was redesigned from day one, if they had known the issue
- covered walkway not feasible across the driveway because of need to pass for emergency vehicles

DO - did not recognize the requirements of 521 CMR and the importance of the accessible parking spaces be located in the garage

- no fully accessible units within the building

TH - asking for relief for that portion of the awning

CS - because can't meet the awning requirement, a condition of the Board's order, then back to square one

MB - not windows all along the awning

DO - provide coverage in decision
- unaware that the Board wanted fully enclosed portion of the walkway

- difficult to fully enclose at the living room and kitchen windows, but could be enclosed for a portion of the walkway
- DM - AAB3, garage area, plans differ from views rendering
- DO - more just for illustration purposes, plan is proposed
- DM - l-shaped ramp at driveway can be enclosed completely?
 - DO - not sure because of views at that living room windows
 - have not looked into that further
- DM - would like to see as much of the walkway enclosed as possible
- DL - change in level, sloped walkways or ramps?
- DO - ramps, adjusted the planter behind the 109 building, and thus wanted to make the distance across the parking lot as small as possible
 - could cover that portion of the ramp, to cover as much of the route as possible
- DM - continue until the Board can review the change of the covering for the walkway
 - stage of construction?
 - RF - currently framing
- JW - represents 115 Sewall Condo association
 - the 115 Sewall Ave currently has 8 unit owners, each with spaces conveyed by the developer
 - letter dated December 10th from association
 - since the letter was submitted by the association, they have amended their position, would like to see this proposal go forward
 - two of three spaces being converted to accessible parking spaces, those three spaces are currently owned by the current owners within 115 Sewall Avenue
 - three owners, and two accessible spaces, and one converted to open space and therefore lost to that present owner
 - condo owners are proposing to allow the use of the three spaces, on the condition that three of the spaces within the garage of 109 Sewall Street, language in the existing condo docs, then there needs to be language in the condo documents with automatic provisions for switching the parking spaces
 - the three owners of the spaces, are either all going to be accommodated or will not voluntarily give up the parking spaces
 - developer has agreed to move 2 to the garage and 1 to another at grade location, it is all or none
 - have not gotten a positive result from the developer
 - the spaces are currently owned and the proposed solution has to be agreed to by the space owners
- DJ - owner of Unit 3 and the owner of parking space #3, the left hand accessible garage space
 - the three affected unit owners are together and will not move partially, must be moved as a whole
 - phase 2 is 109 and phase 1 was 115

- sidewalk on the walkway, consideration that configured to allow light thru as enclosure closer to the buildings

HH - owner of one those spaces as well

DL - the jurisdiction of the Board is limited to the issues of 521 CMR
- cannot get involved in the property dispute of the parking spaces

DJ - fully understand the jurisdiction of the Board
- can the provisions of CMR ignore the fact that something that someone is proposing is on property is not owned by the proposer

TH - should have been allotted for by the developer at the development of the site to allow for the provision of the accessible parking space and should have been drawn up in the condo documents

CS - jurisdiction is based on the fact that the work is in progress, and there is availability of spaces currently in the garage

DM - can't delegate where the accessible parking spaces are located, has to be delegated by the developer
- would like to continue to see the alternate plan

CS - deal needs to be made with current owners of the proposed accessible parking spaces

JF - it's complicated due to the interpretation of the condo documents
- attorney that put the condo docs together, had to file an amendment to the original plan filed with the master deed; general difference of interpretation of condo docs
- has discussed relocating some parking spaces and need to clarify

JW - submit condo docs,
- all three are either going to move, or none
- reality is that the proposed accessible parking spaces are owned

DL - condo docs – EXHIBIT 2

DM - continue to have the petitioners submit more information regarding the covering by April 8, 2011

*MB - second – language within condo docs and information as to how the spaces are going to be made available (agreement executed between the three space owners and the developer)
- carries*

DM - expedite decision

MT - second – carries unanimously

7) Hearing: MacMillan Pier, Commercial Street, Provincetown (c10-105 and v11-015)

DL - hearing called to order at approximately 2:00 p.m.
- introduce the Board

Rex McKenzie, Harbormaster (RM)

Greg Corbo, attorney for town of Provincetown (GC)

Mark Dempsey, compliance officer for the Board (MD)

Regina Binder, Chairman of Building Committee, Director of Public Pier Corp. (RB)

DL - all sworn in
- EXHIBIT 1 – AAB1-39

TH - complaint filed in regards to lack of maintenance of accessible features because of ramp rider lack of usability
- in response to the new complaint, the Town now seeks an amendment to the original application, seeking permission to discontinue the use of the ramp rider

GC - not here to dispute the complaint, the ramp rider does not work and continues to not work
- McKenzie was new harbormaster in 2005, unaware of requirement of ramp rider

CS - find in favor of the complainant

DM - Second – carries unanimously

GC - modification to the variance granted in 2000, in regards to the slopes of the gangway ramps, due to the variable tides in Provincetown Harbor
- original proposal was to install the ramp rider device, similar to a lift
- ramp rider never worked due to the exposure to the elements, recurring problems that couldn't be cured
- cost of new ramp rider (\$100,000 plus) would give no guarantee of working any better than the previous device

- cost is excessive without benefit due to accommodation policy at the pier

- exhibit of letter of support from the Provincetown Disability Commission

DL - EXHIBIT 2

- exhibit, letter of support from Bay State Cruise Company

DL - EXHIBIT 3

- Bay State Cruise Company operates fast ferry between Boston and Provincetown, and all crew are trained to assist people with disabilities when boarding and disembarking the ferries

- pictures of ramp rider (3 pictures)

DL - EXHIBIT 4 (3 pictures)

- two sets of plans ramp rider location

DL - EXHIBIT 5

RB - thought that ramp rider would be above and beyond for pier access, but was more of a hindrance than a help, due to steepness of ramps based on the tides (12-15 feet of tide changes twice a day)

RM - issue is the 10 foot tidal range on the northeast due to location of Provincetown

- there are two of these units, one in Provincetown and one in Quincy, Quincy is more protected than the Provincetown location
- platform remains level when traversing pier ramps
- when the device is not in use, it still checks the state of the tide every 15 minutes, then gets stuck in a logic loop of what is level
- software issues and issues with keeping connections working due to sea air and general ocean corrosion
- screws corroded so much that had to be cut off to access the ramp rider motor
- gave up after awhile of trying to make the ramp rider work
- rebuilt a convenience dock to create a compliant slope to this small 80 foot dock
- requesting to remove ramp rider to allow use of the gangway, because currently cannot get by this device
- propose to create new compliant handrails at each side of the gangway and new transition plates for more accessibility assistance
- staff helps all patrons with embarking and disembarking the boat
- Recreational courtesy float dock was done because of lack of help for private boaters
- second gangway can allow for extra assistance when available to assist without delay or embarrassment

DL - fixed height pier with floating dock

- RM - floating dock, heights of 3, 4, and 5 feet to allow for accommodating different types of vessels
- whale watch is not using the pier currently
 - pier is owned by the town
 - transportation hub, and large amount of tourist activity

- GC - larger ferry boats always have someone there to assist
- dock for recreational vehicles allows easier transition without assistance
 - therefore assistance provided more so for the commercial boats and ferries

DL - what are the heights and slopes of the gangway ramp, at the highest tide?

- RM - proposing to use gangway that already exists with transition plates and double handrails
- pier is 15 feet above the water
 - with a tide range of approximately 10 feet

GC - original variance decision states that the gangways have a slope of 1:2.8 at low tide and 1:8.1 at high tide

TH - need to know slopes during tide range of the two gangway slopes

(TAPE)

WW - Allow the removal of the ramp rider device, on the condition that gangway ramp slopes for varying tides of the day are submitted by April 22, 2011

MT - Second – carries unanimously

NO MORE DM

8) Discussion: Noble & Greenough School, Dedham (V10-175)

- TH - follow-up regarding accessible parking
- seeking relief for four parallel parking spaces that are proposed to be accessible parking spaces
 - Petitioners are requiring approval for use of parallel parking proposal
 - there are other parking spaces, but these are proposed at the Castle Terrace
 - van accessible parking in another location
 - EXHIBIT - plans submitted

CS - grant as proposed parallel accessible parking spaces

WW - Second – carries unanimously

9) Complaint: House of Blues, 15-41 Lansdowne St., Boston

- TH - complaint filed in regards to lack of assistive listening devices
- language under 14.5 was developed in 1996, equipment has advanced in assistive listening device

Mark Dempsey (MD)

- MD - complaint was originally that there was no assistive listening device provided, devices are brought into other function areas when in use
- concert hall has 281 fixed seats, with standing room at the front of the venue
 - seating is at upper deck, first floor is standing room only
 - 4% of the number of seats is required by 521 CMR
 - venue holds 2,425
 - signage on the window that shows that they have a system, with a multitude of systems available
 - is assisted listening required for outside speakers as well

MB - the systems are wireless

MD - because a large occupancy of standing room only, are they required to have the device permanently installed within the other rooms, because 50 permanent seats

MB - restaurant has more than 50

MD - restaurant capacity 125

- foundation room capacity of 284

- so both required to have permanent fixed systems

MD - complainant also complained about location of seats within 50 feet of the stage or viewing area
- complaint was that seating was not within 50 feet, but the seats are located within 50 feet viewing distance

CS - all are within 50 feet of the stage
MD - probably less than 80 feet from front of stage to the back of the seating

MD - 14 units available for headsets

MB - permanent fixtures, with the required amount of headsets per room seating count

10) Hearing: Department of Youth Services, 456 Flax Pond Rd., Brewster (V11-012)

DL - called to order at approximately 3:00 p.m.
- introduce the Board

Mark Harting, WampWorx (MH)

DL - swear MH in
- EXHIBIT 1 – AAB 1-16

MH - repair of safety issue at the development
- multiple cabins at the facility that are used by DYS, houses troubled youths prior to being housed in department of corrections facilities
- entrance at front and rear of cabins
- called in to repair the floor of a rotted area and replace shower stalls and toilets
- permit granted by Mark LaPointe, State Building Inspector
- permit also applied for plumbing thru the state
- when the work was completed, the plumbing inspector noted that the showers were not accessible
- no accessible youth within these buildings, therefore did not think that needed to comply with 521 CMR
- youth offenders with disabilities are placed at a different location for DYS

WW - no one from the State DYS present

MH - work is completed and now the State is withholding payment because of this issue

MB - work and program does not comply
- DYS should have complied to have accessible features

DL - design documents for bid work

MH - no, just to repair the floor to make it safe

TH - any before or after pictures that can be sent in

MH - made the toilet and the sink accessible in design
- did the improvements that they could within the scope of work that was done
- showers are not accessible

TH - counselor within the building?

MH - did upgrade to make toilet and sink accessible
- could convert two stalls to one

CS - another DYS facility in the area?

MH - unaware

- \$29,200?

MH - work that was done

TH - letter from WampWorx Project Supervisor Robert Correia stated would cost \$32,450 to comply in full

WW - continue the hearing and subpoena DYS representative, Robert Long, and his supervisor; invite State Inspector LaPointe,

GL - Second – carries unanimously

MB - expedite

MT - Second – carries unanimously

11) Incoming: First Church in Salem, 316 Essex St., Salem (V11-040)

TH - EXHIBIT – variance application
- historic meeting house, spending over 30%
- multiple variance requests

CS - Hearing

MT - Second – Carries unanimously

12) Incoming: Jerry Remy's Restaurant, 242 Northern Ave, Boston (V11-051)

TH - EXHIBIT – variance application
- raised dining areas within the restaurant, installed lift because thought could do by right
- brand new construction of the restaurant, ramp not looked into
- given temporary CO by State Inspector John Bennett
- restaurant next door treated level change with a ramp
- thought allowed by right

MB - Deny

GL - Second – carries unanimously

13) Incoming: Bradford Mill, 23-53 Mill Street, Concord (V11-053)

TH - Variance application (EXHIBIT)

- proposing accessible entrances and toilets by 2018
- elevator by 2020
- building is currently open, change in use

MB - Deny

GL - Second – motion carries

14) Discussion: South End Buttery, 312-314 Shawmut Ave., Boston (V08-146)

- TH
- received correspondence from attorney on 3/18, seeking an additional 18 months
 - letter states that the only work that remains to be done is the installation of the lift
 - on 3/23 called attorney and requested pictures of the shaft for presentation to the Board on 3/28
 - 5/1/11 deadline
 - \$60,000 to do the lift, outlined in the letter

MB - provide documentation verifying that the shaft is built per the lawyers letter, dated ..., by April 8, 2011

CS - Second – carries

MT - expedite

CS - Second – carries unanimously

15) Incoming: Starbucks, 1380 Mass Ave., Harvard Square, Cambridge (V11-044)

- TH
- variance application (EXHIBIT)
 - will occupy two floors
 - total building value given, not partial
 - need partial application analysis and how elevator is used to access second floor
 - raised seating area shown

WW - continue for more information

MB - Second – carries unanimously

16) Incoming Discussion: Royal India Bistro, 7 Meriam St., Lexington (V10-234)

- TH
- proposal EXHIBIT Sheet A1 and A2
 - sidewalk will be raised and create walkway
 - auto openers proposed

MB - ACCEPT Plan5a, Sheet A1 and A2 as proposed, comply by June 1, 2011

GL - Second – carries unanimously

17) Discussion: Hillside Baptist Church, 473 Main St., Spencer (V00-226)

- TH
- letter from Rev. DiChaira dated March 25th, work to remove altar will begin on March 28th, will try to meet April 1 deadline, but seeking additional 30 days
 - email from Rev. DiChaira on Sunday March 24th, stating that work would begin on Monday morning, but still seeking to maintain altar and variance granted

RF - Deny extension

MB - Second –

CS - would like to see an additional 10 days

NO MORE GL

- motion to deny carries with CS opposed

18) Incoming Discussion: Little Sprouts, 310 Lowell St., Wilmington (V11-036)

- TH
- previously denied their request for vertical access relief
 - bank being converted to daycare center
 - now proposing to use vertical wheelchair lift, by right under 28.12.2, Plan A2 (EXHIBIT)
 - classroom and bathroom, bathroom in each classroom
 - proposing one compliant unisex toilet room in the hall, in lieu of accessible toilet rooms in each classroom

MB - Require plan for all proposed toilet rooms

CS - Second – carries unanimously

MB - installation of compliant vertical wheelchair lift, be installed, operational and inspected, as shown in Plan A2, prior to the issuance of certificate of occupancy

CS - Second – carries unanimously

CS - more information, elevation drawings, for route to play area, by April 8, 2011

MT - Second – carries unanimously

19) Incoming Discussion: Alfred Angelo Bridal, 1250 South Washington St., Space A, North Attleboro (V11-035)

- TH
- clarify use of accessible counter
 - no formal checkout with cash register
 - utilizes two interior fixtures, outfitted for selling functions
 - kiosk with ADA drawer, is an ADA option drawer, pullout station for signing

MB - would like sign removed, would like more discreet signage

TH - agree, could be more employee training

MB - employees definitely need training

MB - thank for explanation of use of kiosk

- remove large accessible symbol, and place small sign on the drawer that states “accessible writing surface”

- employee break room/handbook, notifying them of accessible sign pull out drawer

CS - Second – carries unanimously

20) Incoming Discussion: Italian Comm. Center, 302 Rantoul St., Beverly (V11-010)

- TH
- adding vertical wheelchair lift to access between floors, to be completed by June 23, 2011, issuance of occupancy
 - expecting to be completed with construction by June 23rd, but will not have equipment on site
 - seeking 90 day extension to have the lift installed, operational and inspected

CS - grant till September 23, 2011 for installation, operational and inspection of the lift

MB - Second – send notice to all functions that are currently booked and potentially impacted that facility will not have lift until end of September

- carries unanimously

CS NOT PRESENT

21) Incoming: The Victor, 95 Haverhill St., Boston (V11-045)

- TH - EXHIBIT – variance application
- renovation over 30%, seeking variance to 43.3.2, sink depths
- 95% want to install 10 inch deep sink, but will provide code compliant sink upon request

MB - grant as proposed

MT - Second – carries unanimously

22) Incoming: Retail Bldg, 345A Boston Post Rd., Sudbury (V11-046)

- TH - EXHIBIT – variance application
- proposing modular ramp
- seeking for relief between handrail width, 42” as opposed to 48”, no lower handrail

MB - continue more information regarding detailed plans of the ramp

WW - Second – carries unanimously

CS NOW PRESENT

23) Incoming: Stephen Tish Sports & Fitness Center, 161 College Ave, Medford (V11-050)

- TH - previously before the Board for advisory opinion regarding entrance to the locker room

MT - hearing

CS - Second – carries unanimously

24) Incoming: Faye House, 10 Garden Street, Cambridge (V11-047)

- TH - EXHIBIT – variance application
- over 30%
- complex requests

- CS - hearing

- WW - Second – Carries Unanimously

25) Incoming: Longmeadow HS, 95 Grassy Gutter Road, Longmeadow (V11-049)

- TH - EXHIBIT – variance application
- spending over 30%
- new auditorium addition
- variance to 24.2, lack of hr at auditorium aisles

MB - grant as proposed

MT - Second – carries unanimously

26) Advisory Opinion: Turning Circle, locker room design

- TH - width between the seats at each locker, vertical locker with attached seats
- two rows of lockers, space between edges of the seats measures 4’ 6 7/8”, variance needed for turning radius?
- 6.4.1, turning radius language
- 33, turning radius show under the bench

MT - variance required, does not comply with language
CS - Second – carries unanimously

27) Incoming Discussion: Brothers Pub, 87 Aetna St., Fall River (V11-020)

TH - proposal to allow opening and propose certain proposals for accessibility
- does not address outside deck issue
- proposing to rebuild bathroom to comply in full with the requirements for single user accessible toilet room
- vertical wheelchair lift, status reports and ongoing temporary CO's, submittal of purchase order for lift, submittal of architectural plans by June (need to save money to hire), all work to be done by 2013

WW - agree to all terms proposed, but not allow usage of rear deck
RF - Second – carries unanimously

28) Incoming: Art Gallery at the Fruitlands Museum, 101 Prospect Hill Rd., Harvard (V11-052)

TH - EXHIBIT – variance application
- proposing to put areas of rescue assistance inside the vestibule, variance to 20.11.2b, as second means of accessible egress

MB - Grant
MT - Second – carries unanimously

29) Incoming: Cambridge Sidewalk Work, 156 Brattle St. (V11-043);

TH - sidewalk project voted on in December of 2010, submitted three different applications for three different locations, mistakenly thought that extra copies
- sidewalk work, narrowed path of travel, alternate route to other side of street, signage posted

WW - grant as proposed
RF - Second – carries unanimously

30) Incoming: Cambridge Sidewalk Work, 82, 86, and 101 Henry St. (V11-042);

TH - sidewalk project voted on in December of 2010, submitted three different applications for three different locations, mistakenly thought that extra copies
- sidewalk work, narrowed path of travel, alternate route to other side of street, signage posted
- will make every effort to grind tree roots, without killing the tree, hired an arborist, to provide more clearance at the tree
- letter of support from Cambridge Commission on Disabilities

WW - Grant as proposed
MB - Second – carries unanimously

31) Discussion: Decisions from 3/14/11

KS - any changes?

CS - accept
MT - Second- carries with *MB* abstaining

---- End of Meeting ----