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SECRETARY OF HOUSING AND  
ECONOMIC DEVELOPMENT

**Commonwealth of Massachusetts**  
**Division of Professional Licensure**  
**Office of Public Safety and Inspections**  
**Architectural Access Board**

1 Ashburton Place, Rm 1310 • Boston • Massachusetts • 02108  
V: 617-727-0660 • www.mass.gov/aab • Fax: 617-727-0665

**JOHN C. CHAPMAN**  
UNDERSECRETARY OF  
CONSUMER AFFAIRS AND  
BUSINESS REGULATION

**CHARLES BORSTEL**  
COMMISSIONER, DIVISION OF  
PROFESSIONAL LICENSURE

**THOMAS HOPKINS**  
EXECUTIVE DIRECTOR

Board Meeting Minutes – November 19, 2018 9:00 a.m.  
One Ashburton Place, 21<sup>st</sup> Floor, Conference Room 3, Boston

**Board Members Present:**

- Jane Hardin (JH)
- Andrew Bedar (AB)
- Ray Glazier (RG)
- Evan Bjorklund (EB)
- Dawn Guarriello (DG)
- David Johnson (DJ)
- Patricia Mendez, (PM)
- Harold Rhodes (HR)
- Walter White (WW)

**Also in Attendance:**

- Thomas Hopkins, Executive Director (TH)
- John High, Assistant Legal Counsel and Director of External Affairs, DLP (JH)
- Karen Brann, Program Coordinator/Clerk for the Board (KB)

**Board Members not in Attendance:**

- Dawn Guarriello (DC)

JH, PM, AB, HR, DJ

JH - The Vice Chair opened the meeting.

JD arrived

**Incoming Case Review:**

1. Reciprocal Curb Cut, Ramp, 30 Fairlawn Avenue, Oxford, V18-344

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

No sidewalk on the side of the street.

*AB motioned to Grant. HR seconded, JD abstained, motion passed.*

2. Brett House, 360 Infirmary Way, Amherst, V18-345

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Renovation of existing space into student lounge and laundry, bathrooms and bedrooms.

Work will be done in two phases. Variance is to allow the use of alternative shower stalls.

*Jeff Dougan motioned to grant. David Johnson seconded, passed unanimously.*

3. ABCD Head Start, 190 Nichols Street, Everett, V18-346

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Four story former church and school building, will be used by Head start program on two floors.

Proposing to install vertical wheelchair lift

*JD motioned to grant on the condition for this use only and this tenant only.*

*PM seconded, passed unanimously.*

4. Reconstruction of Sidewalk, 18 Willard Street, Cambridge, V18-347

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Three locations for the width of the sidewalk for section 22.2.

Clarify from where they are measuring from.

*PM motioned to continue and request from the petitioner the dimensions on all three concrete accessible sections. JD seconded, passed unanimously.*

5. Texas Roadhouse, 210 Russell Street, Hadley, V18-348, C17-072

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Originally came to the board as a complaint. Three of the violations are being corrected and they are seeking relief for all the raised seating areas. Seeking relief from 17.5.

*HR motioned to schedule a hearing. PM seconded, passed unanimously.*

6. Windmill Square, 3821 Falmouth Road, Marsten Mills, V18-349

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Upgrade to an existing ramp and handrails. 24.3 width between handrails. They have 45 inches.

*JD motioned to grant. HR seconded, passed unanimously.*

7. Multi Unit Building, 71 North Street, Medfield, V18-350

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New addition to existing building creating 8 unit building. Seeking relief for route from parking area to two building. Over 30%. Routes outside the building need to comply.

*HR motioned to grant. JD seconded, passed unanimously.*

November 19, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

WW Arrived

8. DCR Revere Maintenance Garage, 220-224 Revere Beach Boulevard, Revere, V18-351

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New construction of garage and salt shed for employees only use but plans show public area.

Seeking relief for vertical access. Plans indicate occasional public use. Two stories lower level is employee only. Upper level DCR offices, and public restrooms.

RG Arrived

*HR motioned to grant on the condition of ramp access to the public areas on the second floor as shown on plan A1-2 and for the board to see a site plan and dimensions of the ramp.*

*DJ seconded, passed, RG abstained, motion passed.*

9. Axe Throwing, 73 Norman Street, Everett, V18-352

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New bathrooms, new finishes. Didn't answer questions 11 -16 on the application.

*HR motioned to continue for staff to meet with McDougal Architect, to complete architectural and dimensions for toilet rooms. RG seconded, passed unanimously.*

10. Hair Salon, 78 Jerome Street, Berkley, V18-353

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Constructed in the basement of the house. Family room now to be used as a hair salon. Change in use and work performed. Seeking relief from the accessible entrance. Ask for building permit.

*PM motioned to continue and request the building permit from the town of Berkley.*

*JH seconded, passed unanimously.*

11. Garfield Park, 69-93 River Street, Norwell, V18-354, C16-034

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The case first came to the board as a complaint. Petitioner is now seeking a time variance to bring the park into compliance. Propose to comply by 10/30/19 with 19.7 and 20 et al. Applied for a grant and received a grant. Conservation commission approved the work to begin spring 2019.

*HR motioned to grant the time variance. PM seconded, Jeff abstained, passed unanimously.*

12. 370 Harvard Street, 370 Harvard Street, Brookline, V18-355

November 19, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New construction of a 6 story senior rental housing. Jurisdiction is 3.2. The petitioner is seeking relief from 45.10.

*JD motioned to grant as proposed. PM seconded, passed unanimously.*

13. Multi Family Residential housing, 130 Broad Reach Road, Weymouth, V18-356

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New construction 50 units, 6 story building. Seeking relief from sink depth requirements.

*JD motioned to grant with the usual conditions. RG seconded, passed unanimously.*

14. Wheelchair Ramps, Multiple Streets, Worcester, V18-357

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

City of Worcester submitted this case.

*HR motioned to packet for 12/3/2018. JH seconded, passed unanimously.*

Code change of name of ramp

15. Cheever House, 828 Washington Street, Wellesley, V18-358

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Four stories admin building, toilet being renovated.

*JH motioned to grant. PM seconded, passed unanimously.*

16. Cambridge Cat Clinic, 1100 & 1108 Cambridge Street, Cambridge, V18-359

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Reconstruction of retail space on first floor. Clinic and vet services for cats.

Proposing no accessible entrance. Six inch steps at each entrance. Cambridge commission is opposed to the variance.

*JD motioned to deny, ask for the staff to meet with architecture and hold permits. RG seconded, passed unanimously.*

17. Bellevue Golf Club, 320 Porter Street, Melrose, V18-360

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Had a previous case on this. Two story golf club. Remodeling, over 30%. In 1994 the Board granted on the lift.

*JD motioned to packet for the 12/17 meeting. JH seconded, passed unanimously.*

November 19, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

18. Chatham Works, 323 Orleans Road, Chatham, V18-361

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Former restaurant, grade access from the ground floor level. Over 30%. Seeking 20.1 and 20.11.2. Don't show any studies on potential areas of rescue assistance. Proposing LULA instead of an elevator.

*JD motioned to grant the use of a LULA as proposed. RG Seconded passed unanimously.*

*Egress – JD motioned to continue for staff to meet with the petitioner to discuss egress.  
RG seconded passed unanimously*

19. Christian Mission Pentecostal, 56 Magazine Street, Cambridge, V18-362

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Reconstruction remodel project. Over 30% full compliance. Application is incomplete.

*JD motioned to continue for staff to meet with architect. RG seconded, passed unanimously.*

20. Hardy Elementary School, 730 Massachusetts Avenue, Arlington, V18-024

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The March 22, 2018 NOA dealt with all variance requests. Some are time variances to 2/ 21. Gym bleachers do not have wheelchair spaces. Folding bleaches. Propose a single bench for seating with shoulder to shoulder wheelchair seating on the opposite side of existing bleachers.

*HR motioned to grant as proposed with the bench on the other side. RG seconded, passed unanimously.*

21. Martha's Vineyard Museum, 151 Lagoon Pond Road, Edgartown, V18-222

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Previously before the Board asked for language on accessibility. Submitted language on 10/26/18. JD read language. Is there better language than mobility challenged? Would it be offered to deaf or hard of hearing? Free of charge for persons with mobility related  
Would this include people who have vision challenges? What is the cost of the ride?

*HR motioned to continue for specific definition of accessible challenges that are covered. RG seconded, passed unanimously.*

22. Advisory opinion

- Broadway Bridge, sidewalks exceeding 5% grade

David McCullough, Senior Project Manager, STV, A18-015, Somerville

Bridge to be taken down and reconstructed. Does this need variance relief or does section 22 exemption apply?

*HR motioned that no variance is required, it is under the exemption in 22.3.1. JD seconded, passed unanimously.*

November 19, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

23. Chauncy Court, 18-26 Chauncy Street, Cambridge, V18-030

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

On 2/26/18 granted 25.1. Adding apartments on basement. Not over 30%.

Now doing rehab on kitchens and bathrooms and upgrades. Not over 20%

25.1

*JD motioned to grant. AB seconded, passed unanimously.*

24. Boston Post Building, 15-17 Milk Street, Boston, V18-341

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

On 10/29 reviewed, over 30%. Seeking variance for 1 cast iron stair. Question on the handrails.

Send in documents showing wall side handrails.

*JD motioned to grant as proposed. PM seconded, passed unanimously.*

25. Horseneck Beach State Reservation, Comfort Station, 5 John Reed Road Westport, V18-337

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Over 30%. When first take up couldn't read document, sent in color coded document. 14 requests.

*JH motioned to grant on all on Attachment 5 and 4 grant as proposed. JD seconded, passed unanimously.*

26 Thornes Marketplace, 150 Main Street, Northampton, V02-174, V14-217, V14-347, V18-236

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

11/2/18 submitted an amendment for portion of building previously rendered decision. Now want to change to order issued.

*JD motioned to packet for 12/3. PM seconded, passed unanimously.*

27. Curb Cuts and Sidewalks, Multiple Locations, Boston, V18-200

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New information submitted. Furniture zone. Plans showing changes to sidewalk plans.

*JD motioned to grant. RG seconded, DJ abstained, passed*

28. Existing Granit Slabs, 106 Blackstone Street, Boston, V18-085

Exhibit – Variance Application and associated documents

November 19, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Mr. Hopkins presented the Variance Application and associated documents.

PM recused herself.

Previously before the board. 11/14/18 petitioner provided a new plan with adjustments to granite slabs. Plans are C1,C2,C3,C4.

*RG motioned to grant as proposed on C1,C2,C3,C4. JD seconded, DJ abstained, PM recused.  
Motion passed.*

11:00 a.m. –Residential Rehabilitation Services, 46-48 Kent Avenue, Pittsfield, V18-288 –  
Variance Hearing

Exhibit #1 – Hearing Package AAB 1- 44

Exhibit 2 – Cost Estimate

Exhibit 3 site plan and parking.

Jeff Noble, Hill Engineers, Architect

Joe LaRoche, Vice President, Berkshire Health

The parties were sworn in by the Chair

WW, RG, JD, JH, PM, AB, HR, DJ

WJ arrived

JN- Thank you for having us and moving the meeting date up. Dept. public health is putting pressure on us to open and activate a number of beds in substance abuse area. CSS Program, AAB 10 A state program

JL - Clinical stabilization program is a step down from the substance abuse unit. When patience relapse and start cycle..... a few years ago the state asked us to do this program. 30 bed unit occupies where we would increase substance abuse beds. We looked for residential area to continue both the services.

JN - We went to the state building inspector and ran it by him. No particular issues. Outlined we would accommodate accessibility on ground floor. The local building inspector, building permit, read it that accessibility is needed. Inquired and should look at accessibility on all three floors. It was an apartment house that could accommodate the program without a lot of work. Addressing DPH need for getting the 30 substance abuse beds up in order. You reviewed the first time.

JL – once submitted..... request to reactivate the beds. I anticipated we could get beds back in service before the first of the year.

JN- You thought we should look at a lift. The application of the facility being public is a fuzzy area. Resubmission was submitted 9/19, AAB 21 indicating we consider public use.....want to make sure know it is a locked unit. Security on the outside, admitted to the program. Staff has swipe card keys.

WW- The people who go there are members of the public.

JL – The description of floor plan AAB 12 the top left corner two accessible bathrooms, these bedrooms are based on staffing models. Upper floors we have to separate by gender the number of beds. Licensed for 30. The open areas you see this is a staff observation area. To observe patient on that floor. Functionality would be addressed on the first floor, upper floors area

November 19, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

strictly for staff observations. Private room.....

JN- Accessibility needs – we have dedicated two bedrooms on the first floor. Depending on gender they are separated. These are shown as single rooms, could be doubles.

JL – patients can self-discharge.

WW- Confusion on rooms on first floor. When someone is admitted that are admitted to accessible rooms.

JN – Yes

WW- What would you do if needed

JN - They would be moved.

JL - We run renovation projects by state inspector. Make sure we can make commitment to DPH before we go forward. Upper floors are strictly sleeping rooms. Family and friends have to meet on the first floor.

JN – Hard to prove these days. On the financial side.....

JN - We looked at putting in an elevator, takes away of beds and effects the program.

JN - Renovated and occupied for this program. If I had to pick what arguing it would be financial benefit. We have provided substantial benefit on the ground floor.

JL – We did have questions local fire dept.....other houses are popping up for this same need through the state. Any patient not ambulatory is seen in the main hospital. Has taken us a couple of years to find this building.

WW- concept of going to state inspector first, I assumed it was a state owned building. I am assuming he didn't look at the assessed value?

JN - He comes to all our buildings twice a year.

WW- local inspector looks at the assessed value.

DJ – any medical treatment done here?

JL – no, the private rooms are offices, multipurpose, counseling. There is a large room for group sessions.

AB - Do they stay 30 days?

JL - They could stay longer.

AB- What about parking?

JL - There is parking adjacent to the building.

PM - Do you have an estimate for elevator, LULA, Lift? .....80, 250

JN – No I did not submit them.

Exhibit 2 – Cost Estimate

JH - Is the building size like Becket Art Center?

JH – In terms of facility if you have information of how many seeking services are needing accessibility.

JL – In the past 24 months 2 patients needing accessibility.

JH – First come first serve, if someone came in the patient would understand moving?

JL - They do.

JH - We have things to think about re pressing needs of beds for people in this situation. It is the number one need. Lack of beds is a huge issue in this state.

JL –We average a 15 patient waitlist.

Exhibit 3 site plan and parking.

Jeff – How common is this type of building in MA?

JD - The lift option is not going to be an option.....a LULA can go the full three stories.

WW –We are being particular because it is evidence, unless we receive evidence of costs, given testimony. That is why we are focused on it because it is evidence to us.

November 19, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.



RG - We know from research that substance abuse is more common among people with disabilities.

Heroin use is three times that of people without disabilities. I don't have the numbers for opioids.

JH - We did ask how many have come in in the past few years.

JL - This in an outpatient step down unit after discharged from substance abuse unit.

JN - A substance abuse unit would reside in a hospital.

JD - The two patience you had that needed accessibility, was there a base of non-disabled?

JR - We have 30 beds with a waitlist of 15.

*Vertical access - HR motioned to grant no vertical access as requested with the condition people needing the uses of the accessible rooms will be given preference.*

*JH seconded, RG opposed, motion passed.*

The two accessible rooms can have four beds.

WW-Can you supply us with something showing that.

WW- We need an amendment for the variance requests

JN - It was submitted as it was because of the vertical access. I am happy to amend an application.

WJ - The Board can go over them now.

WW- In the past we have asked for a request.

WW- they should talk to staff and get a list together for variances.

JL - I want to make a commitment that we are staying on our schedule. We need you ruling

*JH motioned to have staff send a letter to local inspector that they have a variance request for vertical access has been granted and issue a building permit.*

*JD seconded, RG abstained, motion passed.*

Executive Session, Discussion of Pending Litigation - Closed Session pursuant to M.G.L. c. 30A, § 21

Executive Session

*JD motioned to go into Executive Session. RG seconded, passed unanimous.*

DJ

HR

AB

PM

JH

JD

RG

Roll call to come out of executive session

DJ

HR

AB

PM

JH

JD

RG

November 19, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

The Board broke for lunch. 12:00.

1:00 p.m. – Lloyd's Diner, 184 Fountain Street, Framingham, V18-095 – Variance Hearing  
Exhibit #1 – Hearing Package AAB 1-15  
Exhibit #2 – Letter from Framingham Building Depart received 11/19/2018  
Richard Lloyd, Lloyd's Diner

JH opened the meeting.

The party was sworn in by the Vice Chair.

AB, JD, PM, AB, HR, DJ, JH

TH – The Framingham Building Department sent in a letter.

WW Came Back

RL – I went before the Framingham access board about 6 months ago. I have been in business 27 years, 40 seats, had the original ramp, have been making upgrades. They told me the upgrades were not done correctly. We have cut down our hours. We have 1 or 2 handicapped people per month. Farther was handicapped, wife has MS. I understand both sides of the story. To spend 3-4 thousand because a foot off to put that money in, I don't know how much money I don't want to be put in.

JH – The disability commission spoke in favor of your ramp. AAB 10.

CSX rail road owns the land. I bought the diner. I am owner of the business and the building.

RL – at this time I cannot sell the business, I am a tenant at will. I have been trying to buy for 15-20 years.

DJ – ramp is in compliance

RL – it is off ½ inch. AAB 9

WW- did you have building permits at the time

RL – Yes.

DJ – What is the width of the door?

RL – 36 inches.

HR – the variance should be granted because the cost exceeds the benefit? The edge of the ramp as it meets the ground. It would be easy to get caught. Could you fill the gap in?

RL – Yes

AB- The gap must be a problem in winter. The wood must be slippery.

RL – I can put non slip on it.

PM – Maybe there are small fixes that can add a lot to the ramp.

RL – I brought it up at the Framingham commission.

PM - I am confused on the commission's stance.

JH – read part of the commission's letter.

RL – I didn't want to do it until I found out what is wrong. When I build the inspector was happy restoring something and bringing something back. The inside is 100 percent original.

November 19, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

*WW motioned to grant the variance for this use only this and this owner only, on the condition the bottom of the ramp is made so it is not so abrupt and handrails on both sides and a sign in the front saying where the ramp is out back and to ask for assistance. HR seconded, JD and RG abstained, motion passed.*

*RG motioned to expedite the decision. JD seconded, passed unanimously.*

TH on the NOA we asked for a plan on where the ramp leads.

RL – it is the back dining room.

JD- this has been out of compliance for a long time.

29. Multifamily Residential, 8-12 Sever Street, Worcester, V18-190

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Originally presented in June 2018 granted 27.4 on condition of wall side rails. An amendment came in 26.6.3 for corridor doors. All 15 will have compliant hardware. The elevator doors at lobby and route to 2a units will fully comply with clearances. Only 15 locations were no units are. 15 doors with 11.5 inches instead of 18 inches.

*JD motioned to grant on the condition of door weighed to five lbs. HR seconded, passed unanimously.*

### 30. Advisory Opinion

- Grab Bar Sample

John O'Meara, President, HEWI, Inc., A18-014

Submitted a sample of the bar. Will it work without etching? Etching gives areas for bacteria.

*HR motioned it is not in compliance and request petitioner for additional samples compliant with 521 CMR. JD seconded, passed unanimously.*

29. Evolve Fitness, 11 California Avenue, Framingham, V18-273

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

30.1774 Liberty & Union Ale House, 16-18 Trescott Street, Taunton, V17-245

Exhibit – Variance Application and associated documents, amendment

Mr. Hopkins presented the Variance Application and associated documents.

Submitted an amendment request. Previously before the board asking for relief for the front entrance they proposed signage and board granted relief for a number of items with conditions. Came back for design for the bar. Now seeking time variance to open second floor without vertical access. At conclusion of two years, funding should be available for vertical lift compliance. Accessible seating is on the first floor. Want two years to make accessible. Might be worth a discussion with the Taunton building dept.

November 19, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

*HR motioned to grant a one year time variance and request staff to discuss with petitioner the requirements that will be needed for an extended variance to be needed. DJ seconded, passed unanimously.*

31. Job Connector, 782-798 Main Street, Cambridge, V18-322

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

An amendment has been submitted seeking phased compliance. They will have an accessible entrance in the rear from the parking lot. Phase 2 length of time is 2 – 4 weeks. Asking us to accept phasing plan based on movement of construction around the building and least impact.

*DJ motioned to accept the phasing plan as proposed. HR seconded, passed unanimously.*

32. Shady Hill School Building 512 Renovations, 178 Coolidge Hill, V18-217

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

At last meeting we asked for clarification. The petitioner sent in the requested information. The porch threshold details. Plans show stepping stone stairs, they put a set of stairs adjacent to it. Porch area complies now. 25.1.

*JD motioned to accept. PM seconded passed unanimously.*

2:00 p.m. – Four Stories, 133 Marlborough Street, Boston, V18-265 – Variance Hearing

Exhibit #1 AAB 1-52

Paul Moan, Code Red (PM)

Michael Teller, CBI Architect (MT)

Michael Muele, BCIL (MM)

Patricia Mendez recused herself and left the room.

The Chair swore the parties in.

DJ, HR, AB, WW, JH, DJ, RG

MM- Gave an overview of BCIL. This case represents some incremental accessibility. The burden is still on the applicant to prove impracticable. Money spent triggers the need for an accessible entrance. And entrance can be created at the rear of the building representing incremental access. The elevator is not up to code but represents accessibility to people. An accessible entrance is an essential benefit. The city is growing older. As the population ages more accessible housing and buildings will be needed. Even though there is incremental access it is a benefit.

MT- a big part of our practice is accessibility. We are committed to accessibility. When I put

November 19, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

the application the back door was one of the things we looked at. We have been granted the variance. MM opposed the granting of the variance. We gave you the issues associated with the front door. It is a challenge to get someone in the front door. We felt access to 2 units on the ground level is not enough of an impediment to move forward with options.

PM – AAB 18 rear option was centered on parking spaces and this wasn't the primary entrance of the building. These are the two primary issues.

JD abstained.

HR - What is the space in blue at the rear parking?

MT- The spaces are in 7ft

PM - The spaces are 7 ft 10 inches. The passageway is the 36 inch.

AB - Don't see much of a chance to create accessibility, structure and cars at the back, steps.

JD – AAB 17 work was specifically to concrete ceiling.

MT - the front yard of the building is over an occupied space. There is a liability because it is structurally unsound. Project is to remove the concrete ceiling.

MM – I wanted to add I never advocated for taking parking spaces. Careful restriping of the parking. I can get through spaces of 32 inches wide. Others in the population a narrower aisle would be fine. Someone else might be able to benefit in the future with having an accessible entrance. Having a discussion with owners of parking, come up with restriping could come to a solution.

*JD motioned to uphold the previous decision of 9/27/2018. HR seconded, PM abstained, DJ abstained, RG abstained, motion passed.*

JH are there options for valet parking? Trying to imagine some system for accessible parking. Is there a building manager.

PM – I don't believe there is.

33. Temporary Gallery, 95-127 W. Rodney French Boulevard, New Bedford, V18-149

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

In May 2018 the Board allowed the use of a freight elevator based on conditions to 10/31/18.

They failed to meet the conditions. Permission of Chief Sampson or a variance is obtained, operator attendant. Asked for 6 month status reports of an elevator, Did provide the licensed operator attendant. This was an art exhibit that was going to be in the city for a period of time. The owner and code consult are seeking continued use of freight elevator. An inspector was sent out to inspect the equipment, has brake slippage problems. Inspector does not recommend for high use.

*JD motioned to deny and not extend the time for the use of the building until a compliant elevator is installed or variance from the elevator board. RG seconded, passed unanimously.*

34. Matheson Property, 37, 45, 49 Wellington Street, 87, 91 Murray Avenue, 720 Main Street, Worcester, V18-261

November 19, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Multiple buildings in the project. The board reviewed on 9/10/18 and 10/29/18 voted to continue. Petitioner didn't send in information

*PM motioned to condition. HR seconded passed unanimously.*

35. Halstead Danvers, 1000 and 2000 Kirkbride Drive, Danvers, C15-139

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

JD abstained.

Received on 11/14 a time extension request. Worked with Kevin Hastings, is no longer the architect. Now they are working with KMA and Josh Safdi.

*PM motioned to continue for 30 days. DJ seconded, JD abstained, passed*

36. Truth Organic Spa, 55 North Main Street, North Grafton, V18-331

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

First heard on 10/15 seeking relief for the float tank. Spending over 30%. They followed the architect's advice and built long ramps. There is an internal stair. Petitioner is asking to open for business while this is sorted out. Hearing is scheduled 1/28/19. TH read the letter from the petitioner. Variance needed is for front entrance. 25.1, 28.1

*HR motioned for staff to send a letter to the local building inspector to grant a TCO.*

*JD seconded, passed unanimously.*

37. Route 38, Multiple Streets, Lowell, V18-339

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Page AAB 3

*JD motioned on wheelchair ramp 1 to grant. JH seconded, passed unanimously.*

*JD motioned on wheelchair ramp 19 plan 2 21.3 to grant. JH seconded, passed unanimously.*

*JD motioned on wheelchair ramp 22 plan 3 motioned that no variance is required as long as it is slope down. PM seconded, passed unanimously.*

*JD motioned on wheelchair ramp 23 plan 4 to grant as proposed. JH seconded, passed unanimously.*

*JD motioned on wheelchair ramp 24 plan 5 motioned that a variance is not needed as long as a slope down. PM seconded, passed unanimously.*

*JD motioned on wheelchair ramp 28 plan 6 that a variance is not needed as long as a slope down JH seconded, passed unanimously.*

*JD motioned on wheelchair ramp 36 plan 7 a variance is not needed as long as slope down. JH seconded, passed unanimously.*

November 19, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

*24.2.1 JD motioned to grant as proposed on ramp on Nesmith Street. JH seconded*

*24.4 and 24.5.1*

*24.4 and 24.5.1 JD motioned ramp Nesmith Street, not needed. JH seconded, passed unanimously.*

*21.10.2 Channelized right turn. PM motioned to deny. JD seconded. Passed unanimously.*

38. MOU – UMass Amherst

Reviewed MOU at a hearing. Had minor issues to fix. Have it for the Chairman to endorse. This is on dorm rooms. They well exceed the 5% already.

*AB left the meeting*

39. Maria Hall, Regis College, 235 Wellesley Street, Weston, V15-174

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents

Petitioner is asking for a site visit and more meetings. This will require a time extension to previous decisions.

*JH Motioned for staff to meet with the petitioner and do a site visit. PM seconded, passed unanimously.*

#### Hearings

3:00 p.m. – Foster Hospital for Small Animals, 55 Willard Street, North Grafton, V18-140 and

Hospital for Large Animals, Cummings School of Veterinary Medicine at Tufts

University, 53 Willard Street, North Grafton, V18-211 – Variance Hearing

Exhibit #1 Hearing Package AAB 1- 85 V18-140

Exhibit #1 Hearing Package AAB 1-34 V18-211

Exhibit #2 Pictures

Gretchen Von Grossmann, Tufts University, Director Capital Programs

Michael Mehue BCIL

The party was sworn in by the Chair.

DJ, HR, PM, WW, JH, JD, RG

TH – This case for the Large Animal Hospital has been before us and time variances were granted. We received a report from Paul Moriarty seeking to add additional sections to the time variance. Also seeking to add 4 items for the Small Animal Hospital. For the Large Animal Hospital add the other sections to the time frame and look at the Small Animal Hospital.

GV - I haven't found a firm date dead line but not happening as timely as hoped.

*JD motioned to add important sections from the Moriarty report that pertain to the Large*

November 19, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

*Animal Hospital to the current time variance. JH seconded, passed unanimously.*

Foster Hospital for Small Animals

AAB 11 Notice of action that was issued in June 2018 granted 3 items and denied 3.

GV – They are from a previous application.

HR – On AAB 11 the three items listed as denied is there a specific request you are making?

GV - I don't believe we are making a specific request. May I add another item?

Door opener has been completed, work to .....has been completed. Passenger zone ramp and ..... they are completed.

Items 1 and 2 on Moriarty report items completed.

Exhibit 2 pictures

Others scheduled to completed march 2019

3 and 4 items curve ramp and ramp route 30

*JD motioned they should be completed by May 1, 2019. HR seconded, passed unanimously.*

*JD motioned to accept photos as completion of items 1 and 2.*

*HR seconded, passed unanimously.*

TH – I received an email from Attorney Jim Plotkin noticed on AAB 11 there is a typo reference the section number should be 27.4.7.

40. Evolve fitness, Framingham

Sent in plans. The building department told us the stalls are too small and we are waiting for the amendment.

*JH motioned to continue. JD seconded, passed unanimously.*

41. Parking, 945 Washington Street, Stoughton, C14-110

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The Board previously implemented fines. Received a letter from the building inspector say he did not give the correct information or how to be compliant to the owner. JD read the letter.

Fines as of 11/2/18 \$70,300.

*HR motioned to rescind the fines on this case. JH seconded, passed unanimously.*

42. Harbor View Hotel, 131 North Water Street, Edgartown, V18-174

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Hearing in July 2018. Petitioner's code consultant sent in an amendment. Due to cost estimates coming in high, they chose to not do some of the work. Now seeking relief to 28.1 29.1 and accessible bathrooms in the lower level. Did not provide cost.

November 19, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.



*PM motioned to schedule a hearing. DJ seconded, passed unanimously.*

#### Affidavit

- Marine Home Center and Marine Lumber, 134 Orange Street, Nantucket

*HR motioned to accept the affidavit and have the affidavit registered with the registry of deeds and filed with the building department. PM seconded, passed unanimously.*

- Caruso Properties, LLC, 50 Clapp Street, Dorchester

*JH motioned to accept the affidavit and require it to be filed with the registry of deeds for book and page number and filed with building department and registry.*

*DJ seconded. Passed unanimously.*

#### Minutes

*HR motioned to accept the minutes from the October 29, 2018 meeting with the changes of adding a more detailed description to the water liner product and on item #10, change PM's initials. JH seconded. Passed unanimously.*

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 5:00 p.m.

## Exhibits

Reciprocal Curb Cut, Ramp, 30 Fairlawn Avenue, Oxford, V18-344  
Exhibit – Variance Application and associated documents

Brett House, 360 Infirmary Way, Amherst, V18-345  
Exhibit – Variance Application and associated documents

ABCD Head Start, 190 Nichols Street, Everett, V18-346  
Exhibit – Variance Application and associated documents

Reconstruction of Sidewalk, 18 Willard Street, Cambridge, V18-347  
Exhibit – Variance Application and associated documents

Texas Roadhouse, 210 Russell Street, Hadley, V18-348, C17-072  
Exhibit – Variance Application and associated documents

Windmill Square, 3821 Falmouth Road, Marsten Mills, V18-349  
Exhibit – Variance Application and associated documents

Multi Unit Building, 71 North Street, Medfield, V18-350  
Exhibit – Variance Application and associated documents

DCR Revere Maintenance Garage, 220-224 Revere Beach Boulevard, Revere, V18-351  
Exhibit – Variance Application and associated documents

Axe Throwing, 73 Norman Street, Everett, V18-352  
Exhibit – Variance Application and associated documents

Hair Salon, 78 Jerome Street, Berkley, V18-353  
Exhibit – Variance Application and associated documents

Garfield Park, 69-93 River Street, Norwell, V18-354  
Exhibit – Variance Application and associated documents

370 Harvard Street, 370 Harvard Street, Brookline, V18-355  
Exhibit – Variance Application and associated documents

Multi Family Residential housing, 130 Broad Reach Road, Weymouth, V18-356  
Exhibit – Variance Application and associated documents

Wheelchair Ramps, Multiple Streets, Worcester, V18-357  
Exhibit – Variance Application and associated documents

Cheever House, 828 Washington Street, Wellesley, V18-358  
Exhibit – Variance Application and associated documents

November 19, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Cambridge Cat Clinic, 1100 & 1108 Cambridge Street, Cambridge, V18-359  
Exhibit – Variance Application and associated documents

Bellevue Golf Club, 320 Porter Street, Melrose, V18-360  
Exhibit – Variance Application and associated documents

Chatham Works, 323 Orleans Road, Chatham, V18-361  
Exhibit – Variance Application and associated documents

Christian Mission Pentecostal, 56 Magazine Street, Cambridge, V18-362  
Exhibit – Variance Application and associated documents

Parking, 945 Washington Street, Stoughton, C14-110  
Exhibit – Variance Application and associated documents

Halstead Danvers, 1000 and 2000 Kirkbride Drive, Danvers, C15-139  
Exhibit – Variance Application and associated documents

Thornes Marketplace, 150 Main Street, Northampton, V02-174, V14-217, V14-347,  
V18-236  
Exhibit – Variance Application and associated documents

Maria Hall, Regis College, 235 Wellesley Street, Weston, V15-174  
Exhibit – Variance Application and associated documents

1774 Liberty & Union Ale House, 16-18 Trescott Street, Taunton, V17-245  
Exhibit – Variance Application and associated documents

Hardy Elementary School, 730 Massachusetts Avenue, Arlington, V18-024  
Exhibit – Variance Application and associated documents

Chauncy Court, 18-26 Chauncy Street, Cambridge, V18-030  
Exhibit – Variance Application and associated documents

Existing Granit Slabs, 106 Blackstone Street, Boston, V18-085  
Exhibit – Variance Application and associated documents

Temporary Gallery, 95-127 W. Rodney French Boulevard, New Bedford, V18-149  
Exhibit – Variance Application and associated documents

Harbor View Hotel, 131 North Water Street, Edgartown, V18-174  
Exhibit – Variance Application and associated documents

Multifamily Residential, 8-12 Sever Street, Worcester, V18-190  
Exhibit – Variance Application and associated documents

Curb Cuts and Sidewalks, Multiple Locations, Boston, V18-200  
Exhibit – Variance Application and associated documents

November 19, 2018

Administrative Discussion and Incoming Case Review occurs throughout the course of the day.

Shady Hill School Building 512 Renovations, 178 Coolidge Hill, V18-217  
Exhibit – Variance Application and associated documents

Martha’s Vineyard Museum, 151 Lagoon Pond Road, Edgartown, V18-222  
Exhibit – Variance Application and associated documents

Matheson Property, 37, 45, 49 Wellington Street, 87, 91 Murray Avenue, 720 Main Street,  
Worcester, V18-261  
Exhibit – Variance Application and associated documents

Evolve Fitness, 11 California Avenue, Framingham, V18-273  
Exhibit – Variance Application and associated documents

Walkway in front of 855 Northern Side of Boylston, Boston, V18-282  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.

Truth Organic Spa, 55 North Main Street, North Grafton, V18-331  
Exhibit – Variance Application and associated documents

Job Connector, 782-798 Main Street, Cambridge, V18-322  
Exhibit – Variance Application and associated documents

Horseneck Beach State Reservation, Comfort Station, 5 John Reed Road Westport,  
V18-337  
Exhibit – Variance Application and associated documents

Route 38, Multiple Streets, Lowell, V18-339  
Exhibit – Variance Application and associated documents

Boston Post Building, 15-17 Milk Street, Boston, V18-341  
Exhibit – Variance Application and associated documents

MOU – UMass Amherst