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THOMAS HOPKINS
EXECUTIVE DIRECTOR

Board Meeting Minutes – November 27, 2017 9:00 a.m.
One Ashburton Place, 21st Floor, Conference Room 3

Present Board Members:

- Walter White, Chairperson (WW)
- Jeff Dougan, Massachusetts Office on Disability Designee (JD)
- Patricia Mendez, Member (PM)
- Dawn Guarriello (DG)
- Jane Hardin (JH)
- Harold Rhodes (HR)
- Andrew Bedar (AB)
- Ray Glazier (RG)

Also in Attendance:

- Thomas Hopkins, Executive Director (TH)
- Karen Brann, Program Coordinator/Clerk for the Board (KB)

Board Members not in attendance:

- Meeting began approximately 9:00 a.m.

WW – AB, PM, JH, HR, DG, JD

1) Four Level Office Building, 24 Thorndike Street, Cambridge V17-174

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

DJ motioned to include in packet for next meeting DG seconded, passed

RG Arrived

2) New Building, 62 Central Street, Ipswich (V17-296)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New commercial space at street level, residential apartments on 2nd and 3rd floors, spending is \$1mill. AAB jurisdiction is 3.2. The petitioner is seeking a variance to 28.1 to allow LULA to all floors.

JD motioned to grant on the condition that group 1 units be provided were lift goes and all units are Group 1. RG seconded, passed unanimously.

3) DPW Utilities & HWY Buildings, 60 & 74 Elliot Street, Newton (V17-297)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Parking lot resurfaced, sloped surfaces do not meet 23.4.4. They refer to it as employee parking.

TH - isn't any jurisdiction for us. It is a DPW yard.

DG motioned that no variance is required. RG seconded, passed unanimously.

4) Emery Flats, 200 Presidential Way, Woburn (V17-298)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The project is a new 200 unit residential building. AAB jurisdiction is 3.2. The petitioner is seeking relief from Group 1 sink depths.

DJ motioned to grant with usual conditions for Group 1 sink depths. RG seconded. Passed unanimously.

5) Dukes County Courthouse, 81 Main Street, Edgartown (V17-299)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The project is to replace an incline lift that does not work. The petitioner would like to replace it with the same lift. The court room is on 2nd floor and it is the only means for accessible access to 2nd floor. Only stairs right now. The broken Lift currently complies.

JH motioned to grant provided that the lift complies with 28.12.5 and for the new lift to be put in place as soon as possible. RG seconded, Passed unanimously.

HR – 17 step lift. They are dangerous.

They do not have any other alternative due to structure and space. Studies would delay accessibility.

6) Cinemark 15, 864 Riverdale Street, West Springfield (V17-300)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The theater has 8 auditorium theaters with ramps since 1960 when building was constructed less than 48 inches between rails. Most have two ramps. Theater 2 42 ½ inches at screen. Handrails will comply.

JD motioned to grant on all as proposed on the condition handrails comply with section 24. DG seconded, passed unanimously.

7) Rainers Tavern, 90 Commercial Street, Worcester (V17-301)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The project is reconstruction and remodeling of an existing building. Spending is over 30%. The petitioner is asking for 1 request for the outside service window. Sidewalk is at face of building. Asking to use window currently not being used. Menu will be posted, bell, items will be delivered to sidewalk.

On condition they have to come out to take order. Request a camera.

HR – Can we ask what it would cost to make it compliant?

RG – Is there a buzzer.

They are proposing one.

JD motioned to grant as proposed on their conditions. Technology infeasibility. DG seconded, passed unanimously.

8) Worcester State University Wellness Center, 486 Chandler Street, Worcester (V17-302)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The project is new construction. AAB jurisdiction is 3.2. The petitioner is seeking a number of variances. Four issues.

~~*JD motioned to packet for next meeting. RG seconded, passed unanimously.*~~
JD withdrew motion.

DG motioned to deny and schedule a hearing. PM seconded, passed unanimously.

9) Pokeworks, 1440 Massachusetts Avenue, Cambridge (V17-303)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The project is a renovation and remodel of existing restaurant space. The value of the tenant space is \$128,879. Spending is over 30%. The petitioner is seeking a variance to 24.2 or 26.6.1. No level landing. The petitioner is offering automatic door openers. Need to slope things differently. Proposing to improve access to seating inside restaurant.

DG motioned to grant the variance with the proposed ground floor plan and with an automatic door opener and compliant handrails. JD seconded, passed unanimously.

10) Bay View Liquors, 108-108A Dorchester, Boston (V17-304)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The project will upset sidewalk. The petitioner is seeking a variance for cross slopes in furniture zone. Last panel in sidewalk is being warped to meet old sidewalk. In front of the building will be compliant. Project is to add two stories (apartments) to the building.

GD motioned to grant as proposed. PM seconded, passed unanimously.

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

11) 14 David G. Mugar Way, 14 David G. Mugar Way, Boston, (V17-306)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The project is the renovation of an existing residential, 5 stories. Levels 1 – 2 are hotel style sleeping units. Upper residential units. All units are for rent. Val \$3,556,500. The spending on the project is over 30%. Asking for 5 variances.

JD motioned to packet for the Dec. 11, 2017 meeting. DG seconded, passed unanimously

12) Avalon Hingham Shipyard II, 310 Lincoln Street, Hingham (V17-307)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The project is new construction, AAB jurisdiction is 3.2. Residential apartment complex with 190 units. Full compliance 3.2. Podium construction and wood framing is underway. The petitioner is asking for 3 variance requests. There is no lift to 15 loft units. Lift will be provided upon request. 15 loft units that are group 1 requires accessible route within the unit on third and fourth floor plans. Proposing vertical lift to be installed upon request. Also requesting sink requirements.

DJ motioned to grant with the usual conditions on sinks. DG seconded, passed unanimously.

Lofts – JD motioned to grant as proposed with the condition there is clear language on how installing the lift will be proposed to renters, and language also has clarification on amenities of loft, such as views, decking, skylights, etc. And the board sees the language. DJ seconded, passed unanimously.

WW left the room.

There was a discussion on Tyler Street and how information is missing. Pictures.

WW came back to the room.

HR left the room.

Administrative Discussion:

13) China Gourmet, V17-309

There is a dispute on spending. Plans say expanding to second floor after they had a fire. Change in use. The Inspector sent a denial letter. Work exceeds \$100,000. Contractor says the work will cost \$48,000.

HR returned to the room.

Photographs show no accessibility in front. Need more work on the application. Looks like expanding seating on the second floor. Building code letter means of egress, higher hazard rate,

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

means of egress pass through the kitchen. Requesting relief from section 3. Square footage value.

JD motioned to continue for Executive Director Hopkins to meet with owner and architect. RG seconded, passed unanimously.

14) Assaggio, 29 Prince Street, Boston V17-059

On 3/27 the case was presented to the Board. Reconstruction and change in use of apartments to more restaurant space, the spending was \$50,000. Board continued for TH to have a meeting with the owner. The spending was low. Received correspondence from the architect saying the spending is \$150,000. The petitioner said they would lose 10 seats totaling 225,000 per seat per year. The petitioner sought relief from vertical access to the second floor. The Board granted with condition of seeing the seating policy. Last week Attorney Thomas Schiavoni, came into the office with articles and paperwork saying that the second floor will be a cooking school with public access. Atty. Schiavoni thinks there will be a roof deck. There is a church next door and the roof deck will overlook the shrine at church.

TH - We didn't have any testimony about roof deck.

JD motioned to schedule a hearing because the Board has not received documentation from the prior decision and to discuss second floor use based on recent information received by the Board. HR seconded, passed unanimously.

15) Hapgood Library, Harvard

We received an amendment to 30.7.1, size of unisex toilet room, there is a column in the bathroom. At a previous meeting, the Board voted to continue the issue of stair nosings and filler.

JH motioned to approved on 30.7.1, as proposed, and the Board is also waiting for info on nosings and filler. RG seconded, passed unanimously, passed unanimously.

Hearings

11:00am – Bradford House, 140 Main Street, Concord (V17-188) - Variance Hearing

Exhibit: - Hearing Packet AAB 1-41

Exhibit #2 – Letter from Town of Concord Commission on Disability

Exhibit #3 – Concord Academy Map of Campus

Kevin Hastings (KH) Code Consultant

Mark Giddings (MG) town of concord

Don Kinsman (DK) concord Academy

Brian Labau (BL) DSK

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

The Chair swore the parties in.

KH – Gave an overview of the existing dorm at the academy. New addition on rear of building. Cost is above 30%. Requested a number of variances. Today we are dealing with the front of building. The variance request is for the east entrance. The work is to modify the entrance would be detrimental to historical significance.

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

MG – Historic District Concord. This building has historic significance. We work hard to protect the street scape. The academy has plan for access on the other side of the building. If they didn't we would be more sympathetic to doing something on the front. The building is across from the library. We need to protect the streetscape.

WW- What is the historical significance?

MG – Built in 1740

DK – Has been a dorm since the 40's.

MG – Part of the legacy of the town.

WW- What is the entrance in back of the building?

KH – AAB35 new addition, there is a walkway.

DG - Who comes from of Main Street to enter?

DK – Primary entrance is on quad side. Trying to keep Main Street. We like students to enter on quad side.

MG – This is a dorm. Only people using would be students.

DG – Would you be amenable to signage to direct people to go to the back for handicapped entrance?

MG – It would have to go in front of the commission.

KH – We received a letter from Concord Disability Commission. Entered as exhibit #3.

HR – If a person in wheelchair is on Main Street, how would they enter?

DK – installing a new sidewalk approved by historic commission. When you go on to quad side, the arc of pathway will give access.

HR – New entrance on rear side, from Main Street there will be a brick walkway to accessible entrance. Do you know length from Main Street to brick walkway?

100 – Walkway and 75' on campus.

BL – AAB 41 shows walkway plans.

DG – there is accessible parking on both sides of the campus.

HR – If I park in handicapped, how many spots?

3 or 4 in general area.

HR – If I can't get into the handicapped parking, I would have to navigate 175' to get to common room. If this was granted would you expect this would be a precedent for other front facing?

Buildings?

MG – We try to do each case individually. Can't answer yes or no.

MG – A commercial building might try to use as a precedent.

HR – Two concerns, impracticability and cost. Cost vs. benefit. 175' is not short. Makes things difficult. Would urge members to consider the challenge that granting variance will have on persons with disabilities.

DG - I would agree with you but they are providing parking.

PM - Have you explored slope walkway instead of handrail.

BL – Historical commission has not seen these yet

Exhibit #4 submitted - sloped walkway

Would compromise some of the water table and add small retaining walls. Second scheme holds walkway further away and off the face of the building. Would still need a retaining wall to do that. Would require demolishing a building. Changing historic nature of house again. Both schemes compromise historic of the building.

JH – How often the handicapped parking spots used?

Rarely. Not used on a day to day basis.

JH – suggestion, would be to make information to visitors that should those spots be used valet parking will be made available. And a responsible person to help. I would want to have that option of valet parking and make sure it is known that it is available.

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

We do have golf carts that are used. It is not uncommon that we transport people to and from where they are going.

JH – really important people know it is available. Signage that is appropriate, and make sure on communications, website, etc., that there is a clear protocol.

JD – Cost estimates? What would it cost?

KH - Didn't get a written cost. It wasn't an issue.

JD - What would 1A and 1B costs be?

DK – 50-75,000 each. It is a guess.

JD – Based on AAB11, is there still on street parking.

DK - Yes. Restrictions are that you have to pay by a phone app.

RG – the idea that history trumps accessibility I don't buy it

JD – I understand the layout, all entrances required to be accessible, they put thought into it. 150,000 is not a huge amount of money. Don't want to grant on historic part. Is it an excessive cost? Seeking it based on 3.9.

DG - What if the variance is denied and the Historic Commission is saying can't do it. What would happen?

MG – Not trying to trump accessibility, there is access around back.

DG – Patterns of students will change to use back entrance.

HR – Valet parking doesn't always work with person who drives own vehicle.

HR – Worried for people in wheelchairs who cannot find adequate parking and having to go 175'.

MG – Concord Academy is a small community. They know who needs help. We don't have people from outside just showing up.

HR – Golf cart won't work for people in a wheelchair.

JD motioned to take under advisement. DG seconded, passed unanimously.

WW - The Board will discuss later and have an answer.

DK –Concord academy, has accessibility on backside. Two buildings have first floor accessibility.

DG - Have those been recently renovated?

The designs never went to the Historic Commission.

Doing a brick walkway to the back. Could recommend wire cut.

JD – need to get values of what cost will be of designs. They need to come back with valid reasons.

The Board broke for lunch.

All members came back except for JD.

Hearing

1:00 pm - Gerald Creamer Center, 120 Granite Street, Worcester (V17-202) - Variance Hearing

Exhibit: Hearing Packet AAB 1-45

Russ Adams (RA) City of Worcester

Fran Hoey (FH) Tighe & Bond

Jay Viamari (JV) Tighe & Bond

Matt Wzorek (MW) Tighe & Bond

DG, AB, HR, PM, WW, JH, RG

(NO JD)

All parties were sworn in.

TH - Jurisdiction on case is outstanding issue. Based on assessments on buildings project is over 30% triggering full compliance. And either additional variances or further compliance.

RA – Recognize that in original letter we were going to make a case that case is 80% funded by mass building. We thought building fell under state jurisdiction. Were told AAB needed DCAM assessment. It is a city of Worcester building. It is a viable way to interpret regulation. We are withdrawing that position.

We are going down cost of compliance is excessive without help to people with disability.

WW - You are stipulating jurisdiction is full compliance.

RA – We concede the 30%.

WW – Are there other variances?

TH – They will have to go back and look at buildings to see what variances they need.

WW- Have you done analysis of building?

RA - No not a full analysis. We made sure design plans incorporated ADA accessible entry and water fountain and bathroom. It doesn't mean the building is fully compliant.

WW - Are you seeking variance on 28.1?

RA - We are hoping to incorporate lifts. The lift proposing makes the front door accessible. Lift will get people to accessible bathroom and water fountain. Lift is being designed to have access to other floors. In addition to minimum we want to make accessible.

JV- We asked for interpretation from building inspector. LL is a walkout but building official determined it is a 3 story building. Can use lift.

WW- should we move forward with this variance or wait until we have full picture to know what else is involved? Without full analysis being done I am a little reluctant.

DG - Does MSBA know you have triggered full compliance?

RA - Once we found out we exceeded 30% I went to MSBA. The answer is no, they are not participating as eligible those improvements. Our reimbursement rate 79%.

DG - A lot of projects are intense to trigger accelerator.

RA- Very early on accelerator repair, we made eligible improvements. Anything that exceeds MSBA said is ineligible.

DG you need more than the 100,000 trigger. Much bigger variance. MSBA has eligible cost and ineligible costs.

RA- MSBA puts out timeline. For 30%, we don't get project cost until we are much further down the road. Only then can we take the number and divide it by accessed cost. If 30% is triggered we go back to MSBA. Creamer cost is.....

Full compliance cost equal share of what we are doing the project for. It throws the metric off quite a bit. MSBA doesn't want us to go down the road hiring, and coming up with an estimate.

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

The city of Worcester, doesn't want people to think we don't want to do upgrades. The syllabus and MSBA puts us in this position. When we get project cost late in MSBA process we now have to divide it by That is where we are

To get a project funded with MSBA we pick a number and get a loan authorization. I estimated Creamer project 2.5mill around. When I found out we exceeded 30% the equation didn't work. JV – what MSBA considers eligible or in eligible.

RA - We got approval through historical commission on ramp, windows and try to adhere to historical nature of building. Didn't include an elevator attached to the outside of building. Tried to make certain floors accessible.

150 students.

DG - Do you have an accommodation plan?

RA - I am assistant commission parks and works. We do MSBA related school enhancement work.

RA – Working with SIMMS to do a comprehensive plan. Took out PCB and asbestos out. Next year we will take out last of PCB and asbestos windows out of windows. We plan to replace roofs and boilers.

DG - Do you have statements of interest?

RA - We do for more new high schools. We have a statement of interest in for Dougherty High School. The school is for certain type students only 150 students.

If someone needs accommodations we can move enrollment around. We don't need this school to be fully compliant on all floors. If it couldn't accommodate we can move student or teacher to a different school. In no way are we saying we are taking all issues and putting them in on school. We go on a case by case basis.

DG - Any large scale project you are going to trigger compliance in the future.

RA - Valuation of the building is \$2.6million. The assessor said he would do an assessment of Gerald Creamer. The school has been level funded as far as maintenance goes. Wouldn't have been able to do work without MSBA.

AB – How many stories?

RA – 3

AB - How are you going about wheelchairs?

JV - Go down to lower level and then go up to get to main level.

AB – Probably need variance for elevator.

RA - We must have original PFA signed. I don't think we have first amendment yet.

HR – What is activity is on 3rd floor?

RA - Would guess it is classrooms.

HR – lift goes lower level to main level. Now would there be any need for accessibility on 3rd floor.

JV - Classrooms. Will move to second floor if needed.

DG – Nurse is on 3rd floor.

RH- Would a variance for the 3rd floor be needed.

PM – Have you done a cost comparison between lift and LULA?

RA - Don't believe we have. Have had good luck using lifts.

PM – There is a big divergence between service between lift and LULA. Can you find out cost lift vs LULA.

RA - What we discouraged is having access take away from class room space. I would be cautious if it was going to remove class space, TH – shaft is same size.

RA – would something in building prohibit us from doing it?

RG - the lift that is pictured in here, 90 degree lift, what is the platform dimensions?

JV – I can provide that information.

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

HR – AAB dimensions are specific.

TH- The new regulations require a 90 degree lift cab 42x 60 with a 42” side door.

TH – My thought is to continue unless deadlines to spend grant money

RA- Don’t believe there is a deadline.

WW- Will have to do full evaluation of building.

HR motioned to continue for a full evaluation of the building to see what variances are needed, and a vertical access cost comparison, by March 1, 2018. DG seconded, passed unanimously.

16) Union Station, 55 Frank B. Murray Street, Springfield (V15-224)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

We are two years in to this case. Initially it was for time variances in a phased approach. Three tracks run in to station. In process of installing 3 elevators between tracks. We granted time relief for project C, seeking extension from October 31, 2017 to December 31, 2018 to complete project. Caution would be to ask to provide photos of updates of work and how policy is working for portable access to platforms.

DG motioned to grant extension to Dec. 31, 2018 on the condition of photos showing evidence of work being done and progress reports starting Jan 1, then June 1 and at the end of project and signed contract with elevator company and deposit check for equipment. JH seconded, passed unanimously.

17) Pilgrim Monument, One High Pole Road, Provincetown (V12-061)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Repair project that was over 30%. It is open to the public. Suggested a camera at the top and flat screen. Also CD of climbing tower and property. Base is open by stairs. Plan is to build a ramp. Fell off the radar screen. New Executive Director is in place and hiring new architect. They are investing \$12,000 annually on accessibility. Next update Jan. 2018 then April 2018. Won’t be ready with access until summer of 2018 for installation of camera. Asking for time variance to summer 2018.

HR motioned to grant time variance until May 15, 2018, with evidence of photos and progress reports starting January 15, 2018. PM seconded, passed unanimously.

2:00 pm - Belmont Street School, 170 Belmont Street, Worcester (V17-203) - Variance Hearing

Exhibit #1: Hearing Packet AAB 1 – 40

Exhibit #2: Cost estimate from the City of Worcester

Russ Adams (RA) City of Worcester, DPW

Fran Hoey (FH) Tighe & Bond

Jay Viamari (JV) Tighe & Bond

Matt Wzorek (MW) Tighe & Bond

DG, AB, HR, PM, WW, JH, RG

(NO JD)

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

All parties were sworn in.

RA - Submitted exhibit #2.

We wanted to do assessment to know assessment what is was for Belmont Street School. Fell below the 30%. We wanted to make argument that full accessibility would not be required for Belmont Street School. We feel it falls outside 30% rule.

WW- Did you have the assessment done for this purpose?

RA - I asked him for an assessment and he sent someone out to do an individual assessment for the Belmont Street.

WW- AAB 1 the assessed value on website. That is the number to be used.

WW- The assessment wouldn't been done but you requested it?

RA - Yes

AB – Has any work been done in the past 36 months?

DG - Looks like the permit was pulled in June 17.

RA - We are in the same boat as the other one.

RA – If we moved nurses office to 2nd floor would it be good for the board?

WW- we need the assessment done.

JV – Can we push until April 1, 2018?

Yes

HR motioned to continue for a full evaluation of building to see what variances are needed, a vertical access cost comparison, by April 1, 2018. JH seconded, passed unanimously.

WW left the room

18) Maynard Theatre, Status on bathroom

The bathroom is finished

DG motioned to accept the status report. HR seconded, passed unanimously.

19) One Story Multi-Tenant, 183-199 Concord Street, Framingham (V17-256)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

TH met with owners re sidewalk slope being adjusted to meet the 9 entries. They will do Auto openers and buzzers for all 9 entries. Are not interested in touching sidewalks. Slopes don't look too bad.

DG motioned to grant on the condition they provide automatic door openers and buzzers on all 9 entrances and that they be maintained. RG seconded, passed unanimously.

20) LUXE, Inc. Topsfield V17-261

On Oct 16, the board reviewed the case and continued for more information. Change in use proposed to open basement space for public use. 3.4 requires accessible route. Petitioner requests relief for vertical access. Same Services will be provided on the first floor. First floor is fully accessible. On 11/15 received photos, accommodation plan.

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

WW returned to room.

JD returned to meeting.

JH motioned to grant as proposed. HR seconded, JD abstained.

21) Wynn, Everett V16-261

On 11/20 the Board received an amendment for relief to install LULA in accordance with 28.12.3 for a presidential suite with two floors. The case was before the Board in 2016 for other variances. We advised them that they need an elevator or apply for variance for LULA. Went to elevator board due to the shallow pit and low overhead design. Got permission to do it.

JD motioned to grant. DG seconded, passed unanimously.

PM left the room

22) Fitch Hoose House, 6 Gulf Road, Dalton (V17-262)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Historic house seeking relief to front entry. Follow up Dalton Historical Commission. We were waiting for stair plan. Gave us a drawing by contractor resolving open risers, two handrails and nosing issue. Asking for width of tread on bottom riser.

JH motioned to grant as proposed for the one section for the extension on bottom riser. DG seconded, passed unanimously.

23) Former Tux Towne, 48 Main Street, Taunton V17-257

The case was reviewed by the Board on 10/16. Proposing auto door openers. Granted on the condition install interior and exterior actuator buttons are installed and pictures on the slopes for files. Bill Shine sent photos, one location not in path of travel at 9.2%.

PM came back to the room

JD motioned to grant as proposed. RG seconded, PM abstained.

24) Sterns Tavern, 140 Mill Street, Letter from Spline regarding Sterns Tavern 140 Mill Street, Worcester V17-272

11/24 wrote to the board, received NOA and request a 30 day extension for handrail for main staircase and full site plan.

JD motioned to grant the extension to January 1, 2018. JH seconded, passed unanimously.

25) Stonecroft Place, 431 Country Club Way, Kingston V17-168

New commercial building. Petitioner was before zoning board. Proposing to put business on second floor we previously allowed use of lift for apartments and small business space.

Approved as proposed and allowed vertical wheelchair lift.

We were contacted by zoning change requested by owner. Notified Herzog. Considering a motion for lift to stay as is. Foundation is in shaft is built. Motion was made to give price on

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

elevator LULA. \$18,000 to demo work that has been done. \$110,000 prep and install LULA. \$128,000 total.

JD motioned to uphold previous decision on what is now being proposed. RG seconded, passed unanimously.

AB left the meeting for the afternoon.

PM left the room

3:00 pm - Vitality Estates, 54 Dunham Road, Beverly (V17-205) - Variance Hearing
Exhibit #1: Hearing Packet AAB 1-18

Johnathan Gyory, LWDA Architects
DG, HR, WW, JH, JD, RG

All parties were sworn in.

TH – the issue is about the stairs

JG – In an office park off 128 near north shore music theatre. Grade between main entrance and ground level entrance next to the garage. About a 14' drop. Originally we were basing it on the idea this is as accessible as we can make it. We have changed the reason for variance we are seeking. We have an accessible entrance at both levels. Lower level pedestrian entrance is accessible. The residence of building if go from point A to point B they will use elevators. Seeking relief from 22.4. Reasons for relief, would involve a switch back of 70' of length cost \$175,000?? Wouldn't be a benefit. People will use internal elevators. Will provide handrails and signage showing accessible route. All of these units are accessible.

DG – are those handicapped parking spaces I see.

DG- there are two, there is now a third and others inside garage.

PM Came back

DG – What else is down there?

JG – Parking, staff areas. Might want to use walking trails.

DG – Is ramp concrete?

JG – Yes. Four retaining walls.

HR – There are three places I can park. Show me route into building. Simple straight in. second area is under the garage. Residential and staff parking. How would I get to main floor?

JG – Showed on plan.

HR - If I am parked in lower left hand corner because the other parking is used. How does wheelchair people enter the building?

WW- The issue is the stairs.

HR – What would be the slope?

JG - We would like to do, it is fairly flat and gets as high as 1 to 14 across here.

PM – Is there a loop around option to get exercise.

JG- There are a number of paths. We are requesting we have a stair here to absorb difference in height.

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

PM - Did you study a sloped walkway.

JG – Yes and forced to do an extra 70' ramp. It would be up against property line.

JD – From starting of ramp going down to first floor grade, what would the slope be? Having some sort of slope with handrails?

JG – If we were to go 140' with about a 14' slope it would be 1 to 10. To do a continuous grade retaining walls that starts going up. In terms of people actually navigating the site, a lot of people whose walking is compromised but not in wheelchair.

JD – I see there are sidewalks near round floor entrance. Then it kind of stops.

JG – No loop to connect to trails. It is off out site.

RG – Cost associated with it, excessive. It is excessive cost.

HR - Your estimate is that it would be not more than 8 % grade, would you stipulate that?

JG - Sure

HR motioned to grant with the condition that the grade does not exceed 8% in area on AAB 8 in red and upon construction, send the Board the final measurement to make sure slope does not go past 8%. JD seconded, passed unanimously.

Advisory Opinions

- Lift with Ramp

Code Red, Caitlin Gamache

Page 3 of email shows fold down lift gate. There is an automatic access ramp. Do we require a variance?

JD – yes, doors.

TH – we allow people to put lifts in and set them on the ground. You don't have to recess it. In section 24.2.1 there is an exception for a wedge. That is three inches.

The gate automatically goes down.

DG motioned that this is an acceptable solution provided level is not greater than 3 inches. RG seconded, passed

- Lift

Jeremy Mason, Howe Engineers, Inc.

Double doors and lift gate doors swing in to each other. We required them to move the lift so it doesn't interfere with the doors.

This has been resolved.

26) Eight Lots School, 54 Eight Lots Road, Sutton (V16-331)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents

We issued an order based on meeting with TH had on October 16. Reported to the board and the board issued order to revise cost estimates for earthen or portable ramp into the building and widening vestibule doors. Received correspondence sorry for delay asking to verify latest proposal.

JD motioned to extend to January 1, 2018. DG seconded, passed unanimously.

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

27) Old Library, 15 Hamilton Street, Worcester (V17-294)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Existing two floors. 3.3.2, but spending shows nothing towards full compliance. The Board previously voted to have the petitioner meet with Director Hopkins. On 11/24 the petitioner sent in an amendment to the variance. Worcester Disability Commission sent in a support letter. Being converted to smoke bar. Arguing that functions on lower are same on upper floor. Upper floor is main floor. Providing vertical wheelchair lift for entrance to building. Doing exterior lift. We can approve use of lift. Asking for no vertical access between floors. Ramp is not feasible.

JD motioned to grant for section 28.1 variance to allow design for the lift at the front entrance, for this use only, as long as duplicate services on both floors, and basement is used for overflow.

RG seconded, passed unanimously.

28) Gore Place, 52 Gore Street, Waltham (V17-185)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

JD AAB 11 -

Accessible Route for stairs

JD motioned to grant with modification of route if needed.

101a-1 threshold deny, hardware grant

Pg 12 13, mezzanine floor and second floor motioned to grant

Anything over ¾ inch

JD motioned to grant with the exception on the accessible route and doorways (AAB 11), where thresholds exceed ¾ inch we will grant on condition there is a wedge and policy when persons with disabilities are there. DG seconded.

Accessible route and stairs

DG motioned to continue on accessible route and nosing and details on filler. PM seconded, passed unanimously.

Minutes from November 13, 2017 AAB meeting

HR motioned to approve the minutes from the November 13, 2017 AAB meeting. JH seconded, passed unanimously.

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn

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

Exhibits

New Building, 62 Central Street, Ipswich (V17-296)
Exhibit – Variance Application and associated documents

DPW Utilities & HWY Buildings, 60 & 74 Elliot Street, Newton (V17-297)
Exhibit – Variance Application and associated documents

Emery Flats, 200 Presidential Way, Woburn (V17-298)
Exhibit – Variance Application and associated documents

Dukes County Courthouse, 81 Main Street, Edgartown (V17-299)
Exhibit – Variance Application and associated documents

Cinemark 15, 864 Riverdale Street, West Springfield (V17-300)
Exhibit – Variance Application and associated documents

Railers Tavern, 90 Commercial Street, Worcester (V17-301)
Exhibit – Variance Application and associated documents

Worcester State University Wellness Center, 486 Chandler Street, Worcester (V17-302)
Exhibit – Variance Application and associated documents

Pokeworks, 1440 Massachusetts Avenue, Cambridge (V17-303)
Exhibit – Variance Application and associated documents

Bay View Liquors, 108-108A Dorchester, Boston (V17-304)
Exhibit – Variance Application and associated documents

14 David G. Mugar Way, 14 David G. Mugar Way, Boston, (V17-306)
Exhibit – Variance Application and associated documents

Avalon Hingham Shipyard II, 310 Lincoln Street, Hingham (V17-307)
Exhibit – Variance Application and associated documents

Pilgrim Monument, One High Pole Road, Provincetown (V12-061)
Exhibit – Variance Application and associated documents

Union Station, 55 Frank B. Murray Street, Boston (V15-224)
Exhibit – Variance Application and associated documents

Gym, 14 Tyler Street, Somerville (V15-282)
Exhibit – Variance Application and associated documents

Eight Lots School, 54 Eight Lots Road, Sutton (V16-331)
Exhibit – Variance Application and associated documents

Gore Place, 52 Gore Street, Waltham (V17-185)
Exhibit – Variance Application and associated documents

One Story Multi-Tenant, 183-199 Concord Street, Framingham (V17-256)
Exhibit – Variance Application and associated documents

Fitch Hoose House, 6 Gulf Road, Dalton (V17-262)
Exhibit – Variance Application and associated documents

Old Library, 15 Hamilton Street, Worcester (V17-294)
Exhibit – Variance Application and associated documents

Vitality Estates, 54 Dunham Road, Beverly (V17-205)
Exhibit #1: Hearing Packet AAB 1-18

Bradford House, 140 Main Street, Concord (V17-188)
Exhibit: - Hearing Packet AAB 1-41
Exhibit #2 – Letter from Town of Concord Commission on Disability
Exhibit #3 – Concord Academy Map of Campus

Belmont Street School, 170 Belmont Street, Worcester (V17-203)
Exhibit #1: Hearing Packet AAB 1 – 40
Exhibit #2: Cost estimate from the City of Worcester