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DIANE M. SYMONDS
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

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

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Board Meeting Minutes – November 4, 2019 9:00 a.m. – 5:00 p.m.
One Ashburton Place, 21st Floor, Conference Room 1, Boston

Board Members Present:

- Jane Hardin (JH)
- Jeffrey Dougan (JD)
- Raymond Glazier (RG)
- Dawn Guarriello (DG)
- Patricia Mendez, (PM)
- Harold Rhodes (HR)

Also in Attendance:

- Bruce Hopper, Chief Legal Counsel, DPL (BH)
- William Joyce, Compliance Officer, AAB (WJ)
- Karen Brann, Program Coordinator, AAB (KB)

Board Members not in Attendance:

- Andy Bedar (AB)
- David Johnson (DJ)

The Chair opened the meeting.

WW, JD, PM, JH, HR, DG

Incoming Case Review:

1. Building Converted to Office Space, 53 Gothic Street, Northampton, V19-278

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Existing building, no access to the second floor, proposed use of commercial offices.

Letter of support from building official. 4 tenancy on top, 4 on bottom.

Will install ramp at front door.

JD motioned to grant for this owner only. JH seconded, passed unanimously.

2. Millis 58, 58 Pulaski Street, Peabody, V19-279

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Renovation of mill building. Seeking time until 7/1/2020 for elevator is completed.

JD motioned to grant the time variance until 8/1/2020 with final status reports.

RG seconded, passed unanimously.

3. New Construction, Lowell, V19-280

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Laundry units. No access to upper floors. Accessible laundry on the first floors.

Full kitchen on the first floor.

DG motioned to grant. JD seconded, motion passed.

4. Three Story Office Building, 601 High Street, Dedham, V19-281

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Renovation of existing commercial building. Entrance. Proposing auto door openers.

Jurisdiction on upper floor is unclear.

JD motioned to continue for more information on jurisdiction. JH seconded, passed unanimously.

5. Police Headquarters, Tucker Road Driveway, V19-282

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Rebuilt walkway moved 6feet from original location. Curb cut that is an apex.

JH motioned to packet. PM seconded, passed unanimously.

6. Roadway and Sidewalk, Southwest Corner Beach St. and South St., Boston, V19-283

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Curb ramp 12.9% over slope curb cut.

HR motioned to Grant. DG seconded, passed unanimously.

7. Residential Development, 370-380 Harrison Avenue, Boston, V19-284

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

New residential building.

Sink depth

Bottom door pullout freezer door.

DG motion to grant with the usual conditions and time for all three variance requests.

JH seconded, passed unanimously.

Blocking

Only 1 condo unit has this condition out of 172 rental and 101 condominiums.

DG motioned to grant. JH seconded, passed unanimously.

11:00 a.m. - Bad Martha Farmer's Brewery, 876 East Falmouth Highway, East Falmouth, V19-248
Variance Hearing

Exhibit #1 – AAB Hearing Package AAB 1-14

Exhibit #2 Revised plans

Peter Pometiti, (PP)

Varnon Phillbrook, Philbrook Engineering, (VP)

The Chair swore the parties in.

HR motioned to GRANT the requested variance to permit use of the mezzanine on the CONDITIONS that the Petitioner: (1) make improvements to the facility to otherwise comply with 521 CMR as agreed; (2) submit photographic and other proof of compliance therewith to the Board no later than the close of business on Friday, January 10, 2020; (3) submit an affidavit, attesting that the mezzanine office will only be used by employees, no later than the close of business on Friday, January 10, 2010; (4) shall ensure that no private functions will be held on the mezzanine level; and (5) shall ensure that two tables by the bar on the ground floor will be wheelchair accessible and that staff is trained to accommodate those in need of them.

DG seconded, passed unanimously.

The Board maintains an audio recording of the Hearing. The Board decision dated November 26, 2019, memorializes the Hearing.

8. Retail and Office Space, 51-53 Hereford Street, Boston, V19-285

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Renovation of existing building. Sidewalks.

Question on work performed

JD motioned to schedule a hearing. DG seconded, passed unanimously.

9. Three Family, 30 Berkshire Street, Cambridge, V19-287

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Sink outlets

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

Building previously burned down.

DG motioned to grant. JD seconded, HR opposed, motion passed.

JD motioned for staff to reach out to Building Inspector regarding the group 1 compliance. PM seconded, passed unanimously.

The Board broke for lunch.

WW left for the day.

10. Aboretum Place, 3815 Washington Street, Boston, V19-288

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking relief from 28.12.1.

JD motioned to continue for cut sheet of lift dimensions and maneuvering obligations and 25.1 entrances and dimensions of in class bathrooms under 30.1 by January 5, 2020.

RG seconded, passed unanimously.

11. Mixed-use Development, 1043-1059 Cambridge Street, Cambridge, V19-289

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Relief for 9 of the units. Proposes to design incline platform lift to be installed later but only for the first buyer.

DG motioned to deny. HR seconded, passed unanimously

12. Dunkin, 9 Main Street, North Reading, V19-290

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner requests a waiver of the two week waiting period.

JD motioned to waive the two week waiting period. DG seconded, passed unanimously.

Renovation of an existing Dunkins. The petitioner is seeking relief from 30.7.1.

Proposing auto door openers. They do not have the 72 x 90 clear floor space. They have the turning radius.

JD motioned to continue for information on how wide the stalls can be made, test drawing for compliant restrooms.

JD withdrew motion

PM motion to require test drawing including cost for re-plumbing and relocating fixtures for two compliant restrooms eliminating the middle hallway. JD seconded, passed unanimously.

13. Assembly Row Block 8, 485 Foley Street, Somerville, V19-286

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking relief on the sink depths.

JD motioned to grant on the usual condition that language is included in the lease specifying that, upon request by a tenant with a disability, a sink with a depth of not more than 6 1/2" shall be installed at no cost to the tenant and that such installation shall be completed in not more than 30 days from receipt of the request. HR seconded, passed unanimously.

Advisory Opinion

Does 521 CMR 8.7 apply only to the door between the corridor and dormitory unit or does it apply to the doors between the bedrooms and the hallway? If 521 CMR 8.7 applies to the doors between the bedroom and the hallway, are the hallways leading to these doors within the unit required to also be 36" in width per 521 CMR 20.3?

Code Red Consultants, Jeff Parris

JD motioned a variance needed for where the red and blue dots on the plan are shown (all doors to sleeping rooms). DG seconded, passed unanimously.

Advisory Opinion

If a project includes (A) units for sale only (condos) or (B) units for lease where the project has less than 20 units, are either of these projects required to provide sleeping accommodations for persons who are deaf or hard of hearing?

Code Red Consultants, Lea Dighello

Section 9.7 sleeping for deaf and hard of hearing.

Is 9.7 independent from 9.4?

JD motioned that 9.7 is independent from 9.2 and counted on total numbers not reduced numbers. DG seconded, motion passed.

JD motioned that 9.7 does apply in this scenario. RG seconded, passed unanimously.

Local ordinance stricter than that of 521 CMR

Methuen has ordinance for automatic door openers. All new buildings required to have auto door openers. Do towns have the authority?

JD motioned to table for legal to review. DG seconded, motion passed.

14. Norfolk County Correctional Center, 200 West Street, Dedham, V17-269

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

30.7.2 for 7 toilet rooms granted. One toilet room has plumbing going into the slab.

JD motioned to grant. DG seconded, passed unanimously.

15. Forest Street Apartments, 16-19 Forest Street, Cambridge, V18-327

Exhibit – Variance Application and associated documents, adjudicatory hearing request

Ms. Brann presented the Variance Application, associated documents and adjudicatory hearing request.

The petitioner stated that in July, 2019, they sent by USPS mail, a judicatory hearing request. It does not appear that the request made it to the AAB office. The petitioner contacted the Board and asked if a hearing could be scheduled.

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

16. Savage Field, 36 Vale Street, Clinton, V17-295

Exhibit – Variance Application and associated documents, lift installation pictures

Ms. Brann presented the Variance Application, associated documents and installation pictures

The petitioner submitted installation pictures of the lift.

JD motioned to accept the submittal and to emphasize the importance of maintaining the lift properly. HR seconded, passed unanimously.

Hearings

2:00 p.m. - Dental Office, 106 Broadway, Revere, V19-239 Variance Hearing

Exhibit #1 Hearing Package AAB 1-30

Exhibit #2 Lift estimate proposals from 101 Mobility

Nicholas Annese, Dentist (NA)

Alexander Annese, Dentist (AA)

Domenic Valente, Architect (DV)

Joseph Brodigan, Esquire, (JB)

The parties were sworn in by the chair.

HR motioned to grant the variance request 25.1 on conditions portable ramp available 42 x 60 minimum, staff be trained and available at all times for use of ramp, information available on website and marketing materials and including services at another dentist location if needed, clearly understood that employee only space affidavit given to the board. Auto door operator in an accessible location, and compliant handrails. MM seconded, RG PM opposed.

Motion approved

The Board maintains an audio recording of the Hearing. The Board decision dated November 26, 2019, memorializes the Hearing.

Affidavits

- 24 Sunnyslope Avenue, Tewksbury

A portion of the building will be open. The second floor is employee only.

JD motioned to accept and have it filed at the registry of deeds.

PM seconded, passed unanimously.

3:00 p.m. - Annisquam Village Church, 810 Washington Street, Gloucester, V19-212

Variance Hearing

Exhibit #1 – Hearing package AAB 1-33

Peter Lawrence, Annisquam Church (PL)

David Torrey, Torrey Architecture, Inc. (DT)

The parties were sworn in by the Chair.

HR variance 2 AAB 17, motioned to grant with condition hooks provided to maintain open doors. PM seconded, motion passed.

PM motioned to grant relief to request #5, 25.1. HR seconded, passed unanimously.

PM motioned to accept clarification that portable ramp is not part of the project. HR seconded, passed unanimously.

Next – OTHER

AAB 25 on the plans

Geometry of the ramp -

At the steepest 1 in 16

JD motioned to grant 24.10 on condition of updated application received by the board.

HR seconded, motion passed.

16. First Baptist Church of New Bedford, 149 William Street, New Bedford, V19-066

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Previous packeted case. Continued four variance requests.

PG 4 - 3,4,5 are linked requests.

Front entry door – proposing no hardware.

JD motioned to grant on compliant center handrail and way finding signage on approval of the board. JH seconded, motion passed.

Side entry page 5 –

JD motioned to grant with way finding signage to make it easy to find the accessible entrance sent to the board for approval (FOR ALL GRANT). DG seconded, passed unanimously.

Side vestibule door

JD motioned to grant. JH seconded, passed unanimously.

Pg 7 interior door hardware

JD grant on condition of auto door opener.

JD withdrew

JD motioned to continue to find out what the proposed use of the door will be, is it a tenant space separator, who is traveling through the door. DG seconded, passed unanimously.

PG8 Service door 6

JD motioned to grant with way finding signage approved by the board. DG seconded, passed unanimously.

AAB 9 interior door leaves and hardware

JD motioned to continue for more information on the proposed use of the door between office and theatre. PM seconded.

Item 7 AAB 10 hardware

JD motioned to grant as proposed. JH seconded, passed unanimously.

Item 8 – office areas

JD motioned to grant on approval of an accommodation policy. DG seconded, passed unanimously.

Item 9 vestibule door

JD motioned to grant as proposed. DG seconded

Item 10 interior doors hardware. Lobby of theatre, pg 17.

JD motioned to grant with auto door opener. PM seconded, passed

Item 11 AAB 14 storage and stairs.

JD motioned to grant as proposed. DG seconded, passed unanimously.

Item 12 interior doors

JD motioned to grant with auto door openers. PM seconded, passed unanimously.

Second floor tenant space AAB 2 request #6

RG arrived

JD motioned to order an affidavit stating the area is employee use only with a colored coded floor plan. DG seconded, RG abstained, motion passed.

17. Nobska Lighthouse Keepers House, 233 Nobska Road, Woods Hole, V19-140

Received requested response the upper floor will be used by volunteers and there is also a public bathroom.

JH motioned to schedule a hearing. DG seconded, passed unanimously.

18. Townhouse Apartments, 141 Sea Street, Quincy, V19-141 & C17-060

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Elevator modernization. The petitioner requests to install 18 stair lifts.

MM arrived MOD

JH motioned to schedule a hearing for November 18, 2019. JD seconded, passed unanimously.

19. Three Story Structure, 194 Harvard Street, Cambridge, V19-200

Previously continued for requested submission shifting the accessible entrance.

JH motioned to grant. DG seconded, passed unanimously.

20. The Old State House, 206 Washington Street, Boston, V19-213
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

PM recused herself and left the room

Received letter of support from the Boston commission. Work triggered accessible entrance and bathroom.

JD motioned to grant a 6 month time variance for the petitioner to submit a timeframe, plan of fundraising efforts, what variances may be needed, how people will be accommodated to get into the building. DG seconded, passed unanimously.

JD motioned for staff to reach out to the building department to indicate a time variance does allow to continue with façade and HVAC RG seconded, passed unanimously.

6. 19 Story Building, 212-222 Stuart Street, Boston, V19-218
7 2a units or 8 2a units.

RG motioned to have one above

RG withdrew one above.

JD Motioned to find there are 7 group 2A provided. DG seconded, passed unanimously.

Ron Cogliano (CR) arrived

21. Harrington Auditorium, 100 Institute Road, Worcester, V19-223
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

Looks like the seats are behind the net.

JH motioned for additional information on creating accessible seating for wheel chairs and bleachers on drawing located, with photo of line of site bleachers extended, where seating is located, where it is located. RG seconded, passed.

#2 28.1

Weight room

JH motioned to grant on condition of detailed info on other accessible weight rooms.

JH withdrew motion.

JD motioned grant AAB reviews relocation of varsity training room.

JD withdrew motion.

JD motion to continue for information on could an alternative space be provided within their public room if varsity training needed to be relocated. RG seconded, passed unanimously.

39.3

Proposing that no one can use them. Will cage them.

*JD motioned to accept on the condition that they will be caged and no one will use them.
JH seconded, passed unanimously.*

22. Student Center at Milton Academy, 170 Center Street, Milton, V19-224
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

Everyone uses the accessible entrance.

HR motioned to grant. DG seconded, RG abstained. Motion passed.

23. Waverly Hall, 115 Mount Auburn Street, Cambridge, V19-252
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Previously continued. Received submission proposing to have other locations where they can meet with people.

JD motioned to grant on condition of explanation of where the buildings are and the route to them and info on website making people aware upon board review. JH seconded, motion passed.

24. New England Center for Children, 33 Turnpike Road, Southborough, V19-254
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Has multiple accessible entrances.

JH motioned to grant on the condition the handrails and everything complies. DG seconded, passed unanimously.

25. Curb Cuts, 42 Bridge Street, Great Barrington, V19-261
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

Proposing a 5% slope down. Seeking relief for no landing.

JH motioned to grant. DG seconded, passed unanimously.

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 5:00 p.m.

Exhibits

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Assembly Row Block 8, 485 Foley Street, Somerville, V19-286
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Three Family, 30 Berkshire Street, Cambridge, V19-287
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Aboretum Place, 3815 Washington Street, Boston, V19-288
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New England Center for Children, 33 Turnpike Road, Southborough, V19-254
Exhibit – Variance Application and associated documents

Curb Cuts, 42 Bridge Street, Great Barrington, V19-261
Exhibit – Variance Application and associated documents

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Exhibit – Variance Application and associated documents

Savage Field, 36 Vale Street, Clinton, V17-295
Exhibit – Variance Application and associated documents, installation pictures

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24 Sunnyslope Avenue, Tewksbury, Affidavit

Bad Martha Farmer's Brewery, 876 East Falmouth Highway, East Falmouth, V19-248
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Exhibit #2 Revised plans

Dental Office, 106 Broadway, Revere, V19-239
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