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

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CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

THOMAS HOPKINS
EXECUTIVE DIRECTOR

Board Meeting Minutes – December 11, 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)
- 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: Dawn Guarriello (DG)

- Meeting began approximately 9:00 a.m.
WW – JD, JH, AB, PM, HR

Incoming Case Review:

1) Forest Hall Annex (Babson College) 8 Sullivan Road, Wellesley (V17-129)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The Board previously granted relief for the annex building. The petitioner wants to spend \$5.7 mill on Forest Hall. Spending is over 30% and they are seeking 9 variances.

*JD motioned to include in the January 8, 2018 Board package. JH seconded, passed
unanimously*

2) Abby's House, 52 High Street, Worcester (V17-128)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

At the last hearing, the Board asked the Petitioner to look at proposals for fillers for nosings on two stairs. On 7/26/2017 the Board ordered them to investigate adding a central runner. They researched runner, came up with a stone piece to be secured to projecting nosings.

JH motioned to grant provided all work is done and evidence of completion given to Board by April 1, 2018. JD seconded, passed unanimously

3) Assagio, 29 Prince Street, Boston (V17-059)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

A hearing is scheduled for 1/22/18. The Board issued an email to ISD to stop the work. The Board received a letter from the attorney along with an accommodation policy. The case originally came to the Board in March, 2017. Spending on the project was low at \$50,000 to convert a second floor apartment to additional restaurant space. We rejected that claim. They adjusted the spending to \$150,000. At the time what they were proposing is second floor seating, etc. The petitioner recently went to the Zoning Board with something totally different. Now the second floor plan shows they are building a kitchen with a bar with screens to film cooking in the kitchen. In the Zoning Board recorded meeting video, the petitioner said AAB approved no vertical access. We approved it based on what they originally came to us for. They are now presenting to put a roll down screen for people to see what is going on on the second floor. If you watch the video, they have an agreement with the Boston Public Schools to teach kids how to cook. TH met with owner and attorney.

RG arrived

Either vacate previous decision on the grounds of what has been received, and put in vertical access.

The first floor will be accessible. Other restaurants in the North End are not accessible.

What do you want to do about permit and work? They are not offering the same things on each floor.

Hardship issue – in initial plan they were building an interior stair. Now on the plan, the stair disappears. They are relying on an outside fire escape. They are required to have two egresses. They do have an internal stair.

We granted the relief from vertical access because they were saying \$75,000 cost to put in. We can ask them to clarify spending at the hearing. There is change in use.

Space requirements, lift takes up seats, they are putting a kitchen in on the second floor negates the idea of not being able to put in a lift. It will be one of the very few accessible restaurants in the North End. They will put automatic door openers in. What was the explanation of the different plan? The restaurant business has changed. Being able to interact with people preparing food.

JH motioned to vacate the original decision because we now have a different plan than the original and a hearing is scheduled to 1/22/18. The Board would also like details on spending and fuller details on the new plan. RH seconded. RG abstained.

4) RE 150, 150 Revers Edge Drive, Medford V17-308

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

521 CMR 43.3.2 and 45.4.5

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

The project is new construction of 1 residential building with 282 units and garage, 4 floors of apartments over the garage. 3.2 full compliance. The petitioner is asking for relief from Group 1 and 2B sinks.

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

5) One Framingham Center, One Edgell Road, Framingham V17-310

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

521 CMR 30.7.2, 30.8, 30.6

The project is a tenant fit out. They are proposing variances for existing toilet rooms. No usable access is proposed. 30.6 stall doors, 30.7.2 42 inch minimum, 30.8 18 inch grab bar.

Says can't be done, it is existing, cost. They should have complied when done.

JD Motioned to deny, AB seconded. Passed unanimously

6) Three Story Mixed Use, 1193 Mass. Ave., Arlington (V17-311)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

521 CMR 28.1

New construction, grade level commercial, 2 residential units above. AAB jurisdiction is 3.2 new construction, 28.1 to use a LULA instead of elevator to serve all floors.

JD motioned to grant with the condition that the LULA is compliant and the four units are group 1 units. JH seconded, passed unanimously.

7) Planet Fitness, 1815 Mass. Ave., Cambridge (V17-312)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

521 CMR 25.1

Existing multi floor multi-tenant, fit out of lower space for Planet Fitness. 25.1, creating entrance at grade served by stair down. Adjacent is main entrance and elevator banks.

Seeking relief for entrance. Proposing signage at planet fitness vestibule.

JH motioned to grant. AB seconded, passed unanimously.

8) The Yoga Shop, 185 Miller Street, Ludlow (V17-313)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The building is a 2 level facility with steps connecting two halves of the building. People would have to leave the building to go to studio space, locker rooms and toilets. Change in level.

Building has been in violation since constructed. Cost of lift is \$20,000. Engineer talks about ADA not AAB. They talk about complying in other ways.

~~*JH motioned to deny. HR seconded.*~~

JD a lift will take less space than switch back ramps. Do we want to give a time variance to install the lift?

JH withdrew previous motion.

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

JH motion to grant provided that plans are put in place with updates to the Board every 6 months, about ongoing work to installing the lift, with the lift to be completed 2/1/19. Also, accommodation policy is given to the Board by January 8, 2018. PM seconded, HR opposed.

RH it should only be 1 year.

JD what was spending? Building \$153,700, \$60,000 is spending. Lift \$20,000. HVAC, electrical, interior improvements.

9) Ava North Point, 2 Leighton Street, Cambridge (V17-314)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

521 CMR 43.3.2, 45.4.5

New construction, 265 apt units, fitness center, garage under. 6 stories. The petitioner is requesting relief for group 1 and 2a sinks.

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

10) The 1620 Winery, 55 Cordage Park Circle, Plymouth (V17-315)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

521 CMR 25.1

Building converted into winery, function facility, bar, restaurant. The petitioner is seeking relief for 25.1 for 1 entrance that leads to the function hall. No spending on application. They have an accessible entrance. Would ask about an affidavit on the balcony. Ramp is compliant with handicapped parking next to ramp.

Ramp is used to bring in supplies. Jurisdiction is loose. It was a warehouse before, change in use. Significant renovations are being done.

Currently a person in a wheelchair can get into the building, function hall is accessible. We need clarification on balcony.

~~JH motioned to grant as requested provided we receive affidavit regarding balcony and use for employee only and clarification on what they invasion the function hall to be, the movable barriers clarification,~~

JH withdrew previous motion.

JH motioned to request petitioners to have a meeting with Executive Director Hopkins and to provide additional information on the function hall, use on balcony, staging, barriers and spending. JD seconded, passed unanimously.

11) Bradford House Concord Academy, 140 Main Street V17-188

Follow up to hearing. We took case under advisement. Need a decision.

We received additional info from architect and Historic Commission.

JH, we keep running to barrier to historical commission. There is valet parking, it is accessible for students.

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

3.9 regulations, may allow for alternative access.

HR motioned to deny on 25.1. RG seconded, JH abstained.

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

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

TH spoke to Mr. Dahl waiting for drawing and narrative. Accessible route to stairs portion, seeking relief for handrail, handrail extensions, profiles, handrails on one side vs. both sides.

There are accessible rooms but exit is different. Leave by the way you came and everyone goes the same way. Because of drawings that is where confusion is. We could ask them to send us better pictures of each stair.

HR – What is largest manual wheelchair that can be accommodated? The code allows 32” clear.

HR – Would a wheel under 32” be accommodated throughout the facility?

WW left the room

Nothing went below 32”.

Grant everything but change in level.

Hardware

Condition

If staff wasn’t there to help, would there be problems at many places due to pull latch?

WW came back

HR Is it possible to construct so people wouldn’t need assistance? Most doors have existing hardware issues. 6 out of 20 doors on first floors have clearance issues. Not arguing cost, arguing not practical.

HR would like to see a plan to relieve requirement of assistance provided.

JD Motioned to grant on the accessible doors and doorway grids with the exception of where the thresholds have a change in level of ½” Door/Doorway numbers 101A-1, 101A-2, 101-1, 103-2, 110-1, 110B-1. HR seconded, passed unanimously.

PM motioned to consider adding a filler to stairs 106 and 112A. JH seconded, passed unanimously.

Advisory Opinion

13) Senate Chamber Vertical Wheelchair lift

The petitioner is proposing equipment with a platform of 42” x49”. We require 36x54. 5” shy on length, 6 inches more on width.

HR motioned to approve relief for the platform size on this type of equipment. AB seconded, passed unanimously.

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

14) 260 West Third, South Boston V17-253

The Board previously voted to continue this case on sections 28.1 and 9.3, and staff was told to get in touch with Arthur Choo. The petitioner provide additional drawings on 10/11/2016. The petitioner wants to use a vertical wheelchair lift. They are obligated to provide vertical access to third floor.

AB Motioned to grant on the condition that on the ground floor there is a group 1 unit. JH seconded, passed unanimously.

15) 24 Thorndike, Cambridge V17-174

The petitioner submitted information following the hearing. The responsibility is the owner's to provide vertical access not the tenant. Cost for elevator \$1.5 million.

HR Should we asked them to include signage? Also ask tenants to include on their websites and business information, to ask people to make accessible arrangement in advance.

~~HR motioned to grant with condition tenants using 2, 3, 4 floors provide appropriation signage on websites and all business communications. And landlord provides signage and information at entrance. PM seconded~~

We should issue a Memorandum of Understanding and have the landlord sign and report to the Board annually.

HR withdrew previous motion

RH motioned to review at the January 8, 2018 meeting about having the Landlord sign a Memorandum of Understanding. PM seconded. Passed unanimously

Hearing

11:00am - Bedford Marketplace, 158 B & C Great Road, Bedford (V17-140) - Variance Hearing

Exhibit #1: Hearing Packet AAB 1 – 52

Exhibit #2 – Email correspondence between Debbie Ryan and James Jamesapollos.

Exhibit #3: Letter, Decision from the Building Code Appeals Board and pictures of property from Dan Sullivan, Building Inspector

John Jamesapollos, Owner Well Effect

Kevin Smith, Attorney for Well Effect

Cate Lynch, Landlord for Bedford Market Place

All parties were sworn in.

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

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

TH- On Dec. 6th we received inform from Dan Sullivan.

KS - I am going to hand it back to JJ. I am here for legal support.

JJ – Well Effect has been in business for 5 years. In 2012 we built out to smaller facility, Bedford Market Place. Building B is an existing space. We are building out. To the left of building is handicapped parking, to the right down a ways, is handicapped parking as well. On Great Road there is no parking. It is high traffic. When we began negotiations with landlord we did not have a need for a service entrance at back. Our people will park outback. We want to fit out the back for parking. We put in mezzanine level. We came to the board for a variance for lift. Debbie Ryan's concern was what is the accessible route. We talked about making accessible route from parking route. Layout three has other paths. Along building 105 would be a common path to a safety point. The discussion with Ms. Ryan the impractically following blue path, her comments were there appears there is a problem with the new proposal. Other conversations with potential having parking spot near dumpster. Sidewalk exceeds code requirements.

JJ went through the pictures in the package.

When we got information back from Mr. Ryan, we had not received appeals court on our vestibule. Reading from key findings on the BBRS. AAB 19 entire BBRS. Our plan was to add entrance through backdoor. We had an existing accessible path to the front of building we would use as principal access. Both doors are equally accessible to clients. All clients are by appointment only. Lease with landlord was to use parking lot entrance. Items AAB 10 my initial letter. And AAB 11. Once we realized layout of property made in impracticable, we looked at automatic doors, it was impracticable because of grading and cost. The electrical estimate AAB 17 \$6,000 auto door opener for two vestibule doors.

WW- Read a letter form Dan Sullivan, Building Inspector. Mr. Sullivan asked the petitioner to reach out to Ms. Ryan for information. The tenant plans to use the rear service door as main entrance, variances from accessible entrances. Building entrance, van parking, maneuvering clearance, accessible van parking, accessible route, sales service area, display units, toilet rooms. Three months ago, Mr. Sullivan suggested to the petitioner to reduce the existing rear door to the tenant's space from 42" to a 36" door in a five foot corridor. They would be able to move the door over to obtain the 18" clearance on the latch side. The service door now becomes public entrance moving entrance to rear. Bring in a 521 CMR code person. The BBRS minutes are attached to the letter.

WW- Mr. Sullivan seems to be raising more issues here.

WW- Entered Exhibit #3, letter from Dan Sullivan, Building Inspector.

JJ – We met with the inspector. We had a review as we presented out initial plans. Services on second floor are provided on the first floor. There was a concern of the grade change, it was tabled by BBRS. We will be the only tenant having public access to the rear entrance. Moving the doors considered impracticable. The building is complex. Both parking lot doors to the vestibule cannot be easily moved. Structural issue. Our request is based on issue of not enough clearance on latch side.

JD- This building is 2 years old?

Correct.

WW – Is anyone going to use the front entrance?

JJ - If they do they will ring the same doorbell.

Interior layout, AAB 52. The larger drawing is first floor, the small is the mezzanine level. We have changed layout a little.

WW – Do you have a reception?

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

JJ – No.

JJ – All of our instructors work directly with clients. Or use application on line.

WW - What are the multipurpose rooms?

JJ – Physical therapy business. Private treatment, consults. The first room is configured different. Will be office space for staff.

TH - BBRS decision did you see the language? On Page two of the decision. In the presentation they site the IBC. Doesn't apply before this board. Requires us to contact BBRS They don't have a right grant access to the front of the building. The building has only been there for two years.

WW – Why did it go to BBRS? They granted a variance to 521?

WW- Didn't we give relief to initial variance?

JJ – Yes

JJ – I want to clarify several points. Had a conversation with WJ. He described what the steps would be and I submitted variance amendment. BBRS decision, we were in business 5 years in prior building, 2 years in this building. The determination in BBRS was a reflection of the town of Bedford during plan review that there was an accessible route. It had been an accessible route.

WW - AAB 52

JJ – Permanent plan. Two missing things.

WW - Multipurpose is a vague description. Exam treatment. Then that gets in to other reclassification.

WW - The handicapped parking looks light.

KL – Reason it is light because it is the back of the house, drive through of a bank. Didn't want to encourage much crossing there. There are only two doors there. We had a civil engineer.

There is a tip down in the corner. Curb cut.

JJ – Layout two shows path to curb cut.

WW - To back up a bit. You went to BBRS because building permitted rear entrance as a rear entrance.

JJ – No. The requirement code we are up against was an interpretation of Sullivan. Vestibule open space exceed 3,000 s.f.

Felt the door on Great Road would not be used by most clients. Most will go to the back door. I didn't have control over parking area.

KL CMMB was the building.

JJ – Has a lease. Build the mezzanine as part of fit out.

HR – Will this building be considered a medical care facility?

TH – Yes

HR – Section 13 criteria over ones listed. Read from regulations section 13. Might wat to look at section 13.

HR – If I park in handicapped parking, is that where we should park and you would tell us to park?

JJ - Yes

HR – What would be the route to take into 110?

JJ – This is the route the town approved. Red Line.

HR – Are there any issues of following the line, any variances required?

JJ – Not that I know.

RH – Why asking us to consider a second through the back?

J – Was brought to our attention, the walkway route, the accessible route is a bit treacherous per Debbie Ryan

JJ – Both doors have a door bell.

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

AB – Grade level change.power assisted doors
 JJ – Debbie Ryan’s concern at sidewalk concrete changes and challenges.
 AB Power assisted door will help.
 JJ – We can get people outside with power assisted doors. Yes.
 JD – On layout 2 – parking to bank side, is there a crosswalk?
 JJ – No striping.
 JJ - Slightly angled.
 JD – AAB 52 single door here on lower is parking on back?
 JJ – That is the Great Road entrance.
 WW- looking at entrance to parking lot needs relief because it doesn’t have 18” clearance at door?
 TH – Yes if they add automatic door the variance goes away.
 The door clearance is 8”
 JJ – The only two that are not accessible are the two vestibule in
 KL – It is a service corridor. Acting as a vestibule.
 WW – Which one does not have the clearance?
 JJ – The outer.
 WW – Has pull side not push side.
 JJ – The door is never locked. Outer door to parking lot. Door to space has same limitation and is a locked door. Not 18 inches or 12 inches. 36” door.
 WW- Building inspector’s comment?
 JJ – I think it was to move it. It is a wall that is braced, structural it would be a substantial cost.
 WW- Any info from architecture?
 JJ – There are gas pipes, we felt that the auto door opener made more sense than moving the door.
 WW - It still should have complied.
 TH - It is a new building it should have complied.
 WW - Parking and passenger loading zones.
 TH - Medical clinic
 WW - Puts you into a different use category. I think there are AAB 48 site plan, should have been designed with adequate parking.
 JJ – My business is set to open The rear doors either bow or future could be modified to add auto door to meet requirements. JD – I think we need to take under advisement.

JD motioned to take the matter under advisement. JH Seconded, passed unanimously.

WW – we need a more specific plan.
 JJ – I can get you a more updated plan.
 KS – To address medical facility. Is the Board ok with some submission on that.
 WW- We need a specific description.
 KS - We can supply something saying that section 13 does not apply.

2:00pm - Greasy Luck Brewery, 791 Purchase Street, New Bedford (V17-190)-Variance Hearing
Exhibit #1: Hearing Packet AAB 1 – 190

Richard Volkin, RAV Associates, Engineer
James Berube, Local Inspector, Inspectional Services
Danny Romanowitz, City of New Bedford Building,
Christian Farland, Owner/Partner
David M. Silveiro, General Contractor
Alan R. Clunin, Clune Engineering, observing
Howard Mallows, Greasy Luck Brewery, Partner
Mark Martino, Greasy Luck Brewery, partner
Al Peters, GLB, Greasy Luck, Partner

All parties were sworn in.

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

CF – I want to go through the application. On AAB8 is the request for 14.6, access to performing areas. Two pictures on this page. Stage height is at 21”. We would have to construct a permanent ramp, ramp of lift to access the stage. Portable Lift price The space is limited. Length of the ramp would take a lot of space. It would create a hardship.

WW- Have you considered a portable ramp?

CF – We would consider. The cost would be less than a permanent ramp.

JD – The stage, did you put it in?

CF -It was installed.

RG – Is there a dance floor in front of the stage?

AAB 17 shows stage. 12 inches, narrative says 21”.

CF - It is a typo. It is 21 inches.

RH motioned to grant to allow the use of a portable ramp to be used when needed. JH seconded, passed unanimously.

Show us the place where it will be stored.

CF – AAB 17 It will be stored in the storage room.

TH - Please provide us the specifications, and what you will purchase for equipment.

CF - 25.1 entrances in general. AAB9 Main entrance to the building. It is an installed lift.

AAB 17 shows lift on the plan. Main entrance there is a lift to the function room. The other entrance we use as an emergency exit. Showed the entrances on the floor plan. There is a step to get into the doorway. In order to make compliant, have to get permission from city there is an easement. Would have to install a similar lift as in the main entrance.

TH – What is the distance between the two of them?

CF – 30-40 feet.

JD – Dimension of platform lift?

CF - 4 x4’

TH – Looks like 36” x 54. Want to make sure platform is 36” x 54”. Is there a lock on the lift?

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

CF – No.

CF – New lift is 3 years old, put in by the Whaling Museum. The variance, we meet both requirements with the other entrance being so close. Also cost over \$30,000, a hardship to put it in.

HR – Would you be amendable to signage?

CF – Yes.

PM – Can you confirm dimensions of existing lift?

CF – Yes.

RG - Distance from step in front of building to doors?

CF - About 30'.

JD motioned to grant on condition the platform lift does apply with the appropriate dimensions and signage. JH seconded, passed unanimously.

CF – 27.4.1 handrail location. As you can see the rails they are not continuous. Three stair wells that are all built the same way. Access would mostly utilize lift. It is an older elevator but dimensions meet requirements it allows accessibility to every floor. Changing the stair at that location throughout the building would be excessive and a hardship and would take away from historic.

WW - Wall side handrails they look like they may or may not be compliant. You may want to look at that.

CF - We will look at adding an extension piece.

HR – Are stairs compliant with AAB? As part of the variance request provides, information on risings, treads, nosings.

AB – Ask for detail of treads. Paragraph 2 on AAB 10. Outer rail system does have a continuous system.

TH – Give us a compliant wall side and a profile cut through drawing of the nosing.

JD motioned to grant on condition for 1. Provision of continuous hand rail on compliant wall side, 2.cut through drawing of the noising, risers and treads if not file a variance. JH seconded, passed unanimously.

AAB 10 hall call button and control height.

CF – Lobby is above required,

This is an old elevator. Requested from elevator to relocate the buttons.

WW - Are they usable tTom?

TH - Yes.

PM – Would you consider signage for assistance for help?

MM - During business hours we do get that request and there is always someone to help.

RG – Current inspections?

CF - They are all updated. Yes, has a current sticker.

HR motioned to grant with condition of signage and also request assistance if requested. JH seconded, passed unanimously.

TH – Change in level AAB 28 a set of internal stairs. They are spending over 30%. To the left is a ramp that gets to the same area. I want to know the slope and width. Do you know what it is?

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

CF - Will have to get the information to you. It is not for public, employees only.

TH - It is out of our jurisdiction.

WW - There are 4 risers. It is a steep ramp. You bring up kitchen products.

TH - When you come in the accessible entrance if you don't take the lift you are in an area that is lowered. Then follow stairs up to function room. I would take the lift and the bathrooms are there too.

JD motioned to grant on the condition there is informational and directional signage. HR seconded, passed unanimously.

PM - Do you have accessible counter space at the bar.

CF - No

PM - Would you consider making an accessible counter.

TH - They have accessible seating.

CF - It would be difficult to do.

WW - Are those high-tops?

CF - They are interchangeable.

HR - AAB 9 that is the entrance. Is that smooth?

CF - That is not the main entrance. The main entrance is flush.

MM - AAB29 there is a good picture of the archway.

Public toilet room locations.

TH - This is about at the elevator lobby there is a woman's bathroom. Then a large women's bathroom and then single unisex in a different location.

CF - There is an additional men's room in the basement.

TH - 30.2 unisex has to be in the same location as the others.

HR - To building inspector have you inspected the bathrooms?

JB - Yes

PM - Where are these bathrooms?

CF - AAB 28. We added bathrooms due to the functions. They are in different locations.

JD motioned to grant on the condition the bathrooms are compliant with 521 CMR and appropriate signage. If they are not compliant either amend the application or fix them. JH Seconded, passed unanimously.

TH - AAB 17

CF - AAB 17 has dimensions. These were constructed recently.

TH - 30.7.1 is code requirement 72 x 90. You mentioned ADA many times it is important you know 521 CMR. We are not granting relief to ADA.

CF - We will confirm the conditions.

TH - Plan on sending us an 8 ½ x 11 of the plans.

Confirm the dimensions and give us an 8 ½ x 11 of the bathrooms.

28.12.1e

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

Use of the lift AAB28 at the entrance. Distance is less than a story and a ramp is not feasible. Usually it is the building official or designer who says if a ramp is not feasible it covers the bases for us.

WW - To building people have you had a discussion on the lift.

DR - It was already put in when the whale museum was there.

TH - The ramp is the preferred solution.

JD motioned to grant the use of the lift because a ramp is not feasible. JH seconded, passed unanimously.

TH - Just for the record, regarding the plans that were made by Mr. Silveria, there were many discussions if he is an architect, Mr. Volkin was the supervising engineer.

RVolkin – I am a registered engineer. I reviewed all the plans, electrical, mechanical. After complete review we stamped off?? It was done hand in hand not Willie Nellie.

Hearing Cancelled – ~~Milton Marketplace, 10 Bassett Street, Milton (V17 231) – Variance Hearing~~

3:00pm - Jenkins Elementary School, 17 Vinal Avenue, Scituate (C15-148 & V16-123) - Fine Hearing

JD recused himself from discussions and left the room.

WW, RG, PM, JH, HR, AB

Exhibit #1: Hearing Packet AAB 1 – 16

Exhibit #2: Timeline and pictures

Cindy Amara, Town of Scituate – Town Counsel

Robert Vogel, Town of Scituate, Building Commissioner

John McLaughlin, was the acting chairperson of the disability commission, by telephone

All parties were sworn in.

JW - Gave an overview. We considered this case in 7/11/2016. There was a path constructed at the back of the school that didn't comply. We gave to 2016 - 2017 to do, Curb cut, 2017 - 2018 to bring the entire pathway in compliance. They did the curb cut. Received info the work was partially finished and info from Bill shine indicating the work had been completed between 10/10 – 19. We didn't hear from the town so we scheduled a hearing. Work was done 1 and 1/2 months after deadline.

RV – I am the Building Commissioner and access coordinator and other things. Three parties were involved DPW, my office and town attorneys. There were gaps in communication with all three parties. DPW did the work for the completion of the crosswalk. I thought they would have

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

told the board. We understand it was late and it was geared to be done prior to the school year. We had our direction from the board late last summer - early fall 2016. It was determined we couldn't rip the walkway up while school in session. Best to wait until school was out on recess. Bids were received in January project noticed in February. I have packages of this information. We opened the bids

Entered Exhibit #2.

Project lost ability to maintain time frame. The awarded contractors is out of Halifax and small. They had other work going on at the time. The ramp had to be constructed first before handrails could be done. The DPW wanted the handrails galvanized for a longer life. The ramp was done before school started the rails were not. This is why we are here today. I dropped the ball, DPW could have communicated, I didn't know it wasn't done until I drove by and saw no railings. Should have asked for an extension.

WW - It is complete now and done?

RV - Yes

JM - There were issues on the surface on the pathway to the church and school. When will that be rectified? Raised beds on outside pathway. No way for a person in wheelchair to participate in agriculture program.

RV - The pathway is mostly on church property. That path is non-compliant and steep for a wheel chair. As far as gardening beds it is a school program. I haven't been out to see if the beds have been recreated. The railing discontinues at that platform. You could create a gardening area for people to participate.

JW - The step they are talking about on AAB is a code violation. It requires a variance.

WW - Is this the new walkway?

Yes.

It steps up to another pathway and leads where?

RV - It is town property 5, 8, 10 feet and then becomes church property.

WW - There might be slope issues on the side. We require a variance, or on the town portion even out the grade.

R V- what would be the safest situation?

WW - You can do it either way. You don't have to tell us know you can talk to DPW.

WW- Is everything else compliant Mr. McLaughlin?

JM - I haven't been on school property since school started.

WW - Maybe at some point you might want to arrange a meeting with the commissioner to do a site visit.

RV - Bill Shine has looked at the property as well.

JW - We received photographs from Bill Shine. It probably complies but the Board should review the language of this section. Other than that, other than the step, it does comply. Bill Shine went out there and both architect and contractors were watching this.

HR - How should we proceed?

JW - Maybe a small 1 time fine for failure to communicate and not meeting the board's order of time.

AB - The cross slope and running slope you call it a walkway?

JW - As far as I know slope and cross slope are compliant. This design is unusual of breaking rails at every landing. The code doesn't speak to it.

PM - Is it the intention of the break to access agriculture?

RV- It could be or you will have a shoot that you can't escape from.

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

HR motioned to wave the fines on the condition they let the Board know the school's intentions about the raised beds on the agricultural program and the step by February 1, 2018.

16) David Mugar, 14 David Mugar way, Boston V17-306

The case was first reviewed on 11/27/17. The Board voted to place in packet. Spending is over 30% with 5 variance requests.

44.6.1c bathroom issues

Variance 1 PM motioned to grant variance #1 bathtub grab bars. HR seconded passed unanimously.

Variance 2 HR motioned to grant as proposed 44.6.2 JH seconded, passed unanimously

Variance 3 shower controls

44.6.2e JH motioned to grant as proposed. HR seconded, passed unanimously.

RG left the room

Variance 4 27.2 winder stair

PM motioned to grant at proposed. AB seconded, passed unanimously.

#5 AAB requires clearance at all doors and openings on access routes. This is an existing stair. Constructing a fully compliant stair.

HR would they be able to come back with a plan to make stair compliant? AAB 20 is it impracticable to remodel the existing stair?

TH - They haven't given us the cost

RH - Motioned to request additional information of design cost of modification of existing stair well on stair number 1. RG seconded, JD abstained.

17) New Residential High Rise, 97-115 Beverly Street, Boston (V17-279)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The case was previously presented on 10/30. New construction of hotel rooms and apartments.

The petitioner is seeking relief of 6 variances, 2 of the variances were regarding sink depths which was previously granted with the usual conditions.

Other four requests: 44.6.1c, 44.6.1f, 44.6.2b, 44.6.1g

*HR motioned to grant all remaining 4 variances as presented.
JH seconded. Passed unanimously.*

18) Former Cape Style, Reading V17-232

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

During the hearing, the Board asked for suggested lease language. On 11/29/17 the attorney wrote to the Board with the proposed lease language regarding all tenant spaces at 360 Main Street. It needs to be executed by owner not attorney. 1 policy tenant first floor left let people use lift through first floor left. They can't shut down and cut off access to the other tenants. Tenant 1 space first floor left and first floor right shall allow the tenants to meet with clients that cannot meet with clients able to meet with them on the first floor. Language shall survive any deed and included in all future leases.

JD motioned to grant on the condition the owner writes the policy and executes it and it is written exactly as the attorney wrote it. JH seconded, passed unanimously.

RG motioned to have the language and plan as identified in the written language registered at the registry of deeds with book and page number. JD seconded, passed unanimously.

Bedford Market Place Well Effect REVISITED

JD motioned to deny the push pull clearance for the two doors and either remedy the concerns or installation of auto door openers on both doors, and also the business owner of business in the tenant space Well Effect, the Board seeks accurate labeled documentation of the interior, characterization, layout, restrooms and access plans, label use of spaces, how entrances are accessible, information on what additional variances are needed such as restrooms on the upper level. AB seconded, passed unanimously.

JD motioned for the owner to do a comprehensive exterior accessibility plan and comprehensive detailed plan for the other tenant spaces done by a registered architect submitted by April 1, 2018. Including by not limited to planning of parking as build and to be build, curb cuts, cross and running slopes for all walkways and main entrance to building and see plan of all accessible walkways and spaces. PM seconded, passed unanimously.

HR sensitive to the man's desire to open.

We are aware of the desire to open, but we need interior as built plans for well effect referenced at the hearing with accurate representation of services performed at each interior space.

BBRS

JD motioned to have TH reach out to DPL legal department, to request a DeNovi hearing on a recent decision by BBRS regarding this property and accessibility with two entrances. PM seconded, passed unanimously.

19) Clark School, 100 Middlesex Avenue Swampscott

The Fire Chief contacted AAB regarding replacing the fire system and what it would trigger. \$80,000 for fire system. The school came to AAB before and when first received, the spending was over but the requirement of the lift was not needed. The only question was the issue of the lift at the time.

They are saying they were not over 30%.

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

RG motioned to do a compliant study review of 521 CMR by a licensed professional. PM seconded, passed unanimously.

20) Bishop Fenwick High School, 9 Margin Street, Peabody (V17-288)
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.

JD motioned to continue until 1/8/2017. HR seconded, passed unanimously.

Minutes from November 27, 2017 meeting
HR motioned to approve the minutes from the November 27, 2017 meeting. JD seconded, passed unanimously.

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn

Exhibits

RE 150, 150 Revers Edge Drive, Medford V17-308
Exhibit – Variance Application and associated documents

One Framingham Center, One Edgell Road, Framingham V17-310
Exhibit – Variance Application and associated documents

Three Story Mixed Use, 1193 Mass. Ave., Arlington (V17-311)
Exhibit – Variance Application and associated documents

Planet Fitness, 1815 Mass. Ave., Cambridge (V17-312)
Exhibit – Variance Application and associated documents

The Yoga Shop, 185 Miller Street, Ludlow (V17-313)
Exhibit – Variance Application and associated documents

Ava North Point, 2 Leighton Street, Cambridge (V17-314)
Exhibit – Variance Application and associated documents

The 1620 Winery, 55 Cordage Park Circle, Plymouth (V17-315)
Exhibit – Variance Application and associated documents

Forest Hall Annex (Babson College) 8 Sullivan Road, Wellesley (V17-129)
Exhibit – Variance Application and associated documents

Abby's House, 52 High Street, Worcester (V17-128)
Exhibit – Variance Application and associated documents

Assagio, 29 Prince Street, Boston (V17-059)
Exhibit – Variance Application and associated documents

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

New Residential High Rise, 97-115 Beverly Street, Boston (V17-279)
Exhibit – Variance Application and associated documents

Bishop Fenwick High School, 9 Margin Street, Peabody (V17-288)
Exhibit – Variance Application and associated documents

Bedford Marketplace, 158 B & C Great Road, Bedford (V17-140) - Variance Hearing
Exhibit #1: Hearing Packet AAB 1 – 52
Exhibit #2 – Email correspondence between Debbie Ryan and James Jamesapollos.
Exhibit #3: Letter, Decision from the Building Code Appeals Board and pictures of property from Dan Sullivan, Building Inspector

Greasy Luck Brewery, 791 Purchase Street, New Bedford (V17-190)-Variance Hearing
G Exhibit #1: Hearing Packet AAB 1 – 190

Jenkins Elementary School, 17 Vinal Avenue, Scituate (C15-148 & V16-123) - Fine Hearing
Exhibit #1: Hearing Packet AAB 1 – 16
Exhibit #2: Timeline and pictures