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

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

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

**THOMAS HOPKINS**  
EXECUTIVE DIRECTOR

Board Meeting Minutes – December 17, 2018 9:00 a.m.  
One Ashburton Place, 21<sup>st</sup> Floor, Conference Room 1, Boston

**Board Members Present:**

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

**Also in Attendance:**

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

WW, JH, PM, HR, DG, DJ, DJ, AB

WW - The Chair opened the meeting.

**Incoming Case Review:**

1. Samuel Watson Elementary school, 935 Eastern Avenue, Fall River, V18-375

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The case is a time variance request seeking 2 years to raise the money. Project is over 30%.

Doing HVAC, windows, roof, etc., but no accessibility. Seeking 9 requests and two year time variance. Elevators, entrances, handrails, door hardware, fountain, signage, seating, tables wall mounted fixtures. MSBA not funding accessibility.

*JD motioned to grant the time variance until Nov. 2021, (3 years for the work to be completed) with status reports every 6 months starting 7/1/2019 including executed contracts, planning, budgeting and the standard language. DG seconded, passed unanimously.*

*JD motioned to establish a subcommittee of board members to look into the MSBA Accelerated Projects related to accessibility obligations. PM seconded, passed unanimously.*

2. Belmont Hill School, 350 Prospect Street, Belmont, V18-377

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Project is over 30 % seeking 7 variances.

*JD motioned to packet for 1/7/19. JH seconded, passed unanimously.*

3. Laundromat, 158 Union Street, Framingham, V18-378

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

One story wood frame, renovation of interior for Laundromat. Ramp at rear entry. Over 30%.

Seeking relief for the front entrance, 25.1 and proposes a rear entrance.

Is there accessible parking in the back of the building?

RG Arrived

*JH motioned to continue for information regarding accessible parking in back, is it lined, is there designated accessible parking, in addition, the Board requests further info regarding work being done on the front sidewalk, and could it be a consideration to make the front entrance accessible. DG seconded, RG abstained, motion passed.*

4. Chestnut Farm Apartments, 100 Chestnut Farm Way, Raynham, V18-383, C18-019

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Previous complaint was filed for no accessible routes to the dumpster. Newly constructed in 2014. In response to the complaint, the code consultant submitted a variance request.

The petitioner is requesting to waive the two week waiting period.

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

The petitioner is proposing to provide trash receptacles in various locations and a valet trash service. Handbook was not included in the package. The Board needs to see the policy and handbook and revised map showing where the trash receptacles will be.

*JD motioned to continue for more information on the resident handbook, and site plan showing where amenities will be provided and the notice that will be sent to tenants related to policy shift.*

*RG seconded, passed unanimously.*

5. Hayward Landing, 26 North Street, Douglas, V18-382

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents, accommodation policy.

Previously granted for 6 months on the condition the attorney sends the proposed accommodation plan and terms and condition of sale for stair lift. Wanted to know what the maintenance is. On the 12<sup>th</sup> the accommodation policy was received. The Board was concerned about people being able to stay in hotels in case they cannot stay in the building while the elevator is out. Their policy says no vacancies on the first floor, residence can break their lease agreement if they want to leave. Concerns about item 1.

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

Cannot offer reduction in rent. After speaking with another attorney received another submittal of a 504 accommodation policy. Each tenant will be provided a copy of the policy.

~~JH motioned to deny the accommodation policy as currently presented, and ask for information from tenants saying they don't need the lift,~~  
JH withdrew previous motion.

*HR motioned to deny the accommodation policy and schedule a hearing as soon as possible, and give the petitioner a sample of the accommodation policy for another similar case that was previously before the Board.*  
*JD seconded, passed unanimously.*

6. Laundromat, 158 Union Street, Framingham, V18-378  
Received an email from Karen Dempsey re V18-387 Laundromat. They met with Laundromat. The entrance in rear will be fully accessible. The city will reconstruct the street and sidewalks within the next three years. Commission supports the variance request.  
Keep motion as is.

#### 7. Advisory Opinion

- Mobile Dental Office, 521 CMR 3.10, Lexington

Architect wrote to the Board and asked the Board not to present the project at this time.

8. Existing Brick Masonry Building, 72 Mt. Auburn Street, Cambridge, V18-373  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.  
Pg 13, what are the options for partial access? First floor is proposed to be accessible.

AAB 27 – tangible recommendations,

Could do a better job on improving handrails.

*Item 2 AAB 18 – front entrance JD motioned to grant with appropriate signage. JH seconded, passed unanimously.*

*Item 3 AAB 20 – top paragraph. JD motioned to grant on lower entrance 25.1 with signage. DG Seconded, passed unanimously.*

*Item3 second paragraph stairs 27.4 – JD motioned to grant on condition that at least one side of the stairway has compliant handrails. JH seconded, passed unanimously.*

*4 JD motioned to grant on condition of compliant wall side handrails. RG seconded, passed unanimously.*

*Item 5 – doors ground level stairs – JD motioned to grant as proposed. JH seconded, passed unanimously*

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*Item 6 stair #3 – JD motioned to grant on condition of compliant handrails. AB seconded, passed unanimously.*

*Item 7 - JD motioned to grant on condition of compliant handrails. AB seconded, passed unanimously.*

~~Item 8 – stair 5 dining room. Could there be a center handrail?~~

~~*JD motioned to grant on the condition a center handrail be provided. JH seconded, passed unanimously.*~~

JD motioned to withdraw Item 8 JH seconded

~~Item 8 PM motioned to continue for more information on other options for compliant handrails.~~

~~JD~~

PM withdrew motion.

*Item 8 JD motioned to deny. DG seconded, passed unanimously.*

*Item 9 JD motioned to grant as proposed. DG seconded, passed unanimously.*

*Item 10 toilet rooms basement, JD motioned to grant on condition of compliant grab bars at rear and side of toilet. DG seconded, passed unanimously.*

*Item 11 - JD motioned to grant on condition of compliant grab bars at rear and side of toilet. DG seconded, passed unanimously.*

*Item 12 – JD motioned to grant as proposed. JH seconded, passed unanimously.*

*Item 1 – vertical access – JD motioned to grant. DJ seconded, RG abstained. Motion passed.*

9. Proposed Multi-family, 217 Paris Street, East Boston, V18-338

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Were proposing go install vertical wheelchair lift from garage to group 1 unit on ground.

On 12/3 submittal will provide access to both units.

*JD motioned to accept plan A-1.1 dated 11/7/18. JH seconded, passed unanimously.*

10. Church of Jesus Christ of Latter-day Saints, 747 Federal Furnace Rd, Plymouth, V18-184

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

10/12/2018 TH had a conversation with the architect. Sent her church cases for baptismal founts. On 12/4, the petitioner sent in a plan for the fount. Will make kitchen accessible also.

*RG motioned to accept the revised plans for the fount and the kitchen.*

*JD seconded, HR abstained, motion passed.*

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

11. Diner, 145 Wahconah Street, Pittsfield, V18-206

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents, photos.

Petitioner provided photos of lighted menu board.

*RG motioned to accept the menu board as installed and on the condition that it is maintained going forward. JD seconded, passed unanimously.*

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

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

AAB 6 and 7, question 10 – time variance

*Elevator – JD motioned to grant relief for two years until January 2021, with 6 month update reports starting 7/1/2019. AB seconded, passed unanimously.*

AAB 7, 28.1 – vertical access men's locker room upper floors. Concerns men's lounge is not accessible, locker room experience.

Need dimensions on unisex bathroom.

Proposing accessible locker room in the men's room.

The door is a concern. Need to reconsider where they want to put it.

*JD motioned to continue for more info on relocating the accessible locker and bench area to include relocations with dimensions. JH seconded, passed.*

1:00 p.m. – La Quinta Inn, 478 Main Street, Sturbridge, C16-095

Exhibit #1 AAB 1-

Exhibit #2 Photos of work

Amish Patel, Manager LaQuinta

William Joyce, AAB Compliance Officer

The parties were sworn in by the Chair.

No JD

WJ – The originally came to the Board in 2016, there was a hearing in 2017. They were ordered to give plans by 7/14. There were additional violations. Last communication was in 7/2017. Grab bar too long behind toilet, mixing valve location two inches off, shower design proposed 33 inches. The shower is too narrow.

AP – Didn't do the variance because we thought changes were going to be made before we did the work. Everything on the plans we did. Changed bar length, remade shower. Mr. Ryal came out to inspect, what we did is in compliance but rooms are not complete. Advised changes are done.

JW - It is not in compliance.

DJ – Did you pull a permit for the work?

AP - Yes

I am going to have to find out about the measurements.

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JW - It is a violation of our current regulations.

AP - He said to follow drawings or he will not sign off on it. Will have to apply for a variance.

HR - How long is the grab bar behind the toilet

JW - 42 inches

DG - 30.8

JW - It is a group 2B

DG - I can see how someone could get confused.

Send us the finished pictures when work is done.

WJ - I don't have an as built plan.

AP - Whatever on the drawing is what the contractor was told to do.

WJ - The difference is three inches. 30 x 60 shower has to be fully open along 60 edge. There is an alternative in the new rings.

AP - I can't go wider because it goes into the guest room. This hotel was already there when constructed didn't have all the required measurements. We are trying to correct as much as possible. The opening I believe.....

AB - these pictures were taken today

AP - yes

Bathroom 1 and 2 are public bathrooms.

*HR motioned that no fines will be assessed in regards to controls and motioned to continue for shower subject to a variance request to be received by January 11, 2018 to be reviewed at the January 28, 2018 in to resolve the matter, and confirmation that the flush meter has been moved. Need photos of the completed work. JH seconded, passed unanimously.*

AP - We showed the inspector what we were doing and he said plumbing permits had to be pulled.

DJ - Do you have a blanket permit? I would like to see you pull a building permit.

WW - Is there a building permit on file?

AP - I will have to get back to you on that.

WW - When was that conversation

AP - 2-3 months ago. I have no excuses, I pushed it off.

WW - You should contact the town to see if the person doing the work got a permit. That is the only way a building inspector is going to know about it. Then contact the AAB staff.

AP - Are the variances I need to apply for are they listed?

WJ - they are on AAB 9

13. 445 Hanover Street, Boston, Table Restaurant

Expecting app by 21<sup>st</sup> to be reviewed at the 1/7 meeting

400 Sq of space.

The bathroom that was built is too small. Entrance has a couple of steps. Gave them copy of variance application information for the other restaurant on Hanover Street. 12/14 wrote to the board seeking a TCO. Asking for a TCO on promise variance app on 12/21. Will apply for a variance for a portable ramp at the front entrance. The Board also needs to see a site plan.

*DG motioned to grant the TCO on the condition the application is received by 12/21/18, if it isn't received, the restaurant can't open. JH seconded, passed unanimously.*

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

Exhibit - Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

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Presented on 11/19. Nosings on historic stairs. Some seem to have fillers based on picture. Others don't. The petitioner doesn't want to put fillers on the stairs. Asking for relief from 27.3 for the portions of stairs without nosings. There are compliant stairs in the building.

*RG motioned to deny and require fillers on stairs that do not have fillers.  
JD seconded, passed unanimously.*

15. Three Family, 153 Bowen Street, South Boston, V18-150

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Met with petitioner 12/11/ on plan for a lift installation. Going to put the lift in. Going to have to put together a full drawing. Going to put it at the back of the building. Pinched with property line space. Will give the plan back to us to present at a

*DG motioned to accept the status update. JH seconded, passed unanimously.*

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

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

First heard on 11/19 asked to find about building permits and info from owner on timing of building out the basement. Talked to building inspector and will send info on the property. Spoke with the owner, she wrote to the board on 12/2. Salon is 400 sq. ft. bathroom and entry do not comply. Change in use and work performed. Looking for relief on the entry or bathroom and want to open. Ask for an accommodation policy.

*JH motioned to continue for further info on accommodation policy for clients with accessibility needs and copies of zoning permits and any other permits they have been granted. RG seconded, passed unanimously.*

17. Red Sox Tenant Discussion, 98 Brookline Ave., Boston, V09-003, V17-070, V17-091, C17-025

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Got a call from attorney for Red Sox. They are going to take the second and third floor. Asking for a minor change of vertical wheelchair lift. Configured a little differently, creates more space between lift and..... Didn't receive the amendment.

*JD motioned to include in 1/7/2019 packet if appropriate. RG seconded, passed unanimously.*

18. Playground Mats

Accessible route for playgrounds. We were approached by McGuffie with a solution. Have sample mat. Map with an anchor, with zip ties. TH did a site visit. They are pressing us for website advertising. It is about a 1/3 of the cost of poured in place, maintenance not as difficult. Put an advisory on the website saying we will accept submission of products to determine if they are compliant.

*RG motioned to advise Mr. McGuffie to eliminate the sentence from advertisement which states "we were tasked by the Access Board to provide a more economical accessibility solution for the*

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

*many Engineered Wood Fiber playgrounds in the Northeast” and any claims that he was tasked by the board to provide a more economical accessible solution.*

*PM seconded. Passed unanimously.*

*JD motioned to table the issue until 1/7/2019 to evaluate the surface material and proposed the information to the sum committee. RG seconded, passed unanimously.*

2:00 p.m. – Steve’s Field Playground, 17 ½ Locus Street, Merrimac, V18-280  
Exhibit #1 AAB Hearing Packet AAB 1 - 29

No representatives from Steven’s Field Playground attended.

JD motioned to uphold the previous decision. RG seconded, passed unanimously.

19. Affidavit

- 2201 Cranberry Highway, West Wareham

The entire building is employee only.

*JD motioned to accept the affidavit and have it filed with the registry of deeds and a copy sent to the board and building inspector (usual conditions). JH seconded, RG abstained. Motion passed.*

20. Boston Spanish SDA, Church, 50 Stoughton Street, Dorchester, V18-252

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Received information from the architect. Stating that they plan to do the roof alternate which is 80,000 which puts them over 100,000. All the alternates are in play that are required to be done.

~~*JD motioned to direct the petitioner that 3.3.1 exception c, does not apply in this case.*~~

JD withdrew motion.

*DG motioned that including the roof triggered all the requirements of the \$100,000 threshold, bathroom, water fountain, phone. JD seconded, DJ abstained.*

21. Jefferson Hills, 1610 Worcester Road, Framingham, V17-337

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Received a submittal confirming the removal of stairs from club house to.....

Did you want the other stairs removed between the pool deck and sun deck. They only show us photos of removing 1 stair.

Everyone goes outside and then back in.

22. Curb Cuts & Sidewalks Multiple Locations, Arlington, Lawrence, Lowell, Revere and Swampscott, V18-281

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Noa on 11/14 granting many and finding no variances needed on others. Continued 7 requests.

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Wrote to the board and eliminated F 45, F41, F 49. Still seeking the original request for the other four.

*JD motioned to grant on the four that cannot be sloped down. G seconded, passed unanimously.*

Minutes from the December 3, 2018 meeting

*JH motioned to accept the minutes. JD seconded, passed unanimously.*

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 5:00 p.m

445 Hanover Street, Boston, Table Restaurant

Expecting app by 21<sup>st</sup> to be reviewed at the 1/7 meeting

400 Sq of space.

Bathroom is too small that they built. Entrance has a couple of steps. Gave them copy of variance application info for the other restaurant on Hanover Street. 12/14 wrote to the board seeking a TCO. Asking for a TCO on promise variance app on 12/21. Will apply for a variance for a portable ramp at the front entrance. The Board also needs to see a site plan.

*DG motioned to grant the TCO on the condition the application is received by 12/21/18, if it isn't received, the restaurant can't open. JH seconded, passed unanimously.*

Exhibits

Samuel Watson Elementary school, 935 Eastern Avenue, Fall River, V18-375

Exhibit – Variance Application and associated documents

Belmont Hill School, 350 Prospect Street, Belmont, V18-377

Exhibit – Variance Application and associated documents

Laundromat, 158 Union Street, Framingham, V18-378

Exhibit – Variance Application and associated documents

Chestnut Farm Apartments, 100 Chestnut Farm Way, Raynham, V18-383

Exhibit – Variance Application and associated documents

Mobile Dental Office, 521 CMR 3.10, Lexington

Advisory opinion

Playground Mats

Advisory opinion

2201 Cranberry Highway, West Wareham

Affidavit

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Red Sox Tenant Discussion, 98 Brookline Ave., Boston, V09-003, V17-070, V17-091, C17-025  
Exhibit – Correspondence

Jefferson Hills, 1610 Worcester Road, Framingham, V17-337  
Exhibit – Variance Application and associated documents, correspondence, pictures

Three Family, 153 Bowen Street, South Boston, V18-150  
Exhibit – Amended plan

Church of Jesus Christ of Latter-day Saints, 747 Federal Furnace Rd, Plymouth, V18-184  
Exhibit – Variance Application and associated documents

Diner, 145 Wahconah Street, Pittsfield, V18-206  
Exhibit – Variance Application and associated documents, pictures

Boston Spanish SDA, Church, 50 Stoughton Street, Dorchester, V18-252  
Exhibit – Variance Application and associated documents

Curb Cuts & Sidewalks Multiple Locations, Arlington, Lawrence, Lowell, Revere and  
Swampscott, V18-281  
Exhibit – Variance Application and associated documents

Proposed Multi-family, 217 Paris Street, East Boston, V18-338  
Exhibit – Variance Application and associated documents

Boston Post Building, 15-17 Milk Street, Boston, V18-341  
Hair Salon, 78 Jerome Street, Berkley, V18-353  
Exhibit – Variance Application and associated documents

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

Existing Brick Masonry Building, 72 Mt. Auburn Street, Cambridge, V18-373  
Exhibit – Variance Application and associated documents

Hayward Landing, 26 North Street, Douglas, V18-382  
Exhibit - Accommodation policy

La Quinta Inn, 478 Main Street, Sturbridge, C16-095  
Exhibit #1 AAB 1-32  
Exhibit #2 Photos of work performed

December 17, 2018