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

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COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

THOMAS HOPKINS
EXECUTIVE DIRECTOR

Board Meeting Minutes – January 8, 2018 9:00 a.m.
One Ashburton Place, 21st Floor, Conference Room 3

Present Board Members:

- Walter White, Chairperson (WW)
- David D'Arcangelo, Massachusetts Office on Disability (DA)
- Patricia Mendez, (PM)
- Dawn Guarriello (DG)
- Jane Hardin (JH)
- Harold Rhodes (HR)
- Andrew Bedar (AB)

Also in Attendance:

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

Board Members not in Attendance:

- Ray Glazier (RG)

- Meeting began approximately 9:00 a.m.

WW – JH, PM, HR, AB, DA, DG

Incoming Case Review:

1) Spindrift, Nahant V15-048, C14-081

Exhibit – Status report

Mr. Hopkins presented the status report and associated documents.

The petitioner submitted a status report on the construction of an elevator for the building and request to amend V15-048. The laundry room door was supposed to be corrected to meet 521 CMR. The petitioner proposes to add a magnetic door opener.

JH motioned to approve as presented. HR seconded, passed unanimously.

PM motioned to accept the status report as presented. JH seconded, passed unanimously.

2) Maynard Theatre, 17-21 Summer Street, Maynard (V16-207)

Exhibit – Correspondence and associated documents

Mr. Hopkins presented the correspondence and associated documents.

Atty. Gaitley wrote to the Board asking for additional time to put in railings and an auto door opener. He state that the bathroom is finished. He is requesting an extension to Jan 31, 2018 to finish the items.

JH motioned to grant the time extension to January 31, 2018. HR seconded, passed.

The petitioner also want to change placement of auto door. Want to install on front doors.

HR motioned to grant. JH seconded. Passed unanimously

The theatre would like a vote to allow another Cert of Occupancy for use.

JH motioned to accept the issuance of a permanent Certificate of Occupancy. PM seconded.

3) 8 lots school, Sutton MA V16-331

Exhibit – Variance Application, correspondence and associated documents

A meeting was held with the President of Sutton Historical Society. The petitioner submitted a letter of costs and time to comply. The work will be done by 10/2018 and they have committed to notify the Board if the work is completed early.

HR motioned to accept the plan and ordered compliance by 10/1/18.

JH seconded, passed unanimously.

4) Main Street, Spencer V16-231

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

A change request was sent in from the Town Administrator. Change in design eliminates needs for original variance request. Redesigned and slopes are now compliant. Asking to accept as built.

DG motioned to accept the final solution. PM seconded, passed unanimously.

5) 205 Revere Beach Parkway, 205 Revere Beach Parkway, Revere (V17-316)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New construction 195 multifamily, 6 story building with parking. New construction 3.21, seeking relief from group 1 sink.

DG motioned to grant with the usual condition. JH seconded.

6) Le's Sushi Bar, 425 Cambridge Street, Cambridge (V17- 317)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Fit out and conversion of pharmacy space to sushi bar. The project is done. Jurisdiction is 3.3.1a work performed. Ramp landing dimension and ramp handrails adjacent to walls.

Have a letter from Michael Muehe in support. Handrails are 1 ¼.

DA motioned to grant. DG seconded, passed unanimously.

WW left the room.

7) Former Micro-wire Manufacturing Building, 120 N. Main, Brockton (V17-318)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Build out of self-storage facility. Permit has been applied for but not issued yet. AAB jurisdiction is 3.3.2. Seeking relief from 28.1 and propose no access for storage units on mezzanine.

WW came back to the room.

DA motioned to grant on the condition a certain amount of units are made accessible, one of each type, and the units need to be marketed as accessible, and the first floor must be fully accessible. DG seconded, passed unanimously.

8) Knafel Center, 18 Mason Street, Cambridge (V17-319)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

This case was before the Board in 2015. In 2015 the local historic commission supported the variance and also Michael Muehe supported it. Variance granted for the south entrance. Current project is triggering the same variance. Petitioner is seeking relief from 25.1 for the south entrance.

HR doesn't like the long ramps. Very difficult to use in weather conditions. Should explore other solutions.

DG motioned to grant with appropriate signage. DA seconded. HR opposed.

9) The Commons at Walpole Station, 95 Water Street, Walpole (V17-320)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New 192 residential rental project. 3.2 sink depts. Group 1 and 2a.

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

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

10) Crescent Mill, 22 Front Street, Fall River (V17-321)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Clinic for substance abusers. Expansion to second floor for additional rooms. All services on second can be provided on first. 3.3.1A. Factory building with clinic on first floor.

DA motioned to grant. DG seconded, passed unanimously.

11) Wellesley Town Hall, 525 Washington Street, Wellesley (V17-322)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Renovations alterations, over 30%. AC102 and AC100 show what they are going to fix and variances.

DG - Ground floor entry is it going to be entry until they fix it? Do we want auto door now?

HR motioned for a hearing. PM seconded, passed unanimously.

12) Zion Church Ministries, 757 Broadway, Everett (V17-323)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The project is reconstruction and remodeling of a church. Jurisdiction is 3.3.1b for now. 30.7, 24 ramps and section 16. A meeting is needed. Project at structural steel.

JH motioned for the petitioner to meet with Director Hopkins to clarify what is occurring.

PM seconded, passed unanimously.

13) Cognex Corporation, One Bison Drive, Natick (V17-324)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Renovation of 16 toilet rooms. Plumbing and carriers to be reused. 4 women's toilet rooms have 6 stalls require alternate accessible stalls. Request is to leave 4 rooms as is due to space. There is 1 fully compliant stall in each group of toilet rooms.

DG motioned to grant as proposed on the 4 toilet rooms. JH seconded, passed unanimously.

PM motioned to request grab bars in the four women's stalls in the 4 toilet rooms.

HR seconded, passed unanimously.

14) Commercial Building, 15 Central Street, Andover (V17-325)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The building was built in 1965. Tenant fit out cost is over 30%, common areas triggered. Entries are mid-level, level one and level 2. Owner seeks relief from providing vertical access. State \$257,780 cost for a lift. Appropriate signage needed.

HR - Ask tenants to note on website which entrance to use.

HR motioned to grant on 28.1 on the condition of signage indicating offices and floors and communication on tenant's websites on accessible information. JH seconded.

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15) Retro Fits at Various Locations, Avon, Brockton, Swansea, Whitman (V17-326)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

This request is from MassDOT. The staff has been meeting with district engineers and ADA coordinator from MassDOT to try to work out a way to submit large variance applications. Their applications are large and have many requests. Received an email from Karen Dempsey, the Commission was unable to meet before AAB meeting but they reviewed the materials. Concerned that they do not include sidewalks. Some cross slopes and curb ramps will be too steep. Hope they will fix entire sidewalk.

RH motioned to packet both V17-326 and V17 327 for the next Board meeting.

DA seconded, passed unanimously.

16) Ramps at Various Locations, Auburn, Framingham, Gardner, Marlborough, Milford, Oxford (V17-327) same as above.

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

17) MGM Head Start, 145 Union Street, Springfield (V17-328)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New construction of a new day care center. Jurisdiction is 3.2, seeking two variances. Section 30.14.2, 30.15.2

30.14.2 to allow 12 inch offset from wall to centerline of toilet bathrooms 114 and 117.

DG motioned to grant as proposed. DA seconded. Passed unanimously.

1 ¼ grab bar to comply with ADA standings in bathrooms 114 and 117.

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

18) Multiple Family, Multiple Locations, Boston (V17-329)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The petitioner has a number of buildings and seeking multiple requests.

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

19) Multi-Unit, 249 Third Street, Cambridge (V17-330)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The project is new construction of 84 apartments in two buildings. AAB jurisdiction is 3.2.

Seeking relief to some entry stoops and group 1 units that have lofts ad mezzanines.

DG motioned for a hearing. JH seconded passed unanimously.

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20) Lighthouse School Cottage, 1 Rugged Road, Nantucket (V17-331)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Existing residential home converted, change in use, seeking relief from any access to building.

Petitioner says only admin staff used to free up space from school building.

DG left the room.

Change in use requires an accessible entrance at a minimum.

DG came back to the room.

JH motioned for the petitioner to either provide the Board with detailed drawings for an accessible entrance or they provide the Board with an affidavit stating the cottage is used for employee use only. PM seconded, passed unanimously. DG abstained.

21) Three Residential Buildings, 40, 50 & 60 Ledgeview Way, Wrentham (V17-332)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New construction of three buildings. Jurisdiction is 3.2. Sink request.

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

22) J P Licks Ice Cream, 397 West Broadway #B, South Boston (V17-333)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The project is a build out for an ice cream shop. Provided drawing on entry plan with auto door opener. They have two handrails on the interior.

JH motioned to grant as proposed with an auto door opener. DG seconded, passed unanimously.

WW left the room

23) Somerville High School, 81 Highland Avenue, Somerville (V17-334)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

TH met with petitioners on the project.

To packet portion of application

One issue might need a site visit. Connection to Green Line. It is an MBTA stop.

RH motioned to packet the case for the 1/22/2018 meeting. DG seconded, passed unanimously.

WW came back to the room.

DA left room.

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24) Yola Esther, Pittsfield

Fines have grown to \$800,000. City of Pittsfield moved to release the bond but did not accept the street. June Hailer filed complaint with the Board. Sidewalks, curb cuts. Received from SK design and Courtney Lee and Hamel saying they represent the client again. Based on conference call TH and Kevin Scanlon had with them they agreed to send in status report and attempt to send in variance requests. Asked the Board to stop the accumulating fines and accept what they have done. A written request for abatement and hearing for the developer to appear.

HR motioned to stay the accumulation of the finds as of 1/8/2018. PM seconded, passed unanimously.

RH moved for the variance application to be received by February 16, 2018 to go into the February 26, 2018 packet. Pm seconded, passed unanimously.

RH motioned to hold a hearing during a Board meeting in March, on the abatement on C15-125 and V16-073 JH seconded, passed unanimously.

DA came back to the room.

Hearings

11:00am - Busa Wine & Spirits, 55 Bedford Street, Lexington (C14-019) - Complaint Hearing
Exhibit #1: Hearing Packet AAB 1 – 35

WW, JH, PM, RH, AB, DA, DG

William Joyce, AAB Compliance Officer
All parties were sworn in.

As of 11:12 a.m. no one arrived.

Party arrived – 11:14
Joseph Lavallee, (JL) Winslow Property Management, Property Manager

Mr. Lavallee was sworn in.

JW this is a complaint against a liquor store for no parking spaces. AAB 14 final plan was submitted to the board at what the space would look like. They are in default. This is an older case. We received a call from the complainant last summer. I issued a letter to Mr. Andre, received response in July requesting additional time. Since then we have not received any communication.

Why hasn't compliance been achieved and if it has, why we didn't the Board receive any communication.

JL – I am educating myself on the situation. Wasn't employed with the company in 2014. I am not familiar with ADA compliance, not sure of the age of the building. It looks like an expensive

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endeavor. The fire department next door is going to do work. Don't want to do work if it is going to be torn down if the fire department does work. I can put something in writing.

Winslow owns the property.

WW - Does the company have a file?

JL - Yes. I don't know why this didn't happen in 2014.

WW- Has anyone given you any history why it didn't happen.

JL - No.

AB - what is left to do?

JL - More involved than just painting spots with line striping. Parking lot goes up. Concern is person could roll down into the street. The parking lot needs to be regraded, engineering drawings, permits, earth moving equipment, regarding the lot is needed. More involved. On the drawings options a and option b. I don't know what the grade is now but it does need to be regraded.

JL - I am not familiar with ADA compliance.

WW - We can help you with that.

HR - Have you seen the complaint form?

JL - No.

JW - Original complaint was for Bedford Street. Complainant might not have known what to take pictures of.

WJ - There is no accessible parking.

HR - At 55 Bedford Street is there any hc parking.

JL - I believe there is not.

HR - What do you think the board should do because there are no hc parking spots?

JL - I'm not sure.

JH - What would it cost to put in hc parking?

WW - Four foot retaining wall?

JL - Drawings were before me. Showing area - this area is a drive area, then slopes down. If this was a simple matter they would have done it. I am going by my impression that to put in spot more work needs to be done.

WW- You restriped it last year?

JL - Yes.

WW - Any work performed, restriping is work performed.

JL - it is going to be more work, landscaped construction.

WW - You could possible come back to us for a variance but you need to do a report on slopes, etc.

DA - We should ask for owner to come in and speak to the Board.

DG - Do you manage Mass Avenue location? Has it been restriped?

JL - Yes.

DG - What happens at the back of the little wedge drive?

JL - It is a loading area.

JW - They are proposing a space here (looking at picture).

DG - Any work the fire department would do is on their property

HR - Are you confident the owner is aware of this issue?

WJ - Original was sent to owner of Busa 55.....

HR - Has there been no meaningful response?

JW - It is complicated. They initially responded and had a plan. It might be to go to a fine hearing to find out why original order is in default from 2014.

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HR – They knew there was an issue.

JW – They requested extension. It is strange it fell off in the middle of this. Makes me think something happen. If something happened other than just ignoring it, it would change the case.

WW - We can schedule a fine hearing. In the meantime if they came forward with a plan for the parking lot. The plan that requires construction or measure the slopes and have a civil engineer or a professional make the plans and apply for variances. The owner needs to be at the fine hearing. If they come up with a plan or tangible information saying they are coming up with a plan and a deadline of when the work will be done, a fine hearing might not be required. Also look at the mass avenue property.

HR motioned to set a date for a fine hearing with the condition Busa develops a plan by a professional engineer and provides it before the fine hearing. JH seconded, passed unanimously.

WW - How much time do you think you will need to put a plan together?

JL – I can't imagine longer than 30 days.

WW - Schedule it for February 26.

WW - Since it is in violation now the fine clock is ticking.

JL - It could go back to 2014?

WW – Yes.

DG left room

25) Abby's House, 52 High Street, Worcester (V08-128)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

We set a 4 2018 date for tread fillers. They requested work be completed by 4, 2019. They are going to do a marble filler.

HR motioned to extend the date to 4/1/2019. JH seconded. DG abstained.

Lunch

1:00pm - MBTA Ruggles Station, 38 Sidney Street, Boston (V17-266) - Variance Hearing
Exhibit #1: Hearing Packet AAB 1 - 95

WW, JH, PM, RH, AB, DA, DG

Laura Brailsford, (LB) MBTA

Chris Hart, (CH) MBTA

Desiree Patrice, (DP) MBTA

Mark Louro, (ML)VHB

Tim Rusteika, (TR)VHB

The parties were sworn in by the Chair.

The Board asked the petitioners to send in their presentation electronically.

DP – we are here for a time variance to do work at Ruggles station. No improvements have

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happen since 1987. They applied for a tiger grant for improvements to add an extra platform. In 2014 the fed gov gave 20million tiger grant. We did some work but the improvement we are about to do triggered 521 CMR. We have an expiring date to do the work with the grant. We have some phases and capital improvement money. Lower and upper bus.

ML project manager. The presentation outlines thought process, what has been designed and slides to cover variance.

First slide pedestrian access. New platform. Ped access around the property they cross through right of way, there is an existing stairway that takes people. Three points to cross within project and 4 existing elevators in the headhouse. DP showed the board where the elevators take people. Paths of travel, bridges, get people from one side to the other. Northeastern is proposing a new bridge to their main campus. Existing busway structure bridge, there will be a new bridge that northeastern will put in will be accessible. In 2014, 2015 a state of good repair assessment was done.

AAB 36-39 the study is included. This identifies everything from, signage, restrooms, fire alarms.

Scope of platform project has evolved. Phase 1 scope we added replace 4 existing elevators, reconstructing lower busway by moving curb lines. Reconstruct upper busway. These were all added to phase 1.

Phase 1 – 800 ft platform, headhouse, inbound. Secure doors that only open out to exit platform. headhouse enter.

Lower busway reconstruction – proposing new elevator at Ruggles street end. Provide underpass taking to upper busway to lower busway.

New elevator in Lower Busway.

East entrance near northeastern

Phase 2 – want to identify what work to do in phase 2. Want to build at a later date when funds are available

Construction curb cuts at Ruggles Street drop off loop

Install crosswalk, reconstruct sidewalk

Columbus avenue station create a ramp

Railing heights

Surfaces, signage, moving turn style, lighting, bus shelters

Phase 2 list sept. 26, 2017 AAB15 3million in work

Variances

We are looking for a time variance to perform phase 2 while phase 1 is under construction.

DP – We have put in more requests for funding. We are doing active development to improve Ruggles. We continue to make applications to CIP. We are asking for time variance to keep on going. AAB

WW- what is time frame for time variance

DP -We are thinking two years. Some will be done sooner. Initial project has started this year and will end 2020. Trying to start with a report and continue to design as we build.

WW- is 2 years from 2020 – 2022?

DP -H 2019 we will start the reports.

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WW- They have 1 projecting going to 2020. They are not in violation until they finish that project. Trying to narrow down the time.

DG – at end of phase 2 will there be anything left not accessible. Or will it be fully accessible.

LB –

DP - The goal is to address all the accessibility.

CH – to get initial building permit, wanted to come to the board early.

DP – DPS said to get a time variance we feel comfortable you will address this.

DA are we supporting what we previously did with the control board.

LB – Belmont Waverly station.

DA – Is time table back in May consistent of what is being presented now?

LB – Yes

PM – Item 35, 33, 18, 10, 3. 35 - the reason is Ruggles street impactful to the community – this should be done at the beginning instead of two years.

CH - stairs, did not requireat entrance. Need for much better support at city hall.

TH - haven't these issues been fixed prior to this?

CH - what is obvious to us isn't obvious to city hall?

TH – Any chance this deal will fall through and Northeastern won't be interested anymore?

WW - Is two years going to be a long enough time?

DP- MBTA and DCR are in some sort of agreement.

PM – Other items on list are not as completed 33,18,10

DP - We are repairing stairs exiting to the back.

PM – the ones that have to do with sidewalk repair.

DP – Sidewalk Ruggles into building we are addressing. Need to make Columbus Ave. accessible and continue the study to see what else needs to be done.

PM – agreement with northeastern we would like MOU

DP - There are no guards to Northeastern it will become public access way.

HR – at the end in 2022, everything will be compliant. Any left over issues.

P- As of now no.

HR – how serious are issues if I were in a wheelchair?

DP – Right now all paths of travel have been addressed. We make sure we mark off any areas that cause hazards.

HR - If there are safety issues, those are high priority. At the end of phase 1, will there be 521 CMR issued?

DP – Yes

HR – safety for people?

P -Ruggles street drop off. Drop off on other side and come in. It is an inconvenience for people. We are thinking with improvement with Columbus Ave entrance might be able to be used as a drop off.

DG – you will need a temporary drop off.

AB – on elevator alternative A, covered walkway

CH – sample idea of what we will do on Ruggles Street. Mass Ave and Ruggles both have same exit only on the left of the platform. Same stair at Mass Ave and Ruggles and trying to figure out which is the best. Can't resolve until we do some work.

AB – prioritize list AAB15

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HR motioned to grant a time variance starting two years after completion of the Phase 1 project, on the condition the Board receives updated progress reports starting every 6 months after the completion of the Phase 1 project, then 6 months going forward, and include on MBTA website information regarding the Ruggles Station and managing around the construction area for persons who are disabled. JH Seconded, passed unanimously.

DG - Update of phase 1 give balance of where phase 1 ended and what is left to do.

WW – Two years at completion of the first project, need progress reports

2:00pm - Halibut Point Visitor Parking, Gott Avenue, Rockport (C13-036 & V14-125) –
Fine Hearing

Exhibit #1: Hearing Packet AAB 1- 46

Exhibit #2: Letter from Deputy Commissioner for Recreation and Operations, Nick Groves

Exhibit #3: Drawings of Halibut Point Visitor Center

Rachel Lee, DCR Site Access Specialist

Raul Silva, DCR Engineering

Jessica Roucroft, DCR Planning

Tom McCarthy (TM) DCR UAP

William Joyce, Compliance Officer

WW,AB, HR, PM,JH, DA, DG

All parties were sworn in.

WJ – A fine hearing was called because in 2014 the Board issued an order for the parking lot be brought to full compliance. To date work has not been completed. They requested until 7/2019 to complete work. The board denied the request.

TM – Letter from deputy commissioner EXHIBIT 2. Letter is apologizing for not having the work completed.

WW – Read the letter.

TM – As we moved along the three years, it did fly under the radar a bit. We have been engaged in accessibility process, a new parking lot, and visitor center, additional parking for the visitor center a drop off area as well. The delays that occur are not unusual. We fully intended to provide access to this area since the first complaint. Spaces not being closest to the park. We did restripe the spaces moved them to be the closest and because of move, they were moved to area not completely compliant with running slopes and access aisles. With that said, in order to repave we would spend a lot of money to redo the parking space. We have funds set aside, including landscape designs, entrance experience for visitors.

JR – We have been working on redesign for a long time. Work for building has been completed. In process of awarding contract. In the building we are installing a lift to second floor. The lift to second will be community meeting and gallery space. We have ww2 fire range tower several stories high. We are installing a camera that will be incorporated with in exhibit.

JR – We starting looking to the site too. It is hard to find the entrance, not well marked, people get confused. Realized needed to make a larger investment in facility and had an opportunity to incorporate accessibility. Landscape design work starts next week, looking at area around the

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building. May look to move to develop where the 1900 century house is. Our neighbor is a traumatic brain rehab center. Traffic into our parking lot blocks their access.

TM – When work is done the spaces might not be the closest to the park.

RS - we are planning on redoing the lot. Area that has a drop off and pick up. We can't build a parking lot that is big enough but we can allow people to pick up and drop off. When we redo a lot for a year round facility we factor in snow removal. We are hoping to have work done during April and May. It will be a more functional parking lot.

WW – The issues will be solve on the parking by Memorial Day?

RS – Yes.

TM - We are requesting there are no finds.

RSilva – commissioner thinking a year from now everything will be done. This violation will be done by Memorial Day.

HR – As it stands now the handicapped parking is non-compliant?

TM - Yes

PM - Site plan of parking?

RS – Drop off is in exhibit 2

RL – The design work has not been completed we do not currently have a design.

JR - Starting next week we are sitting down with landscape architect. Will have in hand by spring the site plan.

PM - did you say completed accessible will be completed by spring?

RS - Two plans, parking lot plan done by Memorial Day, larger effort of a site plan to incorporate visitors with signage and orientation, welcoming feeling will come later. This is additional. We have a conceptual design.

JH – Keep in mind, accessible parking and drop off. If someone is driving themselves dropping off may not work. Also have some accessible parking for people with this particular need closest to building as possible.

TH - Site plan parking is proposed within 175 feet from building. It is a compliant plant. We are dealing with piece across the street.

RS - Point well taken. We will be challenged. Pick up drop off help but doesn't solve all issues.

DA - What is connectivity over Got Avenue?

RS – crosswalks, signage, signage saying entering into a physical almost school zone. If it doesn't work put a speed bump in. Not looking to put in signals.

DA – Once in the park, paths how good are they for chair users?

TM - I get in and out just fine.

RS - Will put in signage to show paths

DA - ADA program. Get Rockport to apply.

DG - Complaint parking lot, are the required amount and is drop additional?

TM - Yes. Have been doing accessible spaces on either end of lot.

RH would it be appropriate to give find if not completed by the date?

When the work is done send compliant pictures.

HR motioned to continue the fine hearing. JH seconded, passed unanimously.

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DA left the room.

26) Haverhill District Court, 44 Ginty Boulevard, Haverhill (V15-203)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

This is an existing case from 2015. The petitioners are at the end of the project and doing additional work. On 12/8 an amendment was submitted. Granite steps are being repaired and handrails, seeking relief from 27.3 nosings.

Nosing are 90 degree nosing.

DG motioned that no variance for 90 degree nosing as shown in the drawings, is required. JH seconded, passed unanimously.

27) Offices and Print Shop, 179 Bear Hill Road, Waltham (V17-290)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

NOA requested more info on LULA. The petitioner proposes a vertical wheelchair lift for building. The Board asked for a study on a LULA and plans showing us why suite 201 is not accessible. We received the studies. Petitioner remains that a vertical wheelchair lift is all the building needs. This is a big building.

DA came back into the room.

PM motioned to deny the variance for a vertical wheelchair lift. AB seconded, passed unanimously.

28) China Gourmet, 23 Tyler Street, Boston (V17-309)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

At the initial review the Board required the Petitioners to have a meeting with Director Hopkins. The meeting was held on 12/14/17 at 10:00. The materials were reviewed. The petitioner conceded they are over \$100,000 need an accessible toilet room and entrance. The renovations are after a fire, the project was to reconfigure the building and provide space on second floor. There is a kitchen on the second and first floor. Very small. Not accessible at rear and stair system at front. Need buzzer. Requesting relief from 25.1, 28.1, 30.1.

DA motioned to grant with the condition there is a buzzer for patrons to alert employees, lighted menu, and information on the restaurant's website saying the restaurant is not accessible, and appropriate signage. Staff also needs to be trained on delivering food to people who are unable to get into the building. RH seconded, passed unanimously.

WW left the meeting for the day. JH chaired the meeting

January 8, 2018

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

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29) Residential and Retail, 287 Old Colony Avenue, Boston (V17-292)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

TH had a meeting with the architect. They showed how difficult the building is to work with, the building is shaped like a triangle. They provided access to retail space. They are subject to group 1.

Asking for relief from providing an accessible route to 1 unit that is 925 sq. ft. under 20.1. Other unit is accessible.

DG motioned to provide relief from access to the 925 sq. ft. unit in question, with the condition the lift is installed prior to the issuance of occupancy of the building.

HR seconded, PM abstained.

30) 97-115 Beverly Street, Boston, V17-297

14 story, 220 hotel units, 239 apartments. Initial variance was sink depths, grab bar locations.

We dealt with these. Cosintini submitted 9.5.2a proposing different heights for peep holes.

Group 1 unites have peepholes 56 inches above floor 2a two peepholes, one at 42 one at 56.

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

31) Gensouen Tea House, 299 Harvard Street, Brookline (V17-291)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The Commission on Disability Chair contacted the Board to object to our decision. We checked back to see if we emailed the Commission's letter to you. We didn't find that it was sent to you. Didn't hand out commission letter when presented. NOA granted variance relief. Could they raise the table?

DA motioned to ask the restaurant to examine alternative accessible serving platters, tables to accommodate people with accessibility needs. DG seconded, passed unanimously.

32) Greenfield Trial Court, 43 hope Street, V17-167

The Notice of Action was sent asking for 11 separate drawings of toilet rooms and photos of flusher meters. The petitioner is seeking relief from grab bar lengths in 11 bathrooms. They just sent in pictures. This is a non-responsive submittal.

HR motioned to deny. AB seconded, passed unanimously.

3:00pm - Three Story Building, 233 Cochituate Drive, Framingham (V17-020) –
Variance Hearing

Exhibit #1: Hearing Packet AAB 1 - 70

Exhibit #2: Additional pictures

JH, PM, RH, AB, DA, DG

Sharad Patney (SP) AVA JP Realty ,LLC

Christopher Howe, (CH) CDHA

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

The parties were sworn in by the Chair.

CH –

Entered EXHIBIT #2

CH – history of the building, jurisdiction.

Walter white raised issues if space had been occupied as public this might not be under jurisdiction of AAB. Built in 1985 21 stories and a basement level. The current owner is here today. Purchased in 2015 at that time the basement was fully finished with a fully finished restroom. If you look at the packet I brought today, 1 – 4, gives a sense of what space looks like. Fully carpeted, track lighting, fully finished restroom. On page 2 character of space as you go down stairs. Nice storage space. This has always been storage space. Mr. Patney was under impression he would be able to rent out. Need basement rental income. Wasn't until there was a mold problem the city was not going to allow to be rented as tenant space. They consider it as storage space. A permit was pulled to fix the mold. AAB 31 permit for mold \$10,900. It has not crossed 100,000 or 30% threshold. Building inspector said changing use and triggered full accessibility compliance. Page 5 on packet I gave today is originally permit showing it was office and storage space. Cert of occupancy says office and storage. Page original floor plan. Specifies drywall finishes on walls. 8-9 first and second floors of building. page 10 wall detail of original construction. Pg 11 showing basement storage have suspended ceiling, carpet on the flooring. The intension of previous owner was to use as office space. Finishes suggest they use as office not storage. Pg 13 first floor HVAC system, suggesting this was used for more than basement storage. Pg 14 original plumbing drawing. 15 plumbing risers, no restroom at that time. Between 1985 and 2015 a restroom was constructed. 16 lighting for basement. A lot of lighting for storage. 19 is a close up of light switches original light switches that were installed. Researched light switches, they are from 1986. There was some shift from storage to installing track light fixtures. The space has been used as more than storage for many years. When the owner pulled permit told it is storage space not office space.

Owner talked to two long term tenants, both remember previous owner occupied basement as office and rented out other half to tenants.

JH – The information that this previous used as office space we don't have firm information.

CH – No I didn't find any.

SP- when we bought this is 8,000 sf three floors. If I don't rent lower floor, not enough revenue to pay for mortgage, plus tax, paying 65,700. Normally I get 1,600 rent.

JH – do you anticipate you would be renting to two different businesses on the basement floor. Is the entrance flus with street or go down stairs.

SP- down stairs.

CH - This level is down. The first floor is accessible. Dental office and jewelers are long term tenants.

DG - Wall section is to cover up original insulation. To make argument it was always that way, I am not sure. Why was there not a permit for toilet room. Did you do due diligence?

SP - I had a law firm involved.

DA - We are trying to tell if this should be before us. In my opinion it is. Why couldn't you come before us with a variance app?

CH - We did. The Chair said it might not be AAB's jurisdiction and we need to research this.

DA - Who are you thinking of renting to? We could restrict to who it is rented to.

SP –Those kinds of restrictions should be ok.

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

HR – If we were to grant a variance for change of use and restrict to private use only, would that be acceptable.

JH - It would enable him to rent the space,

DG - Employee only businesses.

DG - If we restrict it you need an accommodation policy plan.

CH - I did come prepared to go through the variance.

AB - How did you leave it with building dept?

CH - Building dept. says it is storage space.

DA – We may need to table and have the Board’s attorney speak to the town’s atty.

DA - Not many ways in and out of building

CH – 1 and exit out back door

PM – I am curious to hear the variance request.

CH – The elevator is the main issue – AAB 7 – we did a study to see how to incorporate the most likely place is in existing lobby but there isn’t enough space. To get more space we would need to renovate existing tenant space on first floor. So based on that lobby is not going to work.

Aab10 – the north and west side is against property lines. South side faces parking lot there is a sidewalk. The parking lot aisle is only about 20 feet. Technologically infeasible. East side of building site slopes off about 7 feet.

DG – Move the parking lot to put an elevator in. You will have access to all 6 units.

CH - Not technologically infeasible to locate on outside adjacent to lobby, we should look at cost of exterior along east side of building. AAB13 we have 35,000 architectural engineering for zoning,.....AAB13 CH went through the cost of everything. Total \$75,000

JH – I agree your estimates are conservative. We have a complex issue, we have the lift and the other issue is rent ability factor of basement spots. I feel we should take under advisement and expedite some information to you. The board will try to do whatever we can to help you but we want to do it correctly and get information from the board’s attorney.

CH - The point is even with conservative estimate

Rent for the basement is \$1,500 for one side andfor the other.

The existing stairs have open risers and handrails don’t comply. Proposing to replace handrails and have signage on top of the stairs with a telephone. Restroom proposing to install grab bars and replace handles on a faucets.

AB - Fire department.....has it been inspected?

SP- Yes

Property card.

HR motioned to take the case under advisement and consult with the Board’s attorney and expedite the information back to the petitioner and to expedite the information. AB seconded. Passed unanimously.

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

MINUTES from the December 11, 2017 Meeting

HR motioned to approve the minutes from the December 11, 2017.

AB seconded, passed unanimously.

Revisit V17-020 Three Story building, Framingham

Jurisdiction is change in use based on Framingham building dept.

HR motion to grant a variance for use of the basement for employee use only with the stipulation that all accessibility improvements be made, and an affidavit stating the basement is for employee use only, presented to the Board first, then filed with the registry with book and page number, and employ only language is incorporated into the lease language. PM seconded, passed unanimously.

33) 24 Thorndike Cambridge, V17 – 174

The petitioner appeared at a hearing. They thought they were not responsible for vertical access. The Board discussed an MOU so owners know they are still subject to accessibility going forward. If we grant the relief, we did for this tenant. If a new tenant came in the question is back on the table.

DG motioned to reaffirm the previous decision and change language to a decision from a MOU. PM seconded, passed unanimously.

The following was not presented due to time

Scituate Town Library, 85 Branch Street, Scituate (C17-054 & V17-335)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Parking, 945 Washington Street, Stoughton (C14-110)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Wellesley College – Keohane Sports Center, 106 Central Street, Wellesley (V14-140)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Wellesley College – Schneider Ctr. Building, 106 Central Street, Wellesley (V14-141)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Wellesley College – Pendleton West, 106 Central Street, Wellesley (V15-129)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

January 8, 2018

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

Forest Hall Annex, 8 Sullivan Road, Wellesley (V17-129)
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.

Hapgood Library Building, 7 Fairbank Street, Harvard (V17-155)
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.

Medford Housing Authority, 71A & 7B Foster Court, Medford (V17-041)
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.

1774 Liberty & Union Ale House, 16-18 Trescott Street, Taunton (V17-245)
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.

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.

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn

Exhibits

Spindrift, Nahant V15-048, C14-081
Exhibit – Status report

205 Revere Beach Parkway, 205 Revere Beach Parkway, Revere (V17-316)
Exhibit – Variance Application and associated documents

Maynard Theatre, 17-21 Summer Street, Maynard (V16-207)
Exhibit – Variance Application, correspondence and associated documents

8 lots school, Sutton MA V16-331
Exhibit – Variance Application, correspondence and associated documents

Le's Sushi Bar, 425 Cambridge Street, Cambridge (V17- 317)
Exhibit – Variance Application and associated documents

Former Micro-wire Manufacturing Building, 120 N. Main, Brockton (V17-318)
Exhibit – Variance Application and associated documents

Knafel Center, 18 Mason Street, Cambridge (V17-319)

January 8, 2018

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

Exhibit – Variance Application and associated documents

The Exhibit – Variance Application and associated documents
Commons at Walpole Station, 95 Water Street, Walpole (V17-320)

Crescent Mill, 22 Front Street, Fall River (V17-321)
Exhibit – Variance Application and associated documents

Wellesley Town Hall, 525 Washington Street, Wellesley (V17-322)
Exhibit – Variance Application and associated documents

Zion church Ministries, 757 Broadway, Everett (V17-323)
Exhibit – Variance Application and associated documents

Cognex Corporation, One Bison Drive, Natick (V17-324)
Exhibit – Variance Application and associated documents

Commercial Building, 15 Central Street, Andover (V17-325)
Exhibit – Variance Application and associated documents

Retro Fits at Various Locations, Avon, Brockton, Swansea, Whitman (V17-326)
Exhibit – Variance Application and associated documents

Ramps at Various Locations, Auburn, Framingham, Gardner, Marlborough, Milford, Oxford
(V17-327)
Exhibit – Variance Application and associated documents

MGM Head Start, 145 Union Street, Springfield (V17-328)
Exhibit – Variance Application and associated documents

Multiple Family, Multiple Locations, Boston (V17-329)
Exhibit – Variance Application and associated documents

Multi-Unit, 249 Third Street, Cambridge (V17-330)
Exhibit – Variance Application and associated documents

Lighthouse School Cottage, 1 Rugged Road, Nantucket (V17-331)
Exhibit – Variance Application and associated documents

Three Residential Buildings, 40, 50 & 60 Ledgeview Way, Wrentham (V17-332)
Exhibit – Variance Application and associated documents

J P Licks Ice Cream, 397 West Broadway #B, South Boston (V17-333)
Exhibit – Variance Application and associated documents

Somerville High School, 81 Highland Avenue, Somerville (V17-334)
Exhibit – Variance Application and associated documents

January 8, 2018

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

Scituate Town Library, 85 Branch Street, Scituate (C17-054 & V17-335)

Exhibit – Variance Application and associated documents

Abby's House, 52 High Street, Worcester (V08-128)

Exhibit – Variance Application and associated documents

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

Exhibit – Variance Application and associated documents

Hapgood Library Building, 7 Fairbank Street, Harvard (V17-155)

Exhibit – Variance Application and associated documents

Haverhill District Court, 44 Ginty Boulevard, Haverhill (V15-203)

Exhibit – Variance Application and associated documents

Offices and Print Shop, 179 Bear Hill Road, Waltham (V17-290)

Exhibit – Variance Application and associated documents

Gensouen Tea House, 299 Harvard Street, Brookline (V17-291)

Exhibit – Variance Application and associated documents

Residential and Retail, 287 Old Colony Avenue, Boston (V17-292)

Exhibit – Variance Application and associated documents

The China Gourmet, 23 Tyler Street, Boston (V17-309)

Exhibit – Variance Application and associated documents

Busa Wine & Spirits, 55 Bedford Street, Lexington (C14-019) - Complaint Hearing

Exhibit #1: Hearing Packet AAB 1 – 35

MBTA Ruggles Station, 38 Sidney Street, Boston (V17-266)

Exhibit #1: Hearing Packet AAB 1 - 95

Halibut Point Visitor Parking, Gott Avenue, Rockport (C13-036 & V14-125)

Exhibit #1: Hearing Packet AAB 1- 46

Exhibit #2: Letter from Deputy Commissioner for Recreation and Operations, Nick Groves

Exhibit #3: Drawings of Halibut Point Visitor Center

Three Story Building, 233 Cochituate Drive, Framingham (V17-020)

Exhibit #1: Hearing Packet AAB 1 - 70

Exhibit #2: Additional pictures