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

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Board Meeting Minutes – February 24, 2020, 9:00 a.m. – 5:00 p.m.
One Ashburton Place, 21st Floor, Conference Room 3, Boston

Board Members Present:

- Walter White (WW)
- Jane Hardin (JH)
- Andy Bedar (AB)
- Dawn Guarriello (DG)
- Mary Mahon McCauley (MM) / Jakira Rogers (JR)
- Patricia Mendez, (PM)
- Harold Rhodes (HR)

Also in Attendance:

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

Board Members not in Attendance:

- Jeffrey Dougan (JD)
- Raymond Glazier (RG)
- David Johnson (DJ)

The Chair opened the meeting.

WW, PM, JH, DG, HR, JR

JH out between 11:15 a.m. – 2:00 p.m.
PM leaving at 3:30

Compliance Officer Update

Mr. Joyce gave an update on the Compliance Office position and informed the board that 40 applications have been received and narrowed down to six candidates. Interviews are on hold until the new Commissioner is in place.

*JH Motioned to move forward with the Compliance Officer interview process and accept the Executive Director's recommendations for the Compliance Officer position to review.
AB seconded, passed unanimously.*

Incoming Case Review:

1. Nantucket Lighthouse School Cottage, 1 Rugged Road, Nantucket, V20-010

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking relief from 28.1 for the second floor and basement.

JH motioned to continue for information regarding nature of school, is the school for children with special needs, population, for this use only. If it is for special needs, how do kids get there, parking situation. AB seconded passed unanimously.

2. Sacred Heart Church, 99 King Street, Northampton, V20-011

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking four variances for three entrances

#1 North side 6 steps above grade –

DG motioned to grant. AB seconded, passed unanimously.

#2 and #3

PM motioned to continue for information regarding second means of accessible egress.

JR seconded, passed unanimously.

Ramp #4

DG motioned to grant. AB seconded, passed unanimously.

3. Stockbridge Golf Club, 6A Main Street, Stockbridge, V20-012

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking relief from 28.1 for access to the second floor changing rooms. There will be accessible changing rooms on the first floor. The property is in a flood area.

HR motioned to grant. JH seconded, DG recused, motion passed.

4. Existing Building, 774 Crawford Street, Fitchburg, V20-014

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Ramp has a hump in it. Asked for a cost estimate in writing.

PM motioned to continue for more information regarding cost to fix and profile of discrepancies.

JR seconded, passed unanimously.

MM arrived

5. Marriott Vacation Club, Pulse, Custom House, 3 McKinley Square, Boston, V20-006

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

PM recused herself and left the room.

The petitioner is seeking five variances.

BCIL supports the requests on the condition of automatic door openers on both restrooms and automatic door openers on the observation level.

1 and 2

Bathrooms BCIL auto doors on all

HR motioned to grant variances for 26.6.4 26.6.3 with automatic door openers at both restrooms. JR seconded, motion passed

HR motioned to grant 20.10 24.3, on the condition of installation of automatic door openers on doors on observation level. AB seconded, passed unanimously.

HR motioned to continue on 26.11 for a feasibility study to determine whether the described four corners on the observation deck can be shaved or otherwise modified to maximize clear width at these four narrow pinch points without compromising historical preservation. JR seconded, passed unanimously.

Door to toilet room is not in compliance with 39.4 lacks a compliance device.
Needs a closure or ask for relief from 39.4. Vestibule and toilet room.

JH motioned to move to note that the first floor woman's bathroom does not comply with 521 CMR. MM seconded, passed unanimously.

6. MIT Delta Tau, Delta House, 416 Beacon Street, Boston, V19-120

Exhibit – Variance Application and associated documents, amendment

Mr. Joyce presented the Variance Application and associated documents.

PM recused herself and left the room.

LULA variance. Amendment

JH motioned to grant with the new information provided. DG seconded, passed unanimously.

7. Community Charter School of Cambridge, 255 Bent Street, Cambridge, V20-015

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Sloped landing. The petitioner is requesting to leave the landing as is and proposing automatic door openers.

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

8. Stonehill College, Tom and Donna May Pavilion, 320 Washington Street, Easton, V20-016
Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

AB recused himself.

Graduation reception tent. The petitioner is seeking relief for part of the tent located on the grass area.

Independence Associates is not opposed.

JH motioned to grant. DG seconded, passed unanimously.

9. Crossroads for Kids Camp Wing, 742 Keene Street, Duxbury, V20-017

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is rebuilding three cabins and asking that reconstruction of the three cabins not be accessible. There are four accessible cabins.

JH motioned to table to later in the day. DG seconded, passed unanimously

10. Sidewalk Reconstruction, Boylston, Clarendon, St. James, Boston, V20-018

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Two Flares on one curb cut are over sloped and not compliant.

MM motioned to grant. JH seconded, passed unanimously.

11. Proposed Sidewalks, Devonshire Street, Boston, V20-019

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

PM recused herself and left the room.

Boston Commission on Disability supports the variance.

The petitioner proposes to push cross slopes into the furniture zone and will have a larger furniture zone. Entrances of adjacent buildings will be accessible.

MM motioned to grant. JH seconded, PM recused, motion passed.

JH left the meeting and will be back around 2:00 p.m.

11:00 a.m. - Daniel Burns Apartments, 30-50 Church Avenue, Cambridge (V19-327) –
Variance Hearing
Exhibit #1 AAB 1-17
Exhibit #2 Additional Information
Benjamin Wilson, Architect, (BW) BHTA
Goran Smiljic, (GS) CHA
WW, DG, HR, AB, PMMM, JR

HR motioned to grant on the condition of way finding signage appropriate lighting, information on website and other materials regarding entrances and exits. PM seconded, passed unanimously.

#2, 3 and 4
Handrail conditions

PM motioned to grant on variances 2, 3, 4. (Handrails) DG seconded, passed unanimously.

#5 – trash room

MM motioned to grant. DG seconded, passed unanimously.

The Board maintains an audio recording of the Hearing. The Board decision dated March 12, 2020, memorializes the Hearing.

1:00 p.m. - Brookfield Town Hall, 6 Central Street, Brookfield (V19-291) - Variance Hearing
Bill Simpson, Town Hall Improvement Committee (BS)
Clarence Snyder, Vice Chair, Board of Improvement (CS)
Exhibit #1 Hearing Package AAB 1- 82

The parties were sworn in by the Chair.

HR motioned to grant the requested relief and allow temporary use of an inclined platform lift on the main interior stairway until such time as construction costs trigger full compliance with the relevant sections of 521 CMR on the conditions that the Petitioner submit to the Board for its review and approval: (1) its proposed website accessibility notice, including information relating to the accommodation; (2) a written accommodation policy; and (3) annual reports on the status of construction beginning on March 1, 2021. PM seconded, DG opposed, WW opposed, motion passed.

The Board maintains an audio recording of the Hearing. The Board decision dated March 12, 2020, memorializes the Hearing.

AB left for the day.

2:00 p.m. - Taj Hotel, 15 Arlington Street, Boston (V19-201) - Variance Hearing
Exhibit #1 Hearing Package AAB 1- 40
Doug Anderson, Consultant, C3 (DA)
Vickie Alani, Architect, CBT (VA)
Li Wong, Architect, CBT (LW)

The parties were sworn in by the Chair.

Route and location of route

*HR motioned to grant relief to 20.1 and 20.2 for bar area as proposed.
JH seconded, passed unanimously.*

#3 and #4
25.1 and 26.7 Arlington street entrance.

*HR motioned to deny 25.1 and grant 26.7 on the condition Arlington Street door is exit only.
DG seconded, JH abstained, WW Opposed, motion passed.*

There is an 18 floor. 17 is roof garden. There is a pop up penthouse, it will be a dining room.
*JR motioned to continue for additional information and supplemental plan.
DG seconded, passed unanimously.*

#12 shower valves
Three inch difference between CMR and ADAG

PM motioned to grant. MM seconded, passed unanimously.

Grand stairs
AAB 19

*JH motioned to grant provided that intensive investigation of improving stairways and make safety
issue a top priority and report back to the board DG seconded, HR out of room, motion passed.*

The Board maintains an audio recording of the Hearing. The Board decision dated March 12,
2020, memorializes the Hearing.

Executive Session, Discussion of Pending Litigation - Closed Session pursuant to M.G.L. c. 30A, § 21

*PM motioned to go into Executive Session. JH seconded, passed unanimously.
Roll call to go into Executive Session MM, DG, JH, PM, HR*

*PM motioned to leave Executive Session and go back to regular session. JH seconded.
Roll Call out of Executive Session MM, PM, HR, DG, JH*

Reopened Tabled Case

Crossroads for Kids Camp Wing, 742 Keene Street, Duxbury, V20-017

MM how many cabins are accessible?

Stock had 8 cabins, 2 accessible

Camp portion has 17 and will have 20 – 3 will be accessible.

MM motioned to grant as proposed on the condition no unique programs are in the three new cabins. DG Seconded, passed unanimously.

PM left for the day

12. 78-80 Porter Road Apartments, 78-80 Porter Road, Cambridge, V20-007

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking 5 variances, Cambridge Housing Authority

Spending 9million, 2a units will have in-unit washer/dryers.

HR motioned to grant variance #1. JH seconded, passed unanimously.

#2 mooted by variance number 1 being granted.

#3

HR motioned to grant. JH seconded, passed unanimously.

#4 handrails at main stairs

HR motioned grant. MM seconded, passed unanimously.

#5

HR motioned to grant. JH seconded, passed unanimously.

13. Advisory Opinion

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

2% but not less than 1, fewer than 20 units do they need to provide deaf and hard of hearing?

Only if more than 20.

*JR motioned to find that 9.7 applies for 20 or more units in complex.
JH seconded, passed unanimously.*

14. Affidavit

- Fire Station, 39 Worcester Street, West Boylston

DG motioned to accept the affidavit and have the petitioner register it at the local Registry of Deeds for book and page number, along with a color coded floor plan. When completed, a copy needs to be sent to the local Building Inspector and AAB. JH seconded, passed unanimously.

15. Affidavit

- Alchemy Peppers, LLC, 17-19 Walden Street, Winthrop

DG motioned to accept the affidavit and have the petitioner register it at the local Registry of Deeds for book and page number, along with a color coded floor plan. When completed, a copy needs to be sent to the local Building Inspector and AAB. JH seconded, passed unanimously.

- City of Everett Central Fire Station, 384 Broadway, Everett

Due to MOD recusing, the board did not have quorum. Moved to next meeting.

16. Mobil Gas Station, 143 Sudbury Road, Concord, C19-063

Exhibit – Complaint

Mr. Joyce presented the Variance Application and associated documents.

Accessible space not located at the closest space. Eight spaces drop off and mechanics store and park them tandem. Only workers move and park car. Either people are allowed to pick up their car or they are not.

JR motioned to dismiss due to lack of jurisdiction, on the condition it is clear there is a valet only policy in place. JH seconded, passed unanimously.

17. Hancock Shaker Village, 1843 W. Housatonic Street, Pittsfield, V11-161

Exhibit – Variance Application and associated documents, variance registration

Mr. Joyce presented the Variance Application and associated documents.

Proof of registration of variance.

JH motioned to accept. DG seconded, passed unanimously.

18. St. Mary's High School, 35 Tremont Street, Lynn, V17-153
Exhibit – Variance Application and associated documents, amendment
Mr. Joyce presented the Variance Application and associated documents.

HR motioned to table to the next meeting. JH seconded, passed unanimously.

19. Three Story Mixed Use, 15-17 Lunenburg Street, Fitchburg, V19-214
Exhibit – Variance Application and associated documents, plan
Mr. Joyce presented the Variance Application and associated documents.
Received a plan with city and owner for sidewalk.

JH Motioned to accept. MM seconded, passed unanimously.

20. Douglas Flooring, 218 Shrewsbury Street, Suite 101, Worcester, V19-307
Exhibit – Variance Application and associated documents, amendment
Mr. Joyce presented the Variance Application and associated documents.
Previously continued for information on proposed ramp design.
Bought non-compliant ramp will purchase a compliant in the spring or the fall.

HR motioned to grant relief from 25.1, front entrance. MM seconded, passed unanimously,

HR motioned to deny relief from 24.3, 24.5.3. MM seconded, passed unanimously.

21. The Overlook at St. Gabriel's, 159-201 Washington Street, Boston, V19-321
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

HR motioned to grant variance as requested. JH seconded, passed unanimously.

22. Existing Building, 64-68 Market Street, Lynn, V19-328
Exhibit – Variance Application and associated documents, registered notice
Mr. Joyce presented the Variance Application and associated documents.

JK motioned to accept the registered notice. HR seconded, passed unanimously.

23. Rothy's, 211 Newbury Street, Boston, V19-347
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

HR motioned to table to the next meeting. JK seconded

24. Apsley Business Center, 59 Apsley Street, Hudson, V20-013
Exhibit – Variance Application and associated documents, accommodation policy
Mr. Joyce presented the Variance Application and associated documents.

DG motioned to grant on the condition of approval of policy on how the conference room will be booked. JH seconded, passed unanimously.

25. Salon Therapy, 159 Copeland Drive, Mansfield, V16-366
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

DG motion for staff to follow up on request. JH seconded, motion passed.

Update on the Complaints - Mr. Joyce informed the Board that there are roughly 100 outstanding complaints.

Minutes – February 10, 2020

Due to quorum issues the February 10, 2020 minutes will be voted on at the March 9, 2020 meeting.

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 5:00 p.m.

Exhibits

Nantucket Lighthouse School Cottage, 1 Rugged Road, Nantucket, V20-010
Exhibit – Variance Application and associated documents

Sacred Heart Church, 99 King Street, Northampton, V20-011
Exhibit – Variance Application and associated documents

Stockbridge Golf Club, 6A Main Street, Stockbridge, V20-012
Exhibit – Variance Application and associated documents

Existing Building, 774 Crawford Street, Fitchburg, V20-014
Exhibit – Variance Application and associated documents

Community Charter School of Cambridge, 255 Bent Street, Cambridge, V20-015
Exhibit – Variance Application and associated documents

Stonehill College, Tom and Donna May Pavilion, 320 Washington Street, Easton, V20-016
Exhibit – Variance Application and associated documents

Crossroads for Kids Camp Wing, 742 Keene Street, Duxbury, V20-017
Exhibit – Variance Application and associated documents

Sidewalk Reconstruction, Boylston, Clarendon, St. James, Boston, V20-018
Exhibit – Variance Application and associated documents

Proposed Sidewalks, Devonshire Street, Boston, V20-019

Exhibit – Variance Application and associated documents

Mobil Gas Station, 143 Sudbury Road, Concord, C19-063

Exhibit – Complaint

Hancock Shaker Village, 1843 W. Housatonic Street, Pittsfield, V11-161

Exhibit – Variance Application and associated documents

Salon Therapy, 159 Copeland Drive, Mansfield, V16-366

Exhibit – Variance Application and associated documents

St. Mary's High School, 35 Tremont Street, Lynn, V17-153

Exhibit – Variance Application and associated documents, amendment

MIT Delta Tau, Delta House, 416 Beacon Street, Boston, V19-120

Exhibit – Variance Application and associated documents, amendment

Three Story Mixed Use, 15-17 Lunenburg Street, Fitchburg, V19-214

Exhibit – Variance Application and associated documents

Douglas Flooring, 218 Shrewsbury Street, Suite 101, Worcester, V19-307

Exhibit – Variance Application and associated documents, amendment

The Overlook at St. Gabriel's, 159-201 Washington Street, Boston, V19-321

Exhibit – Variance Application and associated documents

Existing Building, 64-68 Market Street, Lynn, V19-328

Exhibit – Variance Application and associated documents, registered notice

Roth's, 211 Newbury Street, Boston, V19-347

Exhibit – Variance Application and associated documents

Marriott Vacation Club, Plus, Custom House, 3 McKinley Square, Boston, V20-006

Exhibit – Variance Application and associated documents

78-80 Porter Road Apartments, 78-80 Porter Road, Cambridge, V20-007

Exhibit – Variance Application and associated documents

Apsley Business Center, 59 Apsley Street, Hudson, V20-013

Exhibit – Variance Application and associated documents, accommodation policy

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

Code Red Consultants, Lea Dighello

City of Everett Central Fire Station, 384 Broadway, Everett

Exhibit - Affidavit

Alchemy Peppers, LLC, 17-19 Walden Street, Winthrop
Exhibit - Affidavit

Daniel Burns Apartments, 30-50 Church Avenue, Cambridge (V19-327) – Variance Hearing
Exhibit 1 Hearing Package AAB 1-17

Brookfield Town Hall, 6 Central Street, Brookfield (V19-291) - Variance Hearing
Exhibit 1 Hearing Package AAB 1-82

Taj Hotel, 15 Arlington Street, Boston (V19-201) - Variance Hearing
Exhibit 1 Hearing Package AAB 1-40