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ECONOMIC DEVELOPMENT

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

1 Ashburton Place, Rm 1310 • Boston • Massachusetts • 02108  
V: 617-727-0660 • www.mass.gov/aab • Fax: 617-727-0665

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

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

**THOMAS HOPKINS**  
EXECUTIVE DIRECTOR

**Board Meeting Minutes – February 5, 2018 9:00 a.m.**  
**One Ashburton Place, 21<sup>st</sup> Floor, Conference Room 3**

Present Board Members:

- Jane Hardin (JH)
- Andrew Bedar (AB)
- Evan Bjorklund, Massachusetts Office on Disability (EB)
- Ray Glazier (RG)
- Dawn Guarriello (DG)
- Patricia Mendez, (PM)
- Harold Rhodes (HR)

Also in Attendance:

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

Board Members not in Attendance:

- Walter White (WW)

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

EB – Late to meeting

RG – Late to meeting

JH – Chaired the meeting

Incoming Case Review:

1) Apartment Building, 552 Main Street, Shrewsbury (V18-007)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The work performed is to add a door at the vestibule. Beyond the interior door there are steps that go up. Weather vestibule. 3.3.1A work performed. The petitioner is seeking relief from the vestibule requirement.

*HR motioned to grant as proposed DG seconded, passed unanimously.*

2) The Riviera, 270 Huntington Avenue, Boston (V18-008)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The project is reconstruction and remodeling of a mixed use residential building and retail on 1<sup>st</sup> floor. Scope is to create 75 apartments for rent there is common space. Over 30% 3.3.2 full compliance. The petitioners is seeking three variances.

1) access to recycling room, they don't have clearances inside room. They propose that building management will handle the recycling needs for the accessible units.

*DG motioned to grant as proposed. AB seconded, passed unanimously.*

2) 25.3 vestibule measurements – 66 inch vestibule. Propose auto door opener at inner door.

*DG motioned to grant with the condition of auto door openers at both doors.*

*PM seconded passed unanimously.*

3) Two sets of stairs – both have bull nose edges. The petitioner states that modifications are not allowed for the project to receive funding. Seeking relief for both sets of stairs. Cost would be excessive. There are two elevators that serve the upper floors. Petitioner didn't give cost in application.

*DG motioned to deny and require additional information from the petitioner.*

*HR seconded, passed unanimously*

3) 2 Boston Wharf Road, 17-21 Stillings Street, Boston (V18-009)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The project is reconstruction and remodeling of a mixed use building. Work performed is on the top floor tenant space. Proposed vertical wheel chair lift to serve future roof deck. Don't meet allowance in 28.12.1 a – e. They are sole user of roof deck.

*DG motioned to grant as proposed. HR seconded, passed unanimously.*

4) Thayer Pond Village Condo, 2 Thayer Pond Village, Unit 5, North Oxford (V18-010)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Unit 5 condo owner seeks to install a chairlift without platform for their use only. The building was built in 1970's.

*DG motioned to grant as proposed provided the chairlift is removed after the occupant who needs it no longer needs it. AB seconded, passed unanimously.*

5) Fontbonne Academy, 930 Brook Road, Milton (V18-011)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Constructed in 1954 multiple 1 and 2 story sections, 1 story entry foyer, auditorium, library, gym. Work performed projected, complex case.

*DG motioned to packet for 2.26.18. PM seconded, passed unanimously.*

January 22, 2018

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

6) Mendal Block Building, 64-72 Water Street, Worcester (V18-012)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Tenant fit up first floor, built 1896. Going into a previous restaurant space. Not over 30% . AAB jurisdiction is 3.3.1b

The petitioner is seeking relief from the landing slope at proposed accessible entry. Slope is 1 in 25. They propose an automatic door opener with inter and exterior actuator buttons.

*DG motioned to grant as proposed with both interior and exterior actuator buttons.*

*PM seconded, passed unanimously.*

7) Masonic Building, 126-150 Pleasant Street, Malden (V18-013)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The project is a mix of new construction and renovation of existing, multiple and transient units. 29 new units, 2 business units, retail and some units treated as hotel units. The petitioner is seeking two variances, 9.5.6 or 39.3.1 for location of electrical outlets from corner. A few locations will be closer than 18 inches. Electrical code requires every 6 feet. All other outlets comply.

1) *AB to grant with the usual conditions. DG passed unanimously.*

Level landings at retail entrances. 6 entrances on Pleasant Street. Slopes of 3.8%. These will be equipped with auto door openers. At F slope up is 3.7. It is on a corner with a slope from washing ton street. Main entrance is from pleasant street, will also have an auto door opener. Putting in an elevator, new units will comply with 521 CMR.

2) *HR motioned to grant as proposed on condition automatic doors openers are put in as stated. AB seconded, passed unanimously.*

8) Autograph Collections Hotels & Residential, 375 Canal Street, Assembly Row, Block 5, Somerville (V18-014)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The project is a new 13 story four level residential sleeping units, 8 levels of residential dwelling units. 1 level of retail and hotel lobby space, parking garage. 3.2 new construction. Seeking three variances.

1) 9.5.6 Electrical outlets

*DG motioned to grant as proposed. RH seconded, passed unanimously.*

2) 39.3

*DG motioned to grant. AB seconded, passed unanimously.*

January 22, 2018

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

3) 43.3.2 sink depths group 1

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

9) Chicopee City Hall & Annex, 17 Springfield, 274 Front Street, Chicopee (V18-015)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The project is renovation and remodeling. The petitioner is seeking many requests.

*DG motioned to packet for February 26, 2018 meeting. HR seconded, passed unanimously.*

RG Arrived

10) Lobstah on a Roll, 537 Columbus Avenue, Boston (V18-016)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Three story, first floor proposed restaurant, did not give spending on application. Certificate of Occupancy issued in 2015 for a different restaurant. Looking to add seats, added window stools, will have tables outdoors in the summer. Once you add seats you need a bathroom under the plumbing code.

Indicated our jurisdiction is change in use, it is change in use from non-public to public.

There are no dimensions on plans.

*HR motioned to continue for additional information and require the owner to contact AAB to meet with Director Hopkins. The business can continue to operate.*

*AB seconded, passed unanimously.*

TH - ask how wide the sidewalk is.

11) Six Story Residential, 7 East Springfield Street, Wellesley (V18-017)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New construction 9 condo unit building, 6 stories above grade, ground floor garage. New construction 3.2, seeking sink depths.

*HR motioned to grant on sink depths as proposed with usual conditions. AB seconded, passed unanimously.*

TH - ask for plan on assigning parking.

12) Retail and Apartments, 1620 Beacon Street, Brookline (V18-018)

Exhibit – Variance Application and associated documents

January 22, 2018

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

Mr. Hopkins presented the Variance Application and associated documents.  
Tenant fit out. Space 1,378 sq ft. Building 7,368 sq. ft. no partial analysis. Strong letter from commission not supporting.

EB Arrived

*DG motioned to deny and schedule a hearing. PM seconded, passed unanimously.*

13) Resurfacing and Related Work, Route 114 and Waverly Road, North Andover (V18-019)  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.  
The petitioner is seeking relief for 1 curb cut location and reported slopes. Sidewalks are existing, wings and cross slope issue on sidewalk.

*RG motioned to grant as proposed. DG seconded, passed unanimously.*

14) Mullins Memorial Center, 200 Commonwealth Avenue, Amherst (V18-020)  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.  
This is a gym project with installation of metal detectors at three entry locations. The request is for width of scanner pass through. The petitioner wants to install central pass through with 30 inch pass through. They are trying to optimize security. The petitioner is seeking relief to 30 inches. 26.6.1 gates, require 32 inches clear.

*RG motioned to grant as proposed, HR seconded, passed unanimously.*

DG left the room.

15) Four Story Mixed Use, 10 Post Office Square, Boston (V18-021)  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.  
The spending on the project is 2 million. No partial analysis given. The petitioner is arguing that it is excessive cost. Vertical lift would cost revenue loss with loss of seats.

*HR motioned to deny as proposed. DG seconded, passed unanimously,*

DG came back to the room.

17.4 lowering the bar.

*EB motioned to deny as proposed. PM, passed unanimously*

16) Martha's Vineyard Airport, 71 Airport road, West Tisbury (V18-023)  
Exhibit – Variance Application and associated documents  
Mr. Hopkins presented the Variance Application and associated documents.  
Renovation of 4 restaurants within the terminal. 3.3.1b work performed. Men's toilets 107 and 109 wall hung toilets with significant reinforcement.

January 22, 2018

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

Off 7/8 on an inch – bath room 107.

*RG motioned to grant as proposed. PM seconded, passed unanimously.*

Bathroom 109 half ½ inch.

*RG motioned to grant as proposed. Seconded by HR, passed unanimously.*

17) Hardy Elementary School, 52 Lake Street, Arlington (V18-024)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The building was built 1925 with an addition in 1998. Three stories, project is adding 6 class rooms in a three story addition. Over 30 % 3.3.2.

Request 30 variances.

*DG motioned to packet for next board meeting. PM seconded, passed unanimously.*

18) Dreamland Realty, 9 Oak Bluffs Avenue, Oak Bluffs (V18-025 & C16-019)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

MV Chowder House. First floor women's toilet stall measures 57x73. Required 60 x 72.

*HR motioned to grant as proposed. DG seconded, passed unanimously.*

HR left the room.

#### Administrative Discussion:

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

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

#1 - 27.4.1

*PM motioned to grant as presented on stairs 1,2, 3. DG seconded, passed unanimously*

#2 - 8.4.3and 40.

*PM Motioned to grant as proposed. DG seconded. Passed unanimously*

#3 - 26.6.4, 8.7

*PM motioned to grant as proposed. Seconded by AB. Passed unanimously.*

#4

*DG motioned to grant as proposed on the condition railings are accessible and there is signage indicating where the accessible entrance is. EB seconded, passed unanimously.*

#5

*PM motioned to grant, RG seconded, passed unanimously.*

#6

~~PM motioned to grant on the condition auto door opener~~

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

PM withdrew previous motion.

*PM motioned to grant as proposed. DG seconded, passed unanimously*

#7

*PM motioned to grant as proposed. RG seconded, passed unanimously,*

EB left the room

20) Allen Dale Condos, Chestnut hill

Three story with three condo units with 1 elevator out of service to 8 to 12 weeks. Needs modernization. Need elevator paperwork, Want to install chairlift without a platform.

TH emailed them asking for plans for equipment installation, etc.28.12.51 to allow to install a chair lift. They will give us elevator confirmation. They did not send in check.

*DG motioned to grant due to the emergency issue and on the condition that Director Hopkins receives all of the requested paperwork. RG seconded passed unanimously.*

DG left the room

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

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

We previous granted a time variance. We required an accommodation plan.

DG came back to room.

*HR motioned to approve accommodation plan with the condition the plan is on their website. AB seconded. RG opposed. GD abstained. Motion passed.*

EB came back to room

21) Yola Esther Development, Kara Drive, Gioviani Drive, Karen Dr. Pittsfield (C15-125 & V16-073)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

On Jan. 12<sup>th</sup> board voted to stay fines, required petitioner to submit new variance app or amendment by 2/16/18, and scheduled an abatement hearing. Atty. Hammel wrote to acknowledge orders given and also a request. Client is in Florida and not returning until May. He is asking to change abatement hearing dated.

*HR motioned to deny the request as stated and maintain the March 12, 2018 abatement hearing date. EB seconded, passed unanimously.*

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

Exhibit – Variance Application and associated documents

January 22, 2018

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

Mr. Hopkins presented the Variance Application and associated documents. Asking for a 6 month extension to get the work done by 11/2018. Extend the continuance of fine hearing. We have not proposed any fines yet.

*HR motioned to continue the fine hearing and grant the time request to complete the work by 11/2018 with the requirement of reports given to the board with pictures, every two months demonstrating progress towards completion. RG seconded, passed unanimously.*

23) V14 017, Greenfield and V14-016

On January 25, we received a letter from MassDOT seeking additional time extension. TH spoke with Tim Dougherty letting him know we need more than just a letter. How is the work coming along? This originally came to the Board in 2014. Work was going to be done in 12/15. The platforms were built out of wood. An inspector previously wanted a fire inspection. The board previously ordered a study. Mr. Dougherty dropped off platform plans on Feb 2. Asking for additional time to replace the two platforms until June 30, 2019. Substantial completions by the end of 2018.

*HR motioned to grant the time extension to complete the two platform work by 6/30/19 and substantial completion the end of 2018 with progress reports and pictures every two months. RG seconded, passed unanimously.*

### Hearings

11:00am - Milton Marketplace, 10 Bassett Street, Milton (V17-231) - Variance Hearing  
Exhibit #1: Hearing Package AAB 1 - 28

Michael F. Modestino, Attorney (A)  
Michael Mignosa, Owner (O)

All parties have been sworn in.

JH, PM, AB, HR, EB, RG, DG

A – This building was a car dealership. My client's father bought it to convert into a marketplace and did the design. The father has since passed and the sons run the business. They also have a store in Hingham. There is a restaurant called the Plate on the second floor. The owner of the Plate asked if she could have outdoor seating. AAB 24 – a door to the left and a rise or about 10 inches to get to the outdoor area. In order to have a ramp it would require radical resifting. Might also require moving the elevator. The restaurant does have handicapped accessibility now. My client said we will try to see what we can do. They can't restructure the building very well. Engineer wrote a report (AAB 3) indicating ramp cannot be construction without conflict with other area. It could impact the elevator. Engineer said there is no other place to move elevator.

O – We have limited options to accommodate. Amount of seats up will be about 14. It will be seasonal. Don't know if structurally we could change area to accommodate a ramp.

A – It would be a great cost to move the elevator.

JH – At this point you have no cost estimate

A – We have been told it could cost more than \$100,000 but I have nothing specific.

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



HR – Asked for clarification of construction of the building. If I wanted to get to roof deck how do I do that?

O- AAB23. Proposed seating, in front of that is a stairway to second floor. Upstairs and straight to restaurant or left elevator is on right hand side. Doorway opening is 3feet wide.

HR – What is the size of space in front of the door, vestibule?

O- 3x4, 3x5

HR – first issue is the 10 inch riser. Is there any way to make space larger?

O- Yes

HR - I am trying to visualize a small lift. Then the issue of the stairs going up. How to get person from 2<sup>nd</sup> floor to roof deck. An abled bodied person takes stairs up.

HR – So I don't have to take the stairs up.

AB - This room is seasonal.

Correct

AB – Will it be overflow?

O - Not necessarily.

A – The plate does a good amount of takeout. People are not always seated there.

AB – AAB 33

A - Would need a sizable ramp to accommodate. Structural engineers report AAB #, I think he is talking about a ramp 10 feet by 5 feet.

AB - I like the idea of a lift if you could make it work.

DG - Sounds like you would have to build up the platform. You still have to come down. What you are staying you step up 6 inches, you have an up and down.

AB – floor roof?

O - Engineered to accept a live load.

AB - It is oversized?

PM - AAB 27 – Is that mechanical equipment?

O- Yes

PM - Are you proposing seating in this area?

Yes

PM - Are you going to move the mechanical equipment?

O- It is a fairly large area. The plan was not to move to move the HVAC system.

DG - Will it change seating?

O- We worked it to be about 14 seats with the equipment.

EB – HR made a good point about creating a lift, there are issues, don't think technologically infeasible is a case here. I would like to see some cost estimates. You mentioned people go in and out here and potentially having dinner there.

O – They have permission to have dinner.

JH – Who are other tenants?

O- Gift shop, frame shop, toy store/kids clothing. They all rent.

JH - The impact on them if have to alter the space. Outside the building, is there feasibility for seating around the building?

O – It would be challenging.

A -On first floor is the store Michael runs the fruit center, and CVS as well

HR - would it be good to work with an architect to utilize the space?

O- Yes

HR - looking at it one more time an architect might find a way to do it.

*HR motioned to continue the denial of the variance subject to further provision of information to examine alternative access issues, study on a lift. EB seconded, passed unanimously.*

January 22, 2018

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

24) 104 Walker St, Lenox V13-110

On Nov. 22 Jamie Reinheart wrote to TH with a status report, has had communications with elevator and owner. Construction will begin in next 1 to 2 months.

They encountered a delay with mass historic commission. There is a preservation restriction.

Jan 17 an email from Jamie Reinheart asking to be placed on the agenda. Elevator project priced \$600,000. They did not give any elevator cost backup. Jan 30 sent photographs of emergency repairs to exterior of the building. Spending money on other things but elevator. HR – would a fine hearing show the importance?

TH - They are threatening to close the floor.

They want to reargue the elevator case. They are coming up on a deadline.

TH - Will check to see if there was a previous hearing.

25) Advisory opinion

Wilbraham Housing, Miles Morgan Development

Can they put all group 2a in one building? Distribution

Group 2A – they are adding them together. They are providing 6 in one part of the complex.

They only need 3. This is renovation of existing. 9.4.1 add total number of units together.

They need it distributed by location or a variance.

*DG motioned that a variance is required due to distribution 9.4.2. RG seconded, passed unanimously.*

25) El Mariachi Mexican Restaurant, 44 & 47 Taunton Green, Taunton (V12-098)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

When case came in we issued a NOA denied request for vertical access relief. They were proposing to open space on 2<sup>nd</sup> floor for overflow seating. That space is half the length of the depth of the restaurant. To get to that half of upstairs there is 3 steps up.

29.2.3 on second floor change in level. Also wanted to build bathrooms, section 30. There was a language barrier with applicant. 2017 the down town Taunton foundation contacted us to see if we would revisit. We did. 4/10/2017 allowed waiver of 30 day appeal period.

They are asking for relief for 2<sup>nd</sup> floor, asking for change of space on 2<sup>nd</sup> floor, asking to put non-compliant bathroom on 2<sup>nd</sup> floor. First floor is accessible. There is no automatic door opener, want slope relief. They don't want to put vertical access to second floor.

HR - What are the number of seats on first and second floor?

*HR motioned to grant the variance request for vertical access 28.1, and they put automatic door openers on front door, with signage both in the restaurant and websites indicating 2<sup>nd</sup> floor is not accessible. Also, add handrails for second floor change in level, add graspable handrails downstairs, and wall side handrails on stairs between first and second floor.*

*EB seconded, passed unanimously.*

26) Joseph Osgood School, 210 Sohier Street, Cohasset (C16-042)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

January 22, 2018

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

Approval for playground routes. They provided the plan. They have technical reasons as to why they cannot do the path around the playground. On the exhibits the blue represents the poured in path. They have until Sept 1 2019 because they have to go through wetlands for approval.

*RG motioned to accept the plan as presented without the perimeter path.*

*DG seconded, passed unanimously.*

27) Deer Hill Playground, 210 Sohler Street, Cohasset (C16-043 & V16-244)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Received a letter from superintendent in response to decision. Plan and cost was required. See approval of playground plan for rubber surface in place. There are two swing sets one will not be served.

*AB motioned to accept the plan as proposed with a completion date of September 1, 2018.*

*PM seconded, passed unanimously.*

28) Jenkins Elementary, 54 Vinal Avenue, Scituate (C15-148 & V16-123)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

An amendment was submitted by Commissioner Robert Vogel. Gave descriptions of raised beds. Primary variance is for 6 inch step that was created. The petitioner requests that the board allows the ramp to remain with the 6 inch step to stay.

*HR motioned to deny the request and fix by June 1, 2018. RG seconded, EB and GD abstained.*

*Motion passed.*

Planting beds. They are talking about a parallel approach to park next to the planting bed.

*PM motioned to continue for more information and request plan with dimension and elevation of proposed planter. RG seconded, DG EB abstained. Passed.*

## 29) Advisory Opinion

- William Flynn, Jr. M.D. - Parking, Medical Building, 22 Mill Street, Arlington (C17-033)

They added spaces for patients and the employees are using them. They should supply both.

Can we limit the accessible spaces to non-employees. They need to provide both a separate marked space for employee marked by name or number. Can limit for visitors only and provide employee parking under ADA

*PM motioned to restrict the handicapped parking spots to visitor patients only. GD seconded, passed unanimously.*

30) Nantucket Lighthouse School, 1 Rugged Road, Nantucket V17-331

The case was continued on 1/8 seeking no access to building. Jan 24 received affidavit signed by headmaster of the school. Meets our language but needs to reference plan that shows building and what is employee only. Needs to be registered.

*HR motioned to accept the affidavit with references to the plan that indicates employee area and to be filed at the registry of deeds. PM Seconded, passed unanimously*

Hearing

1:00pm – Centerville Plaza, 1675 Falmouth Road, Centerville (C16-103) - Fine Hearing

Exhibit #1: Hearing Package AAB 1 - 16

JW, AAB Compliance Officer

The party was sworn in.

JH, DG, HR, AB, PM, EV, RG

WJ - The Centerville realty trust did not appear. We delayed the hearing 30 minutes. They are not providing adequate parking. Until we fine them they will not pay attention.

HR - Would it be appropriate to start fines?

~~*HR motioned to begin fines of \$1,000 per day beginning Feb. 5, 2018 and going forward. Also to set a date and time for second fine hearing at which time the owners will be subpoenaed AB seconded, passed unanimously.*~~

There was a discussion regarding if they should be fined and subpoenaed.

HR withdrew previous decision.

*HR motioned to begin fines of \$1,000 per day beginning Feb. 5, 2018 and going forward. EB seconded, passed unanimously.*

*EB motioned to expedite the decision. DG seconded, passed unanimously.*

31) 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.

TH with architect. Petitioner modified the code sections that he was seeking relief.

Also sent in a modification to the code for replacement cost. Living facility for people with significant disabilities.

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Variances – #1 common use laundry in each unit. Laundry is used by staff. For each unit additional \$7,000 cost.

*#1 – PM motioned to grant. DG seconded, passed unanimously.*

#2 closets and pantry used by staff

*HR motioned to grant. PM seconded, passed*

#3 - HP parking lines, signage

*HR motioned to deny. EB seconded, passed unanimously.*

Hearing

2:00pm – Wellesley Town Hall, 525 Washington Street, Wellesley (V17-322) - Variance

Exhibit #1: Hearing Package AAB 1-55

Exhibit #2 – Email from Paul Spooner

Exhibit #3 – Letter from Joe Murry

DG, HR, AB, PM, JH, EB, RG

Wendall Kelsow MKA Architects(WK)

Milton Castan, MKA Designer (MC)

Stephen Gadosian, Design Construction .....SG

All parties were sworn in.

WK – Background – constructed in 2 phases library then three years later town hall was completed. Listed in national historic places. In 1985 accessible renovations were completed, elevator, accessible bathrooms, etc.

First phase is exterior – focuses on roofing repairs, extensive masonry repairs are needed. There are leaks in the building. Areas of patching in 80 are loose and ready to fall. Brown stone is cracked. Windows need work. Window framing replaced. 5mill construction. 12,850,000 above 30%.

Second phase planning process. Sending out RFPs. Building is overcrowded. Lacks conference rooms. Looking at potential addition or moving departments to a different location. Met with Spooner and Murray in preparing this as well as Mr. Hopkins.

Phase 1 started in May last year out to bid later this month. Town approval may of this year construction to start in June.

Phase two study later this month and continue to January of 19. Then town will review and evaluate options. At May 21 town meeting expect to have construction funding approved. If Town is proposing 16 compliance items looking at a time variance to fall of 2024. Present first the permanent variances and look at 16 time variances floor by floor.

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

Asking for three permanent variances.

1 Accessible parking, north entrance is closest to accessible parking. Fully compliant elevator in building

2 South entrance is 3ft 9" above walkway, narrow recess, compliant ramp will be 4'9" above grade. This entrance is technologically infeasible.

3 Vestibule on the inside feel technology infeasible.

Third item circular stairs.

DG - Are the handrails at the stairs compliant?

KW - We are replacing them to be compliant.

HR - How long would ramp be?

WK - 60 feet and three landings 70 feet.

HR - There are two handicapped parking spots is one van accessible?

WK - There are three, two are van accessible.

HR - Is there ever an issue of not enough hc parking? Any employees use the spots? Are the spots sufficient?

WK - I don't remember them being completely full.

SG - Town of Wellesley - there is a strong sense that program is going to come out of town hall.

AB - It is an excellent job.

EB - Double check handrails in turret to make sure they are graspable.

*DG Motioned to grant as proposed provided handrails and turret handrails are compliant and signage pointing to accessible entrance. AB seconded, passed unanimously.*

Ground floor 6 variances - technology infeasible

Two variances relate to level change greater than an 8 ½.....9 ½

Building department slope is less

At entry door there is a ½ inch threshold, stone threshold has a 1 inch offset.

Other variance they don't correspond.....not technology infeasible to bring into compliance at this point.

Parking clerk office not turning radius.

Within restroom generally accessible but for space between two structural walls. Asking for a variance for this bathroom.

DG - The difference between 3 and 5 year is what?

WK - If building is vacated when phase two starts, partially occupied, 2 years, closed or partially open to public?

DG - If it doesn't get approval from town are you focusing on .....

DG - Now you are asking for time variance.

WK - It is not an ideal solution

DG - If we grant it and it doesn't go forward what happens?

HR - If I were in a wheel chair entering, what could I not get to the way the building is now?

Limitations? Is there an accessible bathroom?

WK - Yes

HR - Are there any areas I cannot get to?

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

WK - parking clerk substandard corridor. Upper floor a retirement board, conference room, non-accessible. There are alternative meeting spots.

HR if I had to pay parking how would I

WK - The clerk would come out.

AB – meeting rooms

WK – third floor predominately by staff, 1<sup>st</sup> floor accessible, 2<sup>nd</sup> floor accessible.

Third floor has 3 ½ inch level change. Main conference room is on 1<sup>st</sup> floor that is accessible.

HR – I get the idea of the time variance.

*HR motioned to grant the time variances for the ground floor as proposed for three years beginning at the date of substantial completion of phase 1 and if needed request additional time. While under construction petitioner is to submit updated progress reports starting November 1, 2018, then May 1, 2019 and every November and May thereafter. AB seconded, passed unanimously.*

On the first floor looking for three time variances

Accessors office service area does not meet turn around

Veteran's office

Women's room – toilet stall dimension is 5'2"

And .....

*DG motioned to grant the time variances for the first floor as proposed for three years beginning at the date of substantial completion of phase 1 and if needed request additional time. While under construction petitioner is to submit updated progress reports starting November 1, 2018, then May 1, 2019 and every November and May thereafter. RG seconded, passed unanimously.*

Second floor time variance

Women's room

Office used by retirees

Top of door

*DG motioned to grant the time variances for the second floor as proposed for three years beginning at the date of substantial completion of phase 1 and if needed request additional time. While under construction petitioner is to submit updated progress reports starting November 1, 2018, then May 1, 2019 and every November and May thereafter. AB seconded, passed unanimously.*

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Third floor 1 time request  
Financial services  
Conference room is non-compliant

This is part of the interior project.

*DG motioned to grant the time variances for the third floor as proposed for three years beginning at the date of substantial completion of phase 1 and if needed request additional time. While under construction petitioner is to submit updated progress reports starting November 1, 2018, then May 1, 2019 and every November and May thereafter. AB seconded, passed unanimously.*

Site Access variance  
Accessible parking area – greater than 1 in 50 cross slope.  
Walk to west of building 3feet 2 inches wide. When interior project is done this will be done.

*DG motioned to grant as the same prior four variances. RG seconded, passed unanimously.*

EB left the Room

Hearing

3:00pm – Multiple Unit Building, 249 Third Street, Cambridge (V17-330) - Variance Hearing  
Exhibit #1: Hearing Package AAB 1 - 56

Dan Egan, Eguty Residential / Investments Project Developer (DE)  
Justin Davies, Icon (JD) Project Architect  
All parties were sworn in

DG,HR, AB, PM, JH, RG, (EB was out of the room then came in)

DE – Recap of project. 84 unit building 5 stories, 5 ....units plus hard of hearing units.  
Submitted first in early December. Feedback from Cambridge and made modifications. Had 6 stoops. Eliminated the 6 stoops and converted them into small patio.  
Three bedroom units only had two in the building. We now have flats. Also added sink depth and outlet on the balcony.

JD – The two additional variances  
Sink depth variance to allow 9 5/16 sinks in group 1 will put in compliant sink when requested. Will know the procedure and availability in lease language. Will be swapped out. Will store 3 compliant sinks on property. To change when requested.

*RG motion to grant as proposed on sinks depths. DG seconded, passed unanimously*

2<sup>nd</sup> variance

Outlet locations for exterior balconies. 20 prefab balconies limit electrical outlet. Request for less than 18 inches from when railing meets wall of building.

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Third variance

When designing the project after accessibility review found out not accessible so eliminated three bedrooms. Requesting a variance for remaining four bedrooms. We have provided 42 1 bedrooms that comply. And three 1 br group 2a. Another issue that was raised was street entrance at 6 entrances we have eliminated and created balconies.

DG – The lower level is all living, the bedroom is upstairs.

AB – How many lofts?

JD – Originally had 6 and ended up with 4. We have provided comparable bedrooms.

JD - 1,100 sq ft. lot just over 500 sq ft.

AAB 15

EB came back to the room.

PM - What is total of bed rooms?

46 1 bedrooms

Rachel Tanenhaus, (RT) ADA Coordinator, Cambridge Commission for Persons with Disabilities arrived and was sworn in.

RT - Requested that the variances not be granted. We notified them in July. They have modified their request but it is possible to add lifts to upper floors. There is space, a washer and dryer could be moved there. My understanding burden of proof is on the people filing the variances.

Sinks – What makes sense to me you would install the sinks that were up to code and change them for people who don't want the code sinks. A person without a disability is not going to or going to move in depending on the sink. More sense to make the change for the folks who can use either sink. Make default sink that is up to code.

The outlets – Not sure how it causes a great expense. It is probably fairly easy to do. The commission has written a letter supporting to deny the variances.

DG – Did you do a study for this lift?

JD – We did consider doing, we felt it ate us a good amount of sq footage and cost.

HR – How much less square footage would there be?

DG – Probably 10%

HR – How does sq ft compare lofted to not lofted?

JD – Lofted about 1,100 and larger br are 850 or 900 sq ft.

DE – The lofts will be more expensive because they are larger.

HR – The 18 inch electrical what would the cost be?

JD – We have made adjustments to get it as close to 18 inch requirement as can be.

ED – They are pre fab and it would be challenging to change the size.

HR – How do you feel about the sink depths?

DE – Most tenants prefer the deeper sink.

TH - The current regulations require a variance for this. The new code will correct to group 1 shall comply or be capable of complying as it is for group 2. The effort to fix has already been put forward and due to go to public comment soon. Will end applying for variances for group 1 sink depths.

HR – we have already passed the initial variances.

EB - Would like to have outlet variances

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

~~EB motioned to have Equity to do study relative to the balcony outlets by February 16, 2018.~~

The Board upheld the sink depth vote.

DE – I will add we announced we are going forward with a tower near north station. There will not be multi-level without being accessible.

TH - Sometimes developers are faced with difficult property and conflicting rulings from towns. This build has 47 group 1 that are accessible and 5 group 2a. They have a large amount of accessibility. I am not offended by this request for 4 units. I would not choose to use the loft.

Only the four units are not accessible.

*HR motioned to take the topic of the four lofts in question under advisement. DG seconded, passed unanimously.*

Revisit of Multiple Unit Building, 249 Third Street, Cambridge (V17-330) - Variance Hearing  
Balcony outlet they will do a study.

*HR motioned to grant on the outlet locations for the exterior balconies as proposed.  
AB seconded, passed unanimously*

*HR motioned to Grant as proposed the variance for the four loft areas in questions and request  
the petitioners to meet with Director Hopkins regarding loft areas.  
PM seconded, RG abstained.*

32) Mixed-Use Building, 40 Berkley Street, Boston (V16-266)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

On January 26, 2018. We received an amendment from C3. They originally came before the Board looking for certain variance relief a lot of which we granted. We pushed the application for a review and at risk demolition permit. On 10 /17 the Board granted as proposed, time variances, status reports. Over 30%. Now a restaurant hotel tenant space saying can't install one of the vertical conveyances that connects the restaurant to the hotel lobby space. They have discovered a structural concrete beam and added other requests to the application.

*DG motioned for a hearing. PM seconded, passed unanimously.*

33) Retro Fits at Various Locations, Auburn, Swansea, Brockton, Holbrook, Whitman (V17-326)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

34) Ramps at Various Locations, Auburn, Framingham, Gardner, Marlborough, Milford, Oxford (V17-327)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

*DG motioned to packet V17-326 and V17-327 for Feb 26, 2018 meeting. AB seconded, passed unanimously.*

35) Stearns Tavern, 140 Mill Street, Worcester (V17-272)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Board previously asked for plans. They gave us plans on December 19 by email. Hard to see the routes to the play equipment. This was a historic building that was turned into a bank and moved to a location. The petitioner is working with Seven Hills. They were given certain variances. There is a set of stairs off the patio that they need a variance for.

*HR motioned to require color coded plans that show routes and exterior walkways, playgrounds. Also the petitioner needs to amend variance application to request a variance to the stair case.*

*DG seconded, passed unanimously.*

36) FIN Restaurant, 800 Main Street, Dennis (V17-134)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The case was presented in June. It is a small restaurant that wants to expand to the second floor, did not give is spending. No proof of accessibility and no drawings. Jurisdiction requires accessible route from accessible entrance to second floor. Gave us an elevator bid and we continued for TH to talk with the owner to provide proof of accessibility. On 11/13 the Board received correspondence. The Board continued again on 11/13. On January 22 the owner submitted a set of plans that are not stamped. No permission from the town to us the second floor.

*RH motioned to schedule a hearing and request that the building department attend.*

*DG seconded, passed unanimously.*

Minutes from 1/22/2018 meeting.

*HR motioned to approve the minutes from the 1/22/2018 meeting. DG seconded. EB abstained.*

*Adjourned 4:20*

The following cases were moved to the next Board meeting due to time restrictions.

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)

January 22, 2018

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

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.

Jefferson Hills, 1610 Worcester Road, Framingham (V17-337)

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 4:45 p.m.

Exhibits

Apartment Building, 552 Main Street, Worcester (V18-007)

Exhibit – Variance Application and associated documents

The Riviera, 270 Huntington Avenue, Boston (V18-008)

Exhibit – Variance Application and associated documents

2 Boston Wharf Road, 17-21 Stillings Street, Boston (V18-009)

Exhibit – Variance Application and associated documents

Thayer Pond Village Condo., 2 Thayer Pond Village, Unit 5, North Oxford (V18-010)

Exhibit – Variance Application and associated documents

Fontbonne Academy, 930 Brook Road, Milton (V18-011)

Exhibit – Variance Application and associated documents

Mental Block Building, 64-72 Water Street, Worcester (V18-012)

Exhibit – Variance Application and associated documents

Masonic Building, 126-150 Pleasant Street, Malden (V18-013)

Exhibit – Variance Application and associated documents

Autograph Collections Hotels & Residential, 375 Canal Street, Assembly Row, Block 5, Somerville (V18-014)

Exhibit – Variance Application and associated documents

Chicopee City Hall & Annex, 17 Springfield, 274 Front Street, Chicopee (V18-015)

Exhibit – Variance Application and associated documents

Lobstah on a Roll, 537 Columbus Avenue, Boston (V18-016)

Exhibit – Variance Application and associated documents

January 22, 2018

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

Six Story Residential, 7 East Springfield Street, Wellesley (V18-017)  
Exhibit – Variance Application and associated documents

Retail and Apartments, 1620 Beacon Street, Brookline (V18-018)  
Exhibit – Variance Application and associated documents

Resurfacing and Related Work, Route 114 and Waverly Road, North Andover (V18-019)  
Exhibit – Variance Application and associated documents

Mullins Memorial Center, 200 Commonwealth Avenue, Amherst (V18-020)  
Exhibit – Variance Application and associated documents

Four Story Mixed Use, 10 Post Office Square, Boston (V18-021)  
Exhibit – Variance Application and associated documents

Martha's Vineyard Airport, 71 Airport road, West Tisbury (V18-023)  
Exhibit – Variance Application and associated documents

84 Apartment Units, 249 Third Street, Cambridge (V18-022)  
Exhibit – Variance Application and associated documents

Hardy Elementary School, 52 Lake Street, Arlington (V18-024)  
Exhibit – Variance Application and associated documents

Dreamland Realty, 9 Oak Bluffs Avenue, Oak Bluffs (V18-025 & C16-019)  
Exhibit – Variance Application and associated documents

El Mariachi Mexican Restaurant, 44 & 47 Taunton Green, Taunton (V12-098)  
Exhibit – Variance Application and associated documents

Halibut Point Visitor Parking Lot, Gott Avenue, Rockport (C13-036 & V14-125)  
Exhibit – Variance Application and associated documents

Yola Esther Development, Kara Drive, Gioviani Drive, Karen Dr. (C15-125 & V16-073)  
Exhibit – Variance Application and associated documents

Jenkins Elementary, 54 Vinal Avenue, Scituate (C15-148 & V16-123)  
Exhibit – Variance Application and associated documents

Joseph Osgood School, 210 Sohier Street, Cohasset (C16-042)  
Exhibit – Variance Application and associated documents

Deer Hill Playground, 210 Sohier Street, Cohasset (C16-043 & V16-244)  
Exhibit – Variance Application and associated documents

Mixed-Use Building, 40 Berkley Street, Boston (V16-266)  
Exhibit – Variance Application and associated documents

January 22, 2018

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

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

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

FIN Restaurant, 800 Main Street, Dennis (V17-134)  
Exhibit – Variance Application and associated documents

Stearns Tavern, 140 Mill Street, Worcester (V17-272)  
Exhibit – Variance Application and associated documents

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

Milton Marketplace, 10 Bassett Street, Milton (V17-231) - Variance Hearing  
Exhibit #1: Hearing Package AAB 1 - 28

Centerville Plaza, 1675 Falmouth Road, Centerville (C16-103) - Fine Hearing  
Exhibit #1: Hearing Package AAB 1 - 16

Wellesley Town Hall, 525 Washington Street, Wellesley (V17-322) - Variance  
Exhibit #1: Hearing Package AAB 1-55  
Exhibit #2 – Email from Paul Spooner  
Exhibit #3 – Letter from Joe Murry

Multiple Unit Buildings, 249 Third Street, Cambridge (V17-330) – Variance Hearing  
Exhibit #1: Hearing Package AAB 1 - 56