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COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

THOMAS HOPKINS
EXECUTIVE DIRECTOR

Board Meeting Minutes – March 12, 2018 9:00 a.m.
One Ashburton Place, 21st Floor, Conference Room 3

Present Board Members:

- Walter White
- Jane Hardin (JH) (Left early)
- Andrew Bedar (AB)
- David D'Arcangelo / Jeff Dougan, Massachusetts Office on Disability (DD, JD)
- 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:

- David Johnson (DJ)

Patricia Mendez will come in after 1:00 p.m.

- Meeting began approximately 9:00 a.m.

WW, Jeff D, JH, AB, HR, DG

Incoming Case Review:

1) Lowell Justice Center, 370 Jackson Street, Lowell (V18-038)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New construction. AAB jurisdiction is 3.2. Justice center consolidating court departments.

Seeking relief from 32.6 knee space at one concession area sink. Other sinks are accessible.

Concession is open to the public.

DG motioned to grant. JH seconded, passed unanimously.

2) Gateway North, 698 – 700 Washington Street, Lynn (V18-039)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New construction. AAB jurisdiction is 3.2. Five story mixed use with 71 residential units, retail.

Seeking relief from 45.10 measurement from floor to freezer. They have 44 ¼

JD motioned to grant. JH seconded, passed unanimously

3) Pierce Building, 594 Columbia Road, Dorchester (V18-040)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Reconstruction remodeling, over 30%, seeking 6 variance requests.

JD motioned to packet for next meeting. DG seconded, passed unanimously.

4) New 4 Story Residential, 243 Condor Street, East Boston (V18-041)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New residential building, garage under, 6 new units. 28.1 proposed vertical wheelchair lift.

Boarding of lift needs to be reworked.

DG motioned to continue. JH seconded, passed unanimously. TH will meet with architect.

5) Wilshire Apartments, 51 & 49 Cheney Street, Boston (V18-042)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Existing building, reconstruction renovation, 4 floors no basement. Over 30%. Seeking relief for two items. Stairs that were build a long time ago, 27.3 bull nose edges. Other request is to install compliant handrail 27.4 will add 1 continuous on wall side.

27.3 – 27.4

JD motioned to grant on both 27.2 and 27.4 as proposed.

DG seconded, passed unanimously

6) Avalon at Newton Highlands, 99 Needham Street (V18-043)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Reconstruction of 294 apartments in two buildings. Seeking relief from 43.3.2 and 45.4.5, sinks.

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

7) Robinson Hall, 1350 Massachusetts Avenue, Cambridge (V18-044)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Two story masonry building, educational use. Over 30%. Seeking 6 variances.

JD motioned to continue to next meeting. JH seconded, passed unanimously.

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

8) Addition to 16-18 Eliot Street, 16-18 Eliot Street, Cambridge (V18-045)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Two story building over basement, restaurant use, want to add three stories for residential use. Will shut down elevator for 12 weeks while construction is going on. Elevator is serving three floors and propose to extend the elevator to serve 3 more.

DG motioned to grant on the condition accessible seating is available.

JH seconded, passed unanimously.

9) Quincy Adams Station, 82 Centre Street, Quincy (V18-147)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Built in 1983 two tracks above grade, reconstruction of elevator and many other upgrades. Over 30%. Cross slope on existing train platform. 20.9 slopes range from less than 2 % to 4 or 5 %.

JD motioned to grant as proposed. DG seconded, HR opposed. Motion passed

10) Bright Eyes Beauty Bar, 6 Brussels Street, Suite 312, Worcester (V18-048)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Three story mill building, owner is installing an elevator under a time variance. Full access and other improvements are proposed to be finished in 8 months. Bright Eyes business is opening on 3rd floor.

DG motioned to grant as proposed. JH seconded passed unanimously.

11) Fruit Street Bridge, Fruit Street over MassDOT Rail Road, Southborough (V18-049)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Bridge is to be rebuilt, renovation and rehab of bridge. Will provide accessible travel way. Will take one construction project to complete. Asking to not put a pedestrian bridge while work is going on.

HR motioned to grant as presented. DG seconded. Passed unanimously.

12) Curbs and Ramps, Columbus Ave. at Dimock, Boston (V18-051)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

New building will require adjacent sidewalk work. Section 21. They are asking for a variance to do an apex. 21.2.1 a-d. Might be able to do it by right.

JD motioned that the variance is not needed in this case. DG seconded, passed unanimously.

13) 3 Story Wood Frame Building, 293 Broadway Street, Methuen (V18-052)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Wood frame with basement, three story, changing use. Over 30%. Application is incomplete not all variances needed have been applied for. Good to meet with architect.

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

JD motioned to continue the case with the Executive Director Hopkins to meet with the architect to review the application. DG seconded, passed unanimously.

14) Curb Ramps, Northwest Corner of Main and Broadway, Springfield (V18-053)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The project is for offsite linkage to MGM casino.

DG motioned to packet for next meeting. JD seconded, passed unanimously.

15) Boston Beer Co., 60 State Street, Boston (V18-005)

Exhibit – Variance Application and associated documents and amendment to application.

Mr. Hopkins presented the Variance Application and associated documents.

We received an amendment to the request. The interior accessible route is required to be accessible. 27.2 handrail extensions. To fix stairs cost \$60,000. Saying there is no benefit because a walkway is adjacent with handrails.

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

16) Greenhouse Apartments V150 -121

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents and extension request.

Request a short extension to complete the lift to April 31, 2018.

The Greenhouse Apartments, 150 Huntington Avenue, Boston (V15-121)

RG Arrived

HR motioned to grant. JH seconded, DG abstained. Motion passed.

17) Gore Place, Waltham 52 Gore St. v17-185

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents and wedge piece.

We requested a plan for the wedge. They sent in a piece of the wedge. Not sure how it is fastened. Needs something so it doesn't slide. Might be difficult for a manual wheelchair.

JD motioned to accept on the condition they add non slip surface on the bottom and send pictures to the Board on how it is working. RG seconded, Passed unanimously.

David D'Arcangelo joined the meeting.

18) Nahant Housing update C140-018

They are putting in elevators and are just about done.

RG motioned to accept the report. DD seconded, passed unanimously.

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

WW left the room

19) V16-248 Universalist Church Everett, 460 Broadway
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents and updated report.
Update Report.

RG motioned to accept the report. DD seconded, passed unanimously.

Hearings

10:00 am - Water's Edge Apartments, 364 - 394 Ocean Avenue, Revere (C18-002 - C18-005) -
Complaint Hearing

Exhibit #1 – Hearing Packet AAB 1-53

Exhibit # 2 – Email from the revere commission on disabilities. ADA Coordinator.

Exhibit #3 – Stipulation from housing court between Waters Edge and Revere and a tenant.

Exhibit #4 – Modernization contracts Otis contracts.

Exhibit #5 – Documentation of deposit for modernization contracts.

Exhibit #6 – Otis maintenance contracts

Jed Nosal, Brown Rudnick – Waters edge Attorney

Blair Rinne, Brown Rudnick – Waters edge attorney

Fred Leviton, Water's Edge, Manager

Robert Russo, Water's Edge, Waters Edge

William Joyce, AAB

The Chair swore the parties in.

Andy Bedar and Harold Rhodes recused themselves and left the room due to conflicts.

WW, DD, RG, JH, DG

WJ - Gave history. Received email from Revere Commission. Complaint was filed by a resident. Board of elevator regulations. Issued first notice, received response from Atty Russo. The Elevator Board said the elevators are unsafe and shut them all down. On Friday 2/16 spoke with Water's Edge atty. Calling because elevators were shut down. Indicated they are in process of modernizing the elevators. A few weeks passed and a hearing was scheduled. We received correspondence from the Commission. WJ read letter into the record. Many disabled residences and only egress are the inoperable elevators. This has been an ongoing issue for many years. The Board should be active in this until the elevators are active.

WW – So we have anything from city of Revere?

WJ – We received violations on elevators. There is a housing court stipulation.

JN – We have 4 exhibits.

Tab 1 Exhibit 3 – stipulation from housing court between Waters Edge and Revere and a tenant.

TAB d1 Exhibit 4 –modernization contracts Otis contracts.

Tab 3 = Exhibit 5 – documentation of deposit for modernization contracts.

Tab 4 – Exhibit 6 – Otis maintenance contracts

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

JN – Rental properties -.....plus 394 ocean Ave. that is owned by a trust. They are connected back to Waters Edge This property has an operating elevator.

The events WJ gave reflects the records before you.

There is a separate proceeding at housing court for receivership. Immediate stipulation dealing with resident issues regarding accessibility will be reimbursed until which time at least one elevator functions. Other violations have been found over a year have been addressed by the property. I will concentrate on elevator situation.

FL - The city inspected and issued violations that have been corrected.

JN - We are working with the city on issues.

Elevators had inspection 90 day cert with multiple issues, elevators failed.

Re-inspected and took elevator out of service. Due to lack of parts. The second is the one we are concentrating on today.

388 ocean was also taken out for violations

2/23 270 ocean taken out.

Contracted with three phase to address the issues. Over the weekend inspections went on 2 were inspected, one not able to be inspected.

FN- In process of remedying in three phases.

Immediate

Address residence with accessibility issues, alternate arrangements until elevators are working.

Short term

Ended with three phase and now with Otis to do modernizing.

Long term – Exhibit 4 – modernization agreement with Otis to replace elevators in all the buildings.

WW - What is the timeframe for resolution?

JN - Will provide anyone who needs it we will make accommodations. Will get Otis in as soon as possible.

The long term modernization agreements are in place.

FL – schedule, mod agreements 62 week time period. Two are 14 story,different size takes different time.

DD - Contract says 64 DG some say 68.

WW- Tab 3 exhibit 5 the check, what is it?

FL – Deposit

WW - These contract have all been Signed?

FL – yes

FL – Can't survey building until approval from department of public safety. The inspector was there Friday night and Saturday. Asked to get in touch with Otis. Otis is able to put four crews on sight to be done as possible.

WW - These elevators are in really bad shape.

FL- I am not qualified to talk about. They are original elevators.

WJ- This is not the first time they failed. They failed last year as well.

WW- How did they get so bad?

FL - We have had reputable mechanics working on elevators. Try to keep in good shape. The age of the equipment.

WW- Is it subsidized?

WW- Some section 8

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

DG - Is the size in compliance with 521?

JN – Not prepared to talk about it.

WJ- Contractors like Otis are pretty good with complying with 521 CMR. Should get confirmation.

DG – meanwhile anyone who uses the stairs, (build in 1990) are handrails compliant?

JN – our plan is to get 1 elevator running during this. Otis on current maintenance and modernizations.

FL- we changed all door handles to lever handles, fire resistant stairwells.

DG - any plan of maintenance for the current elevators.

FL – we have a signed maintenance agreements with Otis.

JH – how many people are being inconvenienced?

JH – are there a selection of places for people to stay?

JN - these issues are in the housing court. We didn't put a hard cap on the numbers. We are working with the state to get 1 elevator in operation.

FL – number of residence – three buildings about 300 apartments 75-80% occupied. We don't want elevators out for 1 year. A dozen people have come forth in the past 10- 12 days. There are places in the Revere area, \$25.00 for food. Some have said they want to be closer to Boston and we adjusted the cap.

JN - there is a check on that with the Judge.

JH – is parking included?

FL – for rent.

JH – if I move downtown it will be another cost.

JH - the goal is to get 1 in each building working correct?

FL - yes

FL - we signed maintenance with Otis this morning. Weight test did not pass the weight test.

JH – how many people in each people needs accessibility?

FL - don't have that information. We are asking Otis to provide multiple mechanics.

WW - any particular demographic of your tenants.

FL - not that I am aware of , it is a mix.

DD - were you aware of 521 CMR previously? Maintaining elevators as an accessible feature.

JN? - yes

DD – read from 521 CMR. I would assert 68 weeks is June of next year. Doesn't go to the intent of 521 CMR. People signed leases with the expectation there are elevators. It seems like temp fix is taking them out of their home. I ask an accessibility audit be performed for each stairwell. Provide people the option to surrender their lease.

FL – yes they can get out of lease.

DD - provide people with relocation services that are permanent – give them the option. Provide communication to current and prospective renters' status reports of level of accessibility provided.

DD- this might be a canary in the coal mine. There could be more.

RG - accommodations, not all hotels will take service animals.

JN - not addressed service animals but looked for hotels that take animals. Would be able to address that.

DD - service animals can go anyplace.

FL – There are people with pets and emotional support animals.

WJ – the staff is concerned that elevators have a long failure to maintain properly. A number of contractors have worked on them for years. Issues with maintenance. Until complete order

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

regular status reports, currently with submissions we do not have signed contract for 394 which is subject to a complaint as well.

JN- contracts on 394 we are treating threatening that building the same will provide copies of those documents. The history of maintenance contracts. We identified Otis will have the entire ball of wax. Otis is the industry standard. We are being as aggressive as we can be to address it going forward. Other accessibility issues we are happy to talk about. We may have to look at items you have raised today and happy to report back. Periodic reporting will not be an issue.

WJ – I do not claim Otis is not reputable but they are not miracle workers. A regular time reporting status is important. WE want to make sure we are not out of the loop if they break down again.

JN - I want to note we are working with public safety with jurisdiction over these issues.

WW – I would like to see a statement from Otis that they feel time frame is feasible and they will be working with the idea time is of the essence.

WW – we need some statement from them and that they are working.

JN – I think we will go back to Otis and talk to them we do not represent them. Further representationi don't want to scare Otis away.

WW- we want to know the schedule is reasonable.

FL - I tried to include penalties for not completion. Otis was very difficult. They make more money when they finish quickly. I think it is important to work with Otis drafting schedule. What was originally 52 weeks has turned to 64 -68 schedule.

DD motioned the elevator contractor provide timeline to line of feasibility of work, and also that there is commitment that the contractor will prioritize this and it is going to get done. Also, an accessibility audit preformed on each stairwell of each building, all common areas, sidewalks, nosings, handrails, skid proof, done by a licensed professional. Provide people with disability to get out of their written lease, provides relocation plan of what is being done, relocation support to find another permanent location if they need. Provide communication both current and prospective with monthly status of level of access and make the communication available publically, website and other communications, and the Board receives status updates from your organization monthly and if anything changes the Board is informed automatically. Keep board updated with current short term solution.

RG seconded, passed unanimously.

JN- reconsider elements of the motion. We are going to make best efforts with Otis. I don't want to jeopardize this with Otis. We are going to get info to the board. In connection with relocation services it is open ended. Not sure what you are asking. All tenant issues should stay with housing court. Ask for either further clarifications of relocation or can we keep with housing court.

WW- If there are problems we want to know about them immediately.

DD- I would say my intent is to 521 CMR. To give you flexibility to keep it broad, let the court know we have let you keep it broad. The first piece, it is similar, your contractor is going to know this is heightened. Keep going with intent of the motion.

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

WW- is something happens communication with us.

11:20 am - Yola Esther Development, Karen, Kara, and Giovina Drive, Pittsfield (C15-125 & V16-073) - Fine Abatement Hearing

EXHIBIT #1 AAB Hearing Package 1-

EXHIBIT #2 – Publication – given by TH

EXHIBIT #3 - Nov. 9, 2017 correspondence from Thomas Hopkins to Kevin Scanlon requesting to notify the office of the Attorney General.

EXHIBIT #4 - Sidewalk repair plan, accurate as of March 9, 2018

EXHIBIT #5 – Census from 15 people who live in the neighborhood.

EXHIBIT #6 – Homeowners asking for streets to be accepted by the city of Pittsfield.

James Scalise – SK Design Group/ Engineer

Alfonso Scalise - Resident

Thomas Hamel - Attorney

Amy Kroboth - Developer

Joseph Kroboth

June Hailer, Pittsfield Commission on Disability (by Phone)

William Joyce

The Chair swore the parties in.

WW,DG,HR,AB,JH,DD,RG

WJ - concerning weather or not board should abate the fine due to non-compliance of the boards order. The complaint was originated in 2015. More than \$700,000 in fines.

Should the board abate the fine and how much should they abate?

JH – I am requesting board consider no abatement. He has ignored the city ignored commission on disabilities.

WJ - The staff requests that the daily fine be upheld. Base fine \$175,000 fine – bond released by Pittsfield. As long as they meet the requirements staff has no problem releasing \$175,000.

Total of 518 days Mr. Kroboth ignored the fine for nearly two years. The developer notified the board that he was not going to comply with the board. If the board chooses to accept the request to abate the fine we feel it will create a precedence. (Daily Fine)

Thomas Hammell – I understand Mr. Joyce's position it is only half the story. We are asking to remove the initial fine, and substantially reduce daily per diem. My client was not always in communication we acknowledge that. The approval was not in compliance with access laws and needed to be addressed. My clients maintain multiple subdivision. The work is done with the exception of two variances in front of you.

THopkins – we weren't made aware until the 11th hour that the work was done. They are waiting for as built plans from the city of Pittsfield. There was no communication with us.

TH - we acknowledge our mistake of not communicating. The developer and city representative.....

We were hit with a log jam because the city engineer.....

We didn't call AAB and tell we are having trouble with city of Pittsfield. The Pittsfield engineer was removed. Pittsfield asked to reengage in 8/17. Did the work through the fall but the two

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

variance requests before you. It was proposed to us by AAB decision on 1/8..... To argue on the abatement of the finds and the variance application was submitted. Last Thursday we had a storm wasn't able to meet with the commission. We think there is a bases for abating the fines. The fines we think violate the statue violate the constitution. They excessive and don't have a basis in law. It is unconstitutional. I would like to present the info on the performed work.

JS – you sent us home to do an audit of the property and do a punch list. There was a significant amount of work. We went back out and dis a self-audit came back with 23 items. There are several lots that are not developed. Some areas undeveloped areas didn't have wide walks, installed walkways. I have 23 areas that have been fixed. AAB 84 1-23 are driveways, houses are higher than the road. 7 areas we have made repairs. Two requests for driveway that are impossible to fix AAB 84,

TH- we need to address variances (or their answers) delay was because we couldn't communicate with the city of Pittsfield engineer. A blow up of a publication that took place, this a media correspondence report. The city engineering is making disparaging comments that are not true. Mr. Scalise is a homeowner and can tell you the comments are not true. The sidewalk were not built incorrectly, different factors. This is my clients 8th subdivision and we have never been before the board.

EXHIIT #2 – publication – given by TH

JH – I have been at the site 4 times to do a site visit. I disagree with
Until the AGO got involve they were not going to do anything. In reference to the abatement of fine, the board did 50.00 a day could have done 1,000 per day.

TH - Comment we didn't not do anything until the AG got involved. We didn't hear from AG until Nov.

TH- the city was finally talking to us. My mistake was that I did not communicate with the board. We always intended to do this work. Once city said engineer is not in charge anymore.

EXHIBIT #3 Nov. 9, 2017 from Tom to Kevin Scanlon requesting to notify the office of atty general.

EXHIBIT #4 Sidewalk repair plan Accurate as of march 9, 2018.

JS – I can give you what is on the board.

TH – census from the neighborhood

EXHIBIT #5 – Census from 15 people who live in the neighborhood.

Mr. Scalise – resident.....checked driveway 1.7, Mr. Pelletier was wrong in telling anyone the driveway had to be done.

TH - What was your career?

Mr. Scalise – in the construction business. It is a premiere development in the area. I bought a lot because it is a nice development.

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

JS - Variances – in 2/8/18 submitted a var request aab58, as part of the process back in march???? We were asked to do an audit. We discovered a few things that weren't correct we went out and checked everything. Exhibit 4 – mail box, steep driveway located down the street, prohibits accessible route. Rotated mailbox. Put in a new crosswalk. AAB 72. Mailbox on Karen drive we wanted to modified. We had to wait for a non-postal day. Created a new crosswalk. Steep driveway line number 2, only option to construct sidewalk on the road.

WW- you are requesting a variance on the slope.

DG – is there a sidewalk coming off of Williams st.

JH – William wanted to comment but I didn't hear comment.

DD - mine have to do with time. When did it start and complete.

JS - my office was contacted

TH – pg 60. A background outline. It began after 8/16/17 and finished.....

Last construction season.

JS –

Punch list

TH - from march 21 16 decision we have performed all the work.

DD 18 months....

JS - red or yellow variances.

TH - we are here today asking for 9 variances the pinks are more substantial.

JS - it is impossible to solve.

JH motioned to grant the 4% cross slope on the driveway at 6 Kara Drive, item 2. AB seconded, RG opposed. Passed

Th – we had a case in Marshfield at 4% Marshfield has a law of 4%. It involved cutting up the driveway.

TH - will be happy to install signage.

JH amended motion to grant the 4% cross slope on the driveway at 6 Kara Drive, on the condition there is signage on the accessible route. AB seconded, RG opposed. Motion passed.

JS - they are all cross slope issues. Vary from 2% to 8%.

JS – 9,11,12,13,14 are very steep.

9,12,13,14 need variances.

JW – 4, 19,21 cross slopes 2-3 %,

9,12,13,14 – cross slopes greater than 3%

Any questions on 9,12,13,14?

DG – there is a sidewalk walk and

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

WW- your testimony is it is technology infeasible due to the slope/

JS - the drive way slopes are very steep.

WW- are you proposing an alternate route around that/

JS - No

JH motion to grant the variances on 9, 12, 13 14. A seconded. RG opposed. Passed.

JS - 4, 19, 21

Area of sidewalk. Shimmied the sidewalk and improved accessibility. 19 is in wetlands, 2-3 %.

JS city gave us an email 2.7 is acceptable.

WW – are you saying it can't be corrected? Would it be possible to rebuild it?

JS – there is no place to use equipment, wetlands for 19. It is three feet wide to satisfy the wetland issues.

Th- when you do a new subdivision there is no exemption for topography. They have to comply; There are still 4 buildable lots

4, 19, 21

JH motioned to grant the variances for 4, 19, 21 as proposed. HR seconded, all in favor.

WJ – have them submit an amendment to the variance request.

Item 23

2.3 – 3 ½ cross slope.

Don't have permission to tear out from the residence. Driveway is at 8.3%

JH motioned to grant on item 23 as proposed. AB seconded, passed unanimously.

WW- would like to have you do now, make your abatement argument.

TH - I have to ask for 175,000 to be abated. My client does not have a bad reputation. We should have kept you more informed. Should we pay some type of fine, ok. Not compliant 518 days, half should go to the other side. I come up \$25,900 divided by 2.

JH – he said he wasn't going to do anything.

TH - he did it.

WW - you have to go back to the city with the resolution of the issues.

JH - it was 1,250 per day.

WJ – staff has no problem abating base fine with the as built.

TH – we have completed as built without modifications from here.

WW- they should meet with June with the as built and come to some sort of resolution. They are at fault for not keeping in touch. You would have to go back to city to get as built filed.

TH - could we have a deferral of ultimate decision to meet with June's board.

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

WW - that is fair. Then we will have time to hear from legal.

HR my concern I have to separate conversations outside of AAB which did or not did delay you. I think about the staff and board making attempts to communicate and not hearing. This is a big issue for the enforcement of 521 CMR. Issues other than last time we communicated her is when we got a response.....

DD – I disagree with this is somehow unconstitutional. Our regulations are clear. We are empowered we are within our bounds. Lack of communication. If we forgive this it will set a bad precedent for others. What proactive efforts have you made? Have you engaged with the community. There are lot of questions. Lack of communication.

WJ – the idea the other parties were not aware to notify the board..... They were properly noticed. I find it difficult to believe that you do not think you have to communicate when you get a fine.

DD Motion to continue the case to April 19, 2018, until we hear from the legal department relative to arguments to reducing the fine, and have an interpretation of the brief, and that they meet with disability commission with as built plans, prior to final approval from city and come to understanding with the commission. HR seconded, passed unanimously.

JH next commission meeting is April 12. When can legal get back? 2 weeks.

1:30 pm - One Framingham Center, One Edgell Road, Framingham (V17-310)-Variance Hearing
EXHIBIT #1 AAB 1-20

James Rissling - Architect
Jonathan Marcus
All parties were sworn in.

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

JM – We took the plaza over and worked with mark Dempsey and brought in an elevator. This is the second floor, it is fully occupied, worked with mark on how to make it accessible.

JR - the building is three floors, each functions separately, the basement level has a walk out component. The mail floor has a restaurant and some shops. They have access to walkway on each side of the building. The elevator connects each of these levels. Level 1 elevator takes you up to second or third floor. There is only 1 floor the toilet rooms serve. The floor is leased the toilet rooms have been unimproved since the building was constructed.

AAB 17 in the center of drawing, we are proposing expanding the doorways into the rest rooms, eliminate modesty room and provide grab bars to improve access to toilets, without reconfiguring the toilet stalls. We have support by Karen Dempsey and mark Dempsey. They support the variance. The floor is a business use with approximately 33 occupants. If divided in half 17 men and 17 women.

HR – what is the size of the doors.

JM - 30 inches or smaller.

JM – asking for space in side.

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

RH - what is sq. ft.
JM - close to 7 x 12.
RH - will it be functional
JM - we do have someone in the building who uses it.
AB - AAB 117
JM - we propose configuring the stalls so they are 3 ft wide with 30 inch doors.
WW - do you need the fixture count?
JR - peak demand problems.
JR - they are private tenant spaces. Restaurants are open to the public.
AB - travel distance
JM - about 220 feet.
JD - the handles are not accessible, trying to get as close as possible to accessible.
Letter from the commission.
JD - the second floor are off corridor in a common space. Is the restaurant open longer or shorter than the other floors?
JR - they are open late.
JD - the only hesitation I have is that 2nd floor restrooms not accessible people may have to go to the second when restaurant might not be open.
RG - are they fold down grab bars.
JM - they will be fixed.
Grab bars are 18 inch

Vote on all three variances.

HR motioned to grant as proposed on all three variances on the conditions that there is appropriate signage and written permission by current first floor tenant saying their bathroom can be used and going forward, the language will be written into the lease. JH seconded, passed unanimously.

2:00 pm - Maynard Field, 10 Dresser Hill Road, Charlton (C17-037) - Complaint Hearing
EXHIBIT #1 - AAB Hearing Package 1-30
EXHIBIT #2 - Email to Thomas Hopkins from Mike Kennedy 3/11/18
Todd Girard, Town of Charlton, Conservation Recreation Director
Will Joyce, AAB Compliance Officer

The parties were sworn in by the Chair

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

WJ - This complaint was received in June we submitted a notice in July. We heard from the town of Charlton saying they are going to put a plan together. Did not receive a formal response. A hearing was scheduled. It involves a field in Maynard, it was filed because paths are not safe. Mike Kennedy made the complaint. WJ - read Mike Kennedy's email into the record.

TG - we received the complaint notice and we had a mix up on who was supposed to do the paperwork. We do have a plan. We put bids out for procurement process. Bids range

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

from 18,000 - 7,000. We went with the contractor who bid \$10,000. I am going for two phase financing. Engineers are giving a rough number will have money secured in May for the May town meeting. Should be wrapped up end of summer depending on weather.

WW - What is your reason they will approve it?

TG – I do not see anyone against this project.

WW - the concession stand doesn't have an accessible counter, toilet is not accessible, signage.

TG - we are going to lower window on concession stand. We have a port a potty and put it on stable ground. We are adding a lift area to the bleachers.

PM – what is the stable surface for the port a potty?

TG – not sure yet, concrete.

RG – are you planning on paving the parking lot.

TG - AAB 19, 20. The area is currently loose gravel. Our goal is to pave lower area and add lining for parking. Foot traffic come up along fence, grade will be fixed, we have plenty of room to grade out.

TG - will have signage for parking.

TG - we have police monitoring during activities.

JD motioned to find in favor of the complainant. DG seconded, passed unanimously.

JD motioned to accept plan as proposed with the Board's staff to review the plan for compliance. With the work completed By December 1, 2018. GD, seconded, passed unanimously.

JD motioned that progress report to be delivered by June 1, 2018 on the status of the project and the outcome of the May meeting. RG seconded, passed.

19) Advisory Opinion

Lovejoy Wharf opinion from Walter Adams regarding accessible toilet rooms. They are both unisex toilet rooms. They show one at 72 x 60. There is an alternate stall that is 38 x 66. Do you have any trouble with this design?

DG motioned that it complies. RH seconded, passed unanimously.

20) Savage Field, 36 Vale Street, Clinton (V17-295)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

They submitted a package.

Why can't they lower the press box and put in a shorter ramp.

Gas lines

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

We haven't granted variances to press boxes before. PM – I agree a shorter ramp is better than a lift. There is some non-stable surface and no accessible path from parking lot to bleacher.

More information suggesting the press box is lowered with a shorter ramp.

HR motioned to continue for more information, and for the Board's staff to reach out and request additional, JH seconded, passed unanimously.

RG motioned that the staff investigates the press box work at Clinton high school in 2000. JD seconded, passed unanimously.

21) First Parish Universalist Church, 630 Mass Avenue, Arlington (V14-111)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

WW left the room

They are asking 22.1 slope and partial kitchen compliance plan.

JD motioned to grant as proposed on the kitchen and ramp. RH seconded, passed unanimously.

22) Greenfield Trial Court, 43 Hope Street, Greenfield, (V17-167)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

11 toilet rooms. We asked for photos and drawings. They sent photographs and then we sent a response saying they didn't send what we wanted. Then they send in dimensions. Some of the bathrooms are staff bathrooms. The dimensions comply.

They are proposing a 36 inch grab bar. They are within 3 inches of flush meter.

JD motioned to grant as proposed. HR seconded, passed unanimously.

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

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Constructed in 1965. Steps up to midpoint, steps down, steps up. Dentist and orthodontist. They had a plan showing ramp running to lower level. They have discovered the height of water table is trouble. They are arguing the spaces are all leased. TH met with them. They want to build ramp up to the landing of the steps. Their argument is they are helping people do less steps. They will put signs up. The drainage issue is a big deal.

HR left the room

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

Are the steps compliant with handrails?

They want to make the ramp up opposed to going down.

How do they keep the water out now? There is a drainage system.

*JD motioned to grant relief from having an accessible entrance. AB seconded, RG abstained.
Motioned Passed.*

HR came back

WW left the room

24) Ventfort Hall Building, 104 Walker Street, Lenox (V13-110)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

On 2/22/18 received from Jamie Reinheart, request LULA instead of a two stop elevator.

People are trying to restore the building. They have been through multiple architects. Now Jamie Reinheart is the architect. Bid came in at \$660,000 for a two stop elevator. Rebid – lowest was 200,000 something. Gave an affidavit the basement and third floor no longer public space. Saying can do a 2 stop vertical wheelchair lift.

WW came back to the room

JD motion to the use of a vertical wheel chair lift for two stops, with the provision that if anything changes they have to come back to the board. RH seconded, RG abstained.

25) Woods Hole Ferry Terminal, Foot of Railroad Avenue, Woods Hole (V16-170)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Terminal building is required to be moved to higher ground. They are rebuilding slips for ferries. Complex gangway systems. Getting ready to create a third berth. It is going to involve taking the ticket building and clear the land between the slips. Proposing that until 2021 will be proposing for the 2 slips that are active stern entry on the boats. Requesting variances received also apply to temp passenger loading system.

HR motioned to grant the amendment as proposed. JD seconded, passed unanimously.

JD motioned to approve the minutes from the previous meeting with the change of taking out my reference to being away from the tape. DG seconded, HR abstained.

3:00 pm - Busa Wine & Spirits, 55 Bedford Street, Lexington (C14-019) - Fine Hearing
EXHIBIT #1 Hearing package AAB 1- 42

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

The Board swore the party in.
William Joyce, Compliance Officer

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

As of 3:17 p.m. no one has appeared from Busa.

WJ – Busa was served the fine notice. They haven't done anything we asked in the last hearing. Parking complaint going on for 4 years. They have said it is more difficult than just grading the parking lot. We haven't received any documentation. Do have a response from June in writing. We are four years in with this complaint. A fine is appropriate.

JD - Is the local building inspector involved?

WJ - It is entirely parking. As far as I know the building official is not involved. A daily fine seems appropriate.

HR motioned that a fine be assessed at \$100.00 per day beginning 3/12/2018 and continuing seven days a week. RG seconded, passed unanimously.

Moved to next meeting due to time constraints:

Stationary Factory Building, 63 Flansbury Avenue, Dalton (V15-301)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

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

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Saxonville Mills, 2 Central Street, Saxonville (V17-173)

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Gerald Creamer Center, 120 Granite Street, Worcester (V17-202)

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 5:00 p.m.

EXHIBITS

Incoming Case Review:

Lowell Justice Center, 370 Jackson Street, Lowell (V18-038)

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

Exhibit – Variance Application and associated documents

Gateway North, 698 – 700 Washington Street, Lynn (V18-039)

Exhibit – Variance Application and associated documents

Pierce Building, 594 Columbia Road, Dorchester (V18-040)

Exhibit – Variance Application and associated documents

New 4 Story Residential, 243 Condor Street, East Boston (V18-041)

Exhibit – Variance Application and associated documents

Wilshire Apartments, 51 & 49 Cheney Street, Boston (V18-042)

Exhibit – Variance Application and associated documents

Avalon at Newton Highlands, 99 Needham Street (V18-043)

Exhibit – Variance Application and associated documents

Robinson Hall, 1350 Massachusetts Avenue, Cambridge (V18-044)

Exhibit – Variance Application and associated documents

Addition to 16-18 Eliot Street, 16-18 Eliot Street, Cambridge (V18-045)

Exhibit – Variance Application and associated documents

Quincy Adams Station, 82 Centre Street, Quincy (V18-147)

Exhibit – Variance Application and associated documents

Exhibit – Variance Application and associated documents

Bright Eyes Beauty Bar, 6 Brussels Street, Suite 312, Worcester (V18-048)

Fruit Street Bridge, Fruit Street over MassDOT Rail Road, Southborough (V18-049)

Exhibit – Variance Application and associated documents

Curbs and Ramps, Columbus Ave. at Dimock, Boston (V18-051)

Exhibit – Variance Application and associated documents

3 Story Wood Frame Building, 293 Broadway Street, Methuen (V18-052)

Exhibit – Variance Application and associated documents

Curb Ramps, Northwest Corner of Main and Broadway, Springfield (V18-053)

Exhibit – Variance Application and associated documents

Ventfort Hall Building, 104 Walker Street, Lenox (V13-110)

Exhibit – Variance Application and associated documents

First Parish Universalist Church, 630 Mass Avenue, Arlington (V14-111)

Exhibit – Variance Application and associated documents

The Greenhouse Apartments, 150 Huntington Avenue, Boston (V15-121)

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

Exhibit – Variance Application and associated documents

Stationary Factory Building, 63 Flansbury Avenue, Dalton (V15-301)

Exhibit – Variance Application and associated documents

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

Exhibit – Variance Application and associated documents

Greenfield Trial Court, 43 Hope Street, Greenfield, (V17-167)

Exhibit – Variance Application and associated documents

Woods Hole Ferry Terminal, Foot of Railroad Avenue, Woods Hole (V16-170)

Exhibit – Variance Application and associated documents

Saxonville Mills, 2 Central Street, Saxonville (V17-173)

Exhibit – Variance Application and associated documents

Gerald Creamer Center, 120 Granite Street, Worcester (V17-202)

Exhibit – Variance Application and associated documents

Savage Field, 36 Vale Street, Clinton (V17-295)

Exhibit – Variance Application and associated documents

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

Exhibit – Variance Application and associated documents

Boston Beer Co., 60 State Street, Boston (V18-005)

Exhibit – Variance Application and associated documents

Water's Edge Apartments, 364 - 394 Ocean Avenue, Revere (C18-002 - C18-005) -
Complaint Hearing

Exhibit #1 – Hearing Packet AAB 1-53

Exhibit # 2 – Email from the Revere Commission on Disabilities. ADA Coordinator.

Exhibit #3 – Stipulation from housing court between Waters Edge and Revere and a tenant.

Exhibit #4 – Modernization contracts Otis contracts.

Exhibit #5 – Documentation of deposit for modernization contracts.

Exhibit #6 – Otis maintenance contracts

Yola Esther Development, Karen, Kara, and Giovina Drive, Pittsfield (C15-125 &
V16-073) - Fine Abatement Hearing

EXHIBIT #1 AAB Hearing Package 1-84

EXHIBIT #2 – Publication – given by TH

EXHIBIT #3 - Nov. 9, 2017 correspondence from Thomas Hopkins to Kevin Scanlon requesting
to notify the office of the Attorney General.

EXHIBIT #4 - Sidewalk repair plan, accurate as of March 9, 2018

EXHIBIT #5 – Census from 15 people who live in the neighborhood.

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

EXHIBIT #6 – Homeowners asking for streets to be accepted by the city of Pittsfield.

One Framingham Center, One Edgell Road, Framingham (V17-310)-Variance Hearing
EXHIBIT #1 - AAB Hearing Package 1-20

Maynard Field, 10 Dresser Hill Road, Charlton (C17-037) - Complaint Hearing
EXHIBIT #1 – AAB Hearing Package 1-30
EXHIBIT #2 - Email to Thomas Hopkins from Mike Kennedy 3/11/18

Busa Wine & Spirits, 55 Bedford Street, Lexington (C14-019) - Fine Hearing
EXHIBIT #1 - Hearing Package AAB 1- 42

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