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LAYLA R. D'EMILIA
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

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

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Board Meeting Minutes – March 9, 2020, 9:00 a.m. – 5:00 p.m.
One Ashburton Place, 21st Floor, Conference Room 1, Boston

Board Members Present:

- Walter White (WW)
- Jane Hardin (JH)
- Dawn Guarriello (DG)
- David Johnson (DJ)
- Patricia Mendez, (PM)
- Harold Rhodes (HR)
- Jakira Rogers (JR)

Also in Attendance:

- James Plotkin, Counsel, DPL (JP)
- William Joyce, Executive Director, AAB (WJ)
- Karen Brann, Program Coordinator, AAB (KB)

Board Members not in Attendance:

- Andy Bedar (AB)
- Jeffrey Dougan
- Raymond Glazier (RG)
- Mary Mahon McCauley (MM)

The Chair opened the meeting.

WW, HR, DG, JR, PM, DJ, JH

Mr. Joyce gave an update on the Compliance Officer position and informed the Board that interviews are scheduled for the week of March 16, 2020.

Incoming Case Review:

1. The Buckely, 450-470 Franklin Street, Framingham, V20-020

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking relief for sink depths. Five buildings.

HR motioned to grant with the usual conditions. JH seconded, motion passed.

2. Beacon Hill Accessibility Project, Walnut Street and Chestnut Street, Boston, V20-022
Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

New curb cut adjacent to non-compliant sidewalk. The petitioner is seeking relief for the cross slope adjacent to curb cut.

DG motioned to grant. JR seconded, HR opposed, motion passed.

*PM motioned to send a letter for better coordination with people doing the work
DG second, motion passed.*

WW left the room. JH Chaired.

3. Cleghorn Properties, 128 Fairmont St., 42 Clarendon St., 105 Plymouth St., Fitchburg, V20-023
Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Steep grade on parking lot. Has an accessible van space and level 8 ft. sidewalk.

Access aisle will be the level 8ft. sidewalk, will have appropriate signage.

Asking relief from striping.

*DG motioned to grant with language included on the accessible parking sign telling people to use
the sidewalk as the access aisle. DJ seconded, passed unanimously.*

#2

2a distribution

No variance required. Single unit.

DG motioned that no variance is required. JR seconded, passed unanimously.

#3

No outer handrail.

Rust on handrail.

JD motioned to deny. HR seconded, passed unanimously

#4

10.1 Plymouth building

No accessible units totally inaccessible.

DG left the room

DG came back.

HR motioned to continue for cost estimates per lift for 10.1 JR seconded, passed unanimously.

4. Sherborn Fuel, 21 South Main, Sherborn, V20-024

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Non-compliant toilet room. Very limited space cannot push the wall out.

Have the full radius. Don't have push pull clearance. Should be able to swing in.

DG motioned to grant on the dimensions on the condition of an automatic door opener installed with the location of the actuator button to be approved by the board and info on door swing timing. JR seconded, passed unanimously.

WW came back into the room.

5. Formaggio Kitchen, 358 Huron Avenue, Cambridge, V20-025

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Renovation of an existing retail space with non-compliant entrance. The petitioner is proposing a ramp. Sloped sidewalk that is lower at one side, trying to meet the sidewalk.

JH motioned to grant. DG seconded, passed unanimously.

6. HUB Hall Market Place, 80 Causeway, Boston, V20-027

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Ramp is 6 inches off from the plan measurements and slightly narrower in two places.

Measurements are correct on the plans. Construction error.

HR – We need to have more consistency on variances that come to us after construction. How should we handle them?

WW - We take them on case by case. Too generalized.

DJ motioned to grant. JR seconded, passed unanimously.

7. Lincoln Campus Center parking Garage, 360 Campus Center Way, Amherst, V20-028

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

New ramp in existing parking garage. The petitioner is asking for the ramp to be 47 inches wide.

JH motioned to grant. DG seconded, passed unanimously.

8. DOT Block Multiple Streets, Boston, V20-029

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

New 488 residential building. The petitioner is seeking relief for sink depths, electrical outlets and bottom freezer.

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

9. High Rise Building, 55 India Street, Boston, V20-030
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The petitioner is seeking to install lifts at the time of construction.

*JR motioned to grant with photos upon completion of installation.
JH seconded, passed unanimously.*

Petitioner is seeking relief from sink depth requirements.

HR motioned to grant with the usual conditions. JH Seconded, passed unanimously.

10. Restaurant Space, 100 Federal Street, Boston, V20-032
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The petitioner is proposing to install a lift. Does the server station have the turning radius?

*DG motioned to continue for confirmation of turning radius in server station.
JH seconded, passed unanimously*

11. Dental Park, 211 High Street, Dedham, V20-033
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
Petitioner seeks two variances.
Relief from all entrances being accessible. The petitioner proposes a straight on straight off lift in the back near the accessible parking. Proposing

#1

JR motioned to grant on the condition of photos and plans that access is appropriate width upon completion. JH seconded, passed unanimously.

#2 The petitioner seeks to leave the lot as is with restriping.

JR motioned to continue on the basis cost estimates are provided and petitioner considers resurfacing only the accessible spaces not entire parking lot. JD seconded. Passed unanimously.

12. Lenox Hotel, 136 Lenox Street, Boston, V20-034
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

HR motioned to grant. JD seconded, passed unanimously.

13. Wellesley Hills Congregational Church, 207 Washington Street, Wellesley, V20-035
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The petitioner is seeking 51 variances.

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

14. West School House, 61 Whig Street, Dennis, V20-026
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

HR motioned to packet. JR seconded, passed unanimously.

15. YWCA Central MA, One Salem Square, Worcester, V20-031
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

HR motioned to packet. PM seconded, passed unanimously.

16. Advisory Opinion

- Automated parking system in new multifamily housing, 20 and 80 Rugg Road, Allston
Frank Valdes, DiMella Shaffer
Threes bays at 24ft wide. Park in the center, car gets stored. Come back brings the car back. We require striping and accessible signage.
It is automated, what happens when it breaks?

*JH motioned a variance is required for the sections of 521 CMR it does not comply with.
HR seconded, passed unanimously.*

17.

- Installation of a gate and accessible parking distribution 521 CMR 3.3.4

Rep. Thomas Petrolati. Easy pass in Ludlow.

JR recused herself and left the room.

Is the installation of gate a violation?

Are they two separate lots?

With a gate it should be considered two separate lots.

PM motioned that the installation of gate does not comply decreases accessibility of parking lot.
Impedes flow of persons with disability into the service station.

PM motioned Gate makes it two lots requirements of 23. Parking needs to be within 200 feet.
PM motioned that the installation of the gate does not comply

*HR continue for staff to provide language for advisory opinion.
PM seconded, passed unanimously.*

Quasi-Judicial Session, Pursuant to G.L. c. 30A, § 18

Administrative Discussion

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

Exhibit – Variance Application and associated documents, amendment

Mr. Joyce presented the Variance Application and associated documents.

JR motioned to schedule a hearing. Ask for updated cost information to be provided and ask for better readable plans. HR seconded, passed unanimously.

19. French Cultural Center, 53 Marlborough Street, Boston, V17-217

Exhibit – Variance Application and associated documents, amendment

Mr. Joyce presented the Variance Application and associated documents.

The petitioner requests to withdraw their variance application and go forward with their original plans.

DJ motioned to accept the variance withdrawal. HR seconded, passed unanimously.

20. Lowell Justice Center, 370 Jackson Street, Lowell, V18-038

Exhibit – Variance Application and associated documents, amendment

Mr. Joyce presented the Variance Application and associated documents.

Seeking 4 variances.

#1

HR motioned to grant. DJ seconded, passed unanimously.

#2 – 37.1.3??

Only staff will be touching the valves. Outside the reach range.

HR motioned to grant on the condition of a policy stating that staff is in control of valves.

JR second, passed unanimously.

3. 26.6.3

Two sets of stairs, handrails

Pull side clearance on an egress stair.

JR motioned to grant. DG seconded, passed unanimously.

#4

5 toilets

JH motioned to grant HR seconded, passed unanimously.

20. Bad Martha Farmers Brewery, 876 East Falmouth Highway, East Falmouth, V19-248

Exhibit – Variance Application and associated documents, affidavit, requested information

Mr. Joyce presented the Variance Application and associated documents.

PM motioned to accept the sketch of the stair nosings. JH seconded, passed unanimously.

21. Cumnock Hall at Harvard Business School, 33 Harvard Way, Boston, V19-268
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

HR motioned to accept the status report. JR second, passed unanimously.

22. Three Story Office Building, 601 High Street, V19-281
Exhibit – Variance Application and associated documents, accommodation policy
Mr. Joyce presented the Variance Application and associated documents.
The petitioner sent the board the requested accommodation policy.

JH motioned to accept the policy. DJ seconded, passed unanimously.

23. Ramps, Beverly, Lynn, Salem
Three curb cuts.

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

24. Rothy's 211 Newbury Street, Boston, V19-347
Nantucket Lighthouse School Cottage, 1 Rugged Road, Nantucket, V20-010
Exhibit – Variance Application and associated documents, additional information
Mr. Joyce presented the Variance Application and associated documents.

JH motioned to grant. DG second, passed unanimously.

25. Nantucket Lighthouse School V20-010
Received additional information on the school.

HR motioned to grant. JH seconded, passed unanimously.

26. Existing Building, 774 Crawford street Fitchburg, V20-014

JR motioned to continue for a profile of hump in the ramp. PM seconded, passed unanimously.

27. Crossroads for Kids Camp Wing, 742 Keene Street, Duxbury, V20-017
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
After the last meeting, the board received a letter of opposition from Independence Associates.
The board upheld their decision from the 2/24/2020 meeting.

26. Salon Theory, 158 Copeland Drive, Mansfield, V16-366
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.

*PM motioned to grant the vertical lift without or without a roof.
JH seconded, passed unanimously.*

Affidavit

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

DG motioned to accept the affidavit and have the petitioner register it with the local registry of deeds for a book and page number.

HR seconded, PM abstained, JR abstained. Motion passed.

Hearings

Warren House, 1600 Washington Street, Boston, V19-277 Variance Hearing

Exhibit – Hearing Package AAB 1- 34

Jeanne Strickland, Newton Community Development Foundation (Jeanne S)

Josh Safdie, KMA (Josh S)

William Joyce, AAB (WJ)

JR, PM, JH, HR, DG, DJ, WW

DG motioned to grant for this case only and require NCDF to contact Mass Housing to begin conversations on how to align with our regulations.

PM seconded. Opposed HR, JR, in favor DG, DJ, PM, JH. Motion passed.

The Board maintains an audio recording of the Hearing. The Board decision dated March 31, 2020, memorializes the Hearing.

Minutes – August 12, 2019

Minutes – August 26, 2019

Minutes – February 10, 2020

JH motioned to accept the minutes from the February 10, 2020 meeting.

DG seconded, motion passed.

JH motioned to accept the minutes from the August 12, 2019 and August 26, 2019 meeting.

DJ second, passed unanimously.

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 5:00 p.m.

Exhibits

The Buckely, 450-470 Franklin Street, Framingham, V20-020
Exhibit – Variance Application and associated documents

Christian Science Plaza, Huntington Avenue, Belvidere Street, Boston, V20-021
Exhibit – Variance Application and associated documents

Beacon Hill Accessibility Project, Walnut Street and Chestnut Street, Boston, V20-022
Exhibit – Variance Application and associated documents

Cleghorn Properties, 128 Fairmont St., 42 Clarendon St., 105 Plymouth St., Fitchburg, V20-023
Exhibit – Variance Application and associated documents

Sherborn Fuel, 21 South Main, Sherborn, V20-024
Exhibit – Variance Application and associated documents

Formaggio Kitchen, 358 Huron Avenue, Cambridge, V20-025
Exhibit – Variance Application and associated documents

West School House, 61 Whig Street, Dennis, V20-026
Exhibit – Variance Application and associated documents

HUB Hall Market Place, 80 Causeway, Boston, V20-027
Exhibit – Variance Application and associated documents

Lincoln Campus Center parking Garage, 360 Campus Center Way, Amherst, V20-028
Exhibit – Variance Application and associated documents

DOT Block Multiple Streets, Boston, V20-029
Exhibit – Variance Application and associated documents

High Rise Building, 55 India Street, Boston, V20-030
Exhibit – Variance Application and associated documents

YWCA Central MA, One Salem Square, Worcester, V20-031
Exhibit – Variance Application and associated documents

Restaurant Space, 100 Federal Street, Boston, V20-032
Exhibit – Variance Application and associated documents

Dental Park, 211 High Street, Dedham, V20-033
Exhibit – Variance Application and associated documents

Lenox Hotel, 136 Lenox Street, Boston, V20-034
Exhibit – Variance Application and associated documents

Wellesley Hills Congregational Church, 207 Washington Street, Wellesley, V20-035
Exhibit – Variance Application and associated documents

Salon Theory, 158 Copeland Drive, Mansfield, V16-366
Exhibit – Variance Application and associated documents

St. Mary’s High School, 35 Tremont Street, Lynn, V17-153
Exhibit – Variance Application and associated documents, amendment

French Cultural Center, 53 Marlborough Street, Boston, V17-217
Exhibit – Variance Application and associated documents, amendment

Lowell Justice Center, 370 Jackson Street, Lowell, V18-038
Exhibit – Variance Application and associated documents, amendment

Story Chapel 580 Mt. Auburn, Cambridge, V19-002
Exhibit – Variance Application and associated documents

Bad Martha Farmers Brewery, 876 East Falmouth Highway, East Falmouth, V19-248
Exhibit – Variance Application and associated documents, affidavit, requested information

Cumnock Hall at Harvard Business School, 33 Harvard Way, Boston, V19-268
Exhibit – Variance Application and associated documents

Three Story Office Building, 601 High Street, V19-281
Exhibit – Variance Application and associated documents

Rothy’s 211 Newbury Street, Boston, V19-347
Exhibit – Variance Application and associated documents

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

Apsley Business Center, 59 Apsley Street, Hudson, V20-013
Exhibit – Variance Application and associated documents

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

Automated parking system in new multifamily housing, 20 and 80 Rugg Road, Allston
Frank Valdes, DiMella Shaffer, Advisory Opinion

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