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CHARLES BORSTEL
COMMISSIONER, DIVISION OF
PROFESSIONAL LICENSURE

THOMAS HOPKINS
EXECUTIVE DIRECTOR

Board Meeting Minutes – April 23, 2018 9:00 a.m.
One Ashburton Place, 21st Floor, Conference Room 3

Present Board Members:

- Andrew Bedar (AB)
- Jeff Dougan, Massachusetts Office on Disability (JD)
- Dawn Guarriello (DG)
- Jane Hardin (JH)
- David Johnson (DJ)
- 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
- Raymond Glazier

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

Incoming Case Review:

1) Cobblestone Convenience, Joy Street, V18-129
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
The petitioner sent in a letter asking to waive the two week waiting period.

DG motioned to waive the two week waiting period. JD seconded.

3.3.1b requires an entrance, bathroom if provided, there is no bathroom, and work performed.
Seeking 3 variances, entrance 25.1, proposing a buzzer.
Height of service counter,
7.3 Aisle widths, 35 ½” proposed to 36”.

JD motioned to grant on all 3 variances with the condition of a buzzer and appropriate signage explaining assistance. DG seconded, passed unanimously.

Do we need to see a procedure policy for assistance? We have it in writing.
Is there a cover if there is a delay responding to people if it is raining? No.
What they have done is an improvement.

2) Existing Granite Slabs, 106 Blackstone Street, Boston, V18-085
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
North Street to Hanover Street reconstruction. Seeking two variances.
Cross slope 22.3.1 and 22.4. 8.8%. Concerns regarding significant cross slopes.

*JD motioned to deny as there are excessive cross slopes.
HR seconded, PM abstained. Motion passed.*

3) Suzuki School, 1615 Beacon Street, Newton, V18-086
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
Phased project phase 1 over 30%, access on the first floor, phase 2 completed in 5 years, 3.3.2.
We have a letter from the Commission supporting time variance as proposed.

JD motioned to grant on the condition of a review of the accommodation policy and with photos of phase 1 every 6 months starting January 2, 2019. DG seconded, passed unanimously

4) Barnstable High School, Athletic Field, 744 W. Main Street, Hyannis, V18-088
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
New press box and bleacher. Vertical lift and ramp but not to the top of box, it is served by a ladder.
The petitioner is seeking relief from 28.1 from providing an elevator.

DG motioned to grant. HR seconded, passed unanimously.

5) Bus Stops, Multiple Locations, Boston, V18-089
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
21.3 curb cut exceed 8.3%
22.3.1 walkway cross slopes
21.6.1

JD motioned to packet for May 7, 2018. Pm seconded, passed unanimously.

6) New Residential Complex, 2nd Ave. Residences, Needham, V18-090
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
Existing building office space for Google employees. Renovations/remodeling.
New complex, asking for relief from sink depth requirements.

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

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

7) Shared Office Facility, 281 Concord Ave. Cambridge, V18-091

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Used as a shared office facility. Reconstruction and remodeling. Spending is over 30%.

28.1, providing access to mezzanine.

AB motioned to grant. HR seconded. Passed unanimously

8) Café Sushi, 1105 Mass Ave. Cambridge, V18-094

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Remodeling of a restaurant. Spending not specific on application. Over \$100,000. The petitioner is seeking relief to two variances.

Unisex toilet 30.7.1 will provide 64 ½” x 110”.

JD motioned to grant. DG seconded, passed unanimously.

20.2 route to accessible entrance. Spending is not sure it is necessary not over 30%.

JD motioned to accept their plan as proposed. DG seconded, passed unanimously.

9) 13 Story Mixed Use, 1317 Beacon Street, Brookline, V18-093

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

10 floors res units, 80 in total. Garage on two levels. 3.3.1B

Ramp measures 1 in 11. Seeking relief to slope.

AB motioned to approve. JD seconded, passed unanimously

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

The petitioner has group 2A requests that are not needed.

DG motioned that no variances for group 2A are needed. AB seconded, passed unanimously.

We have a letter for support from Hang Lee, Multicultural Independent Living Center.

10) Elmwood House, Harvard University, 33 Elmwood Ave., Cambridge, V18-094

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Reconstruction to include fire sprinklers, bathrooms, windows.

Spending is over 30% 3.3.2.

Seeking three variance requests.

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

1. Headroom 20.7 in accessible toilet room
2. Walkway with main entrance 22.2
3. 30.7.1 public toilet room

We have four letters of support for the variances. Harvard Campus planner, Mass Historic, Cambridge Historic, Commission on Disabilities.

JD motioned to grant on all three variances. D Johnson seconded, passed unanimously.

11) Lloyd's Dine, 184 Fountain Street, Framingham, V18-095
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
Seeking a variance for a 25 year old ramp. Slope 9%.
Width between railings
Seeking relief for landing.
We received an email from Karen Dempsey and phone call from Mark Dempsey.
Commission voted and supported as they are proposing to fix it.

HR - Would like to see a compliant ramp design and what it would look like.

HR motioned to deny. AB seconded, passed unanimously.

12) Eyes on Me Beauty, 63 Jefferson Street, Unit 9, Winthrop, V18-096
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
The petitioner is seeking relief from 25.1. Small salon business.

Request that accessibility information go on website saying they do home visits.

*JD motioned to grant for this use only and upon review of accommodation policy.
DG seconded, passed unanimously.*

13) Macy's Burlington Mall, 4 Burlington Mall Road, Burlington, V18-097
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
The elevator will be out of service for upgrade and a freight elevator is proposed to be used. The elevator will be out of service until Sept 2018.
Employees are taking training to become elevator operators. Grant on condition full time operator manning it at all times open to public. Elevator Board is ok with this.

David Johnson left the meeting.

HR motioned to accept the variance on the condition that the operator be available full time during store hours and appropriate signage available throughout the store and information is posted on the website and variance or letter from Elevator Board. DG seconded passed unanimously.

14) Carrot flower, 703 Centre Street, Jamaica Plain, V18-098

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.
Spending is over 30%. TH met with applicant. Discussed the entry and different options.
Proposing a portable ramp for the entry and alert system.
Is door wide enough?

HR motioned to deny and ask for more information. PM seconded, passed unanimously.

15) The Engine, 497-507 Mass Ave., Cambridge, V18-099
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
Existing building 4 stories. Spaces for new startup companies.
Level 1 and basement into additional work space for the Engine. Spending is over 30%, full compliance. 20.2 accessible route to spaces.

HR motioned to packet for next meeting. JD seconded. Passed unanimously.

16) Boston College Exterior Stairway, Commonwealth Ave., Garage and Ignacio Hall, Newton, V18-100
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
Exterior stairway between Commonwealth Ave and Ignacio Hall.
3.2 new construction. Road being upgraded in addition to new sidewalk and stairway.
Seeking relief from having to provide access at new stair.

Are there alternate routes?

JD motioned to grant on the condition of appropriate signage indicating the accessible route that serves that building. DG seconded, passed unanimously.

Is there a site plan? Where is the accessible route?

17) Sidewalk, 31 South Street, Natick, V18-101
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
Seek sink depth relief.

New sidewalk to meet curbing to a new building.
21.2.1 and 21.3
Application is not clear.

JD Continued with petitioner meets with TH. PM seconded, passed unanimously.

18) The Caleb Spooner House, 22 Centre Street, New Bedford, V18-102
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
Historic Building. Seeking 5 variances.
Change in use jurisdiction.

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

~~PM motioned for a hearing.~~
PM withdrawn her motion.

HR motioned to packet for next meeting. AB seconded, passed unanimously.

19) 3 Family Townhouses, V18-103, 9 Webster Ave.
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
The new building isn't exempt. It is not a townhouse. Jurisdiction is routes connecting spaces within duplexes. Small building.
Seeking relief for the entire building.
Concern is we would be agreeing to have steps at front entrance.

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

20) Mass Bay Community College, 50 Oakland Street, Wellesley, V18-104
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
Class rooms, labs, offices, reconstruction remodeling. Jurisdiction is 3.3.1b. Seeking variance for 1 toilet room 30.7.1. Minus 11 on one dimension and minus 6 on the other.

Door swings in.

DG motioned to grant on the condition the door swings out with a closure on it. HR seconded, passed unanimously.

21) Driscoll Dining Hall, Driscoll Hall Drive, Williamstown, V18-105
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
Dining hall built in 1963. Work is over 30%. The petitioner is seeking two variances.

1. Existing winder tread stair

HR motioned to grant on the condition handrails comply. PM seconded, passed unanimously.

2. 30.7.1 for existing toilet room

JD motioned to grant. AB seconded, passed unanimously.

22) The Tremont, 1478-1484 Tremont Street, Boston, V18-106
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.
The case was originally before the board as V16-007 2016 when the building was constructed. Proposed first floor tenant has a landing with stairs that requires lift or a ramp. A ramp not feasible. The petitioner is asking that they are allowed to use the main entrance to the building, there is a route to the tenant space but there are a lot of doors and stairwell system. Spa or salon. Received a letter from Mike Mehue, BCIL, opposing. Vertical lift is possible in tenant space. Proposing a route with signage.

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

HR motioned to deny and requested to install a lift. AB seconded, passed unanimously.

23) Suprenant Building, 670 West Boylston, Worcester, V18-107

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Waive two weeks. Science lab project want to open in September.

DG motioned to waive the two week waiting period. PM seconded. Passed unanimously.

Project is over 30%. Phase 1 of the project to be completed by fall of 2018.

Phase 2 is a 3 year time variance with compliance 4/2021. 14, 30, 36. DCAM project.

HR - Why do they need three years?

JD motioned to grant the time variance until 4/2021 on condition that the board receives status reports 6 month updates starting January 2, 2019 indicating funding stream and progress.

DG seconded, passed unanimously.

Club Car

24) The Club Car, 1 Main Street, Nantucket, V18-082

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Commission met with development and did a walkthrough and site visit. We allowed a TCO to open 4/23/18. Commission wrote to us again saying they support request.

AB motioned to grant on the condition of drawings, automatic door opener and completion of other work by June 1, 2018. JD seconded, passed unanimously.

25) CBS Scene V18-059

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

The petitioner requested to waive the two week waiting period.

JD motioned to waive the two week waiting period.

DG seconded, passed unanimously.

Proposed to install vertical wheel chair lift to dining area. 90 degree turn out of lift.

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

Vote on TCO if the balance of the project should be completed before installation of lift.

JD motioned to grant the issuance of the TCO on the condition the lift is installed by August 1, 2018. PM seconded, passed unanimously.

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

Hearing

11:00 a.m.

Four Story Mixed Use Building, 10 Post Office Square, Boston, V18-021

Exhibit #1 Hearing Package AAB 1 – 20

Exhibit #2 Amendment to V18-021

Doug Anderson, C3 Code Consultant (DA)

Jeff Leon, Architect (JL)

The parties were sworn in by the Chair.

JH, JD, PM, AB, DG, HR

DA- There has been a significant change in the restaurant plans since the initial submittal. Building was built last century. Last 15 years other parts have been built. Fills up block between Milk and Water Streets. Originally going to have restaurant. Smoking lounge and kitchen in basement. Originally variances were for conference room above and second was approximate seating to the bar. This is all gone. We no longer need 20.1 or 17.1.

New – restaurant ...pathingissue is pit underneath elevator. Big ductwork, equipment, etc. Had to go to elevator board for a variance. Given a list of other things to look into cost has made it financially unattainable.

We are now back asking to use a vertical lift instead of an elevator lift??? This is the only AAB variance we need. New submittal AAB3 shows first floor space. Accessible entrance with stairs with ramp. Ramp gets you to entry and to stairs then enter restaurant space to vertical lift.

AB – Are there automatic doors?

JL - Currently not scheduled. There is significant push pull.

DA - Restaurant on first floor fully accessible, rest rooms. Also rest rooms accessible on lower level.

JL - When we ran the numbers to make feasible, cigar bar didn't work out. In order to make work without a pit custom elevator cost \$375,000 for machinery and installation. Not the pit. Elevator Board asked us to prove inability to put in a pit. Things can be moved at a cost close to 1Mill. Cost complied with cost of custom elevator got excessive. We revisited and changed the program.

DG – The able bodied people, what door do they use?

JL - Primary door off of 10 Post office Square. Walk up through double doors, stairs to host. Existing ramp is adjacent to it. Up the ramp, landing 113 back to 112. Existing ramp. Services accessible entrance for office building. Given an easement to take over portion of corridor.

DG - Existing stairs – wheel chair has to go ...

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

DA – We have accessible entrance into restaurant through common area. If we need a variance we will add 20.1 back in.

You enter and you are in common space.

DG - It is accessible but it is different and that maybe the reason it requires variance. Signage thing. Someone has to take a different route.

DG - On 4” raised floor AAB5?

JL - Vertical platform lift 3 ½ inch pit. We are unable to puncture existing floor slab, built up a level platform.

DG - In cigar room AAB 4 what is going on here?

JL - It is a bar, seating. Cocktail services. Furniture plan is hypothetical at this point.

AB - When you were in front of elevator board did they indicate????

JL - The result was to require information that proof not feasible.

AB - 14 feet.....

DA - vertical travel of lift over 12 feet, the board will approve, there is equipment and mass code for vertical lift is 1986 standards. At 14.6 I have received a variance.

AB – 3 ½ 4 inch ramp to get on to the ramp? Pull side clearance.

JL - we will have flat landing with pull side clearance.

DG - entry issue - 20.2 . I think a variance is in order.

DA - you do go through a different route to get to the same location.

If you feel it is required by all means.

DG – signage needs to be clear.

PM- furniture plan provide accessible seating and lower bar heights. Common obstacles.

HR - AAB2, looking at cabs are these what will install.

JL - what we are installing are from the custom cabs.

DA - we sent the information that we sent to the Elevator Board.

HR - which model of lift will you specify.

JL - We are speaking with Guaraventa and another company to get options

HR – these have a weight limit 650 lbs. Sometimes two people go on to the lift and can go over the limit. I urge signage.

JL- designed for the standard size but will study the foot print.

HR - is the ramp entrance existing.

JL - it is existing.

DA - the closet at top is not there now.

HR - autodoor openers, Post Office Square has a strong breeze can go over 15 lbs. Consider putting in electric door openers.

JL - The current exterior doors are existing and hope to keep. Can retrofit to auto at the boards request.

HR motioned to grant on 28.1 the lift variance, with information sent to staff of which lift is selected and appropriate signage and information is included on website. DG seconded. Passed unanimously.

JD motioned to grant on 20.2 on main entrance, on the condition of directional signage to indicate route. DG seconded. Passed unanimously.

26) McDonald House, 270 Main street Marlborough, V18-124

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.
Petitioner requested to waive the two week waiting period.

DG motioned to waive the two week waiting period. Pm seconded. Passed unanimously.

40 SFO with common areas, lodging house, common bathrooms.
11/15/2017 small fire resulting in water damage. 10% of building needed work.
Seeking seven requests.
Commission on disability sent a letter
They want an elevator to all floors, accessible entrance, toilet rooms. 3 units to be accessible, handrails on stairs.

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

27) Old Reading School House 52 Sanborn Street, Reading V18-084
25.1, 29.2.3

Does elevator access all floors?

Elevator was damaged during a fire.

AAB 7 estimated cost \$92,000 and \$84,000 less than 1 % of the project.

Full elevator for 1st and 2nd floors. Elevator does not access all floors.

No group 1 required.

29.2.3 JD motioned to Grant on 29.2.3 DG seconded, passed unanimously.

25.1 JD motioned to deny the variance for the front entrance.

DG seconded, passed unanimously.

Need to do ramp or lift on the inside of the foyer.

Study ramp on the interior side.

28) South and SE corner of Common St. and Saint Marks St, SE and SW corner of Main St and Cordaville Rd., Southborough, V18-056

The Board previously continued this case for the petitioner to meet with staff. The petitioner is asking for relief for running slope on sidewalk. They submitted color coded drawings of the intersections. TH based on drawings, don't think they need variances.

JD motioned that no variances are required. DG seconded, passed unanimously.

HEARING

1:00 p.m.

Hillcrest at St. Mark's, 400 Columbus Ave., Pittsfield V17-165

Exhibit #1 1-36

Exhibit #2 Email from June Hailer Pittsfield Commission, received 4/23/2018

Exhibit #3 – Picture of stage submitted by John Barry

James Sorrento (JS) Hillcrest Director of Facilities

Allison Ballard (AB) Hillcrest Academy

John Barry (JB) Barry Architects

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

All parties were sworn in by the Chair.

JH, HR, JD, PM, AB, DG

The Board received an email from June Hailer, Pittsfield Commission the morning of the Board meeting.

JS- I have a question about the email. We didn't know about this.

TH - It just arrived this morning.

JS - We purchased the school late 2016. Have done extensive renovations. Have a time variance to get grant funding. Kids are in the building. Working out well. The stage lift area has duct work under the stage, will require cutting the stage. It is in a tough spot. Kids have emotional behavior issues. Would like to allow a portable to be stored in the storage closet and brought out when needed.

AB- We serve kids with behavioral difficulties. Our kids are impulsive. We have made the building as safe as we can. Our concern is there is potential they could get hurt. Where our stage is, it is a multipurpose room. Can't keep kids away from it.

JB- Remote egress from sides of the stage, stairs. The large vent openings show the size as the duct. In addition the cost of the lift would be \$15,000-20,000 for a portable lift. It would be a two story lift other \$53,000. Will need to pour slab. Stage is not going to be extensively used because of the nature. There will be limited use. Cost and limited benefit as long as portable lift is provided, and safety hazard, would constitute an impractical condition. Asking for relief.

JD - Use of stage. I see a projector, how is the stage used?

AB – Our kids can't handle normal assemblies. Maybe a couple times a year.

JS - It is on the side of the stage. It is 5 ft in front of stage. Might be used for UTube videos.

HR - You are suggesting a portable lift. Do you have a model?

JB- We haven't selected a model yet. Talked to Garaventa. We can provide you with an amount.

HR- Is there a budget?

JB- About \$15,000.

JS- I budgeted around 20,000

AB- Why did June Hailer send letter?

JS- We had no conversations at all.

TH- In 2016 she supported now not in support ramp not done.

JS- You gave us a time variance, waiting for funding. We just received, the contractor ordered it two weeks ago. Aluminum.

TH - That wasn't the boards expectation.

JS – It has a concrete slab.

TH – You should send us the specs.

JS- That is our intent.

TH – Timeframe. I was surprised seeing the email from June this morning.

HR motioned to allow the request for a portable lift to be used with the provisions that the petitioner send info to the AAB staff regarding the ramp to be installed as well as the Guaraventa portable lift. PM seconded, passed unanimously.

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

29) Waters Edge, 364-394, Ocean Ave., Revere C18-002, C18-005
Exhibit – Variance Application, correspondence and associated documents
Mr. Hopkins presented the Variance Application and associated documents
The Board received a letter from Brown and Rudnick saying that they will provide a monthly update. An elevator has passed inspection in each building and is working.

JD motioned to accept the status update. DG seconded, passed unanimously.

30) The colonial Theatre, 106 Boylston Street, Boston, V17-197
Exhibit – Variance Application and amended application associated documents
Mr. Hopkins presented the Variance Application and associated documents.

Handrails AAB 8, 27.4.1 27.4.3, 27.4.2

JD motioned to grant as proposed. DG seconded, HR abstained. Passed

DG - AAB29 upper right photo. Why can't they put an extension on that?

Stair 3 handrails

~~JD motioned to grant as proposed~~
JD withdrew his motion.

It is open to the public. Put extension where you can. It could be painted steel. It is back as house.

AAB 27 looks like they agreed to do the others. Why couldn't you round it? AAB 27 middle? There are three locations that they are extending.

Number 2 on AAB 26. It looks like it extends but not a full 12 inches.

Stair 3 handrails is open to the public and there is an ability to do extensions. Wall side hand rails where possible can be compliant.

If this is the only safe handrail we can reopen the issue of inner rail.

DG motioned to deny on stair 3 wall side handrail, and have petitioner provide a compliant wall side hand rail where possible, and extensions where possible. HR seconded. Passed unanimously.

*DG motioned that AAB does not have jurisdiction on the adjacent alleyway.
JD seconded. Passed unanimously.*

31) 4 Story Building, 328 Newbury Street, Boston, V18-081
Exhibit – Variance Application and associated documents
Mr. Hopkins presented the Variance Application and associated documents.

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

1 and 4, 25.1 and 24.2

JD motioned to grant on items 1 through 4 with conditions (1) that doing the first bullet on aab7 is confirmed and condition (2) approach is as well-lit as possible, condition (3) the ramp has two handrails on both sides, slope is less than 1 in 10 and not less than 36 inches between handrails, intercom policy is provided to board within 30 days. DG seconded, passed unanimously.

27.2 wall handrail

JD motioned to grant. DG seconded, passed unanimously.

28.7

JD motioned to grant with conditions that 1). AAB7 bullet 2 is done, and to insure the door is corrected. DG seconded. Passed unanimously.

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

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the amended Variance Application and associated documents.

We received a tally sheet.

HR – if we were to deny each of them, what would they do and how much would it cost? I would like to see cost of making

HR motioned to deny request 1 through 10 listed on large variance tally sheet. PM seconded, JD opposed. Motion passed.

Not enough specific information provided.

33) The Milton Marketplace, 10 Bassett Street, Milton, V17-153

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

Packet Milton market

Have a submittal.

JD motioned to packet for May 7, 2018 review. PM seconded, passed unanimously.

34) Bedford market Place, 158 B&C Great Road, Bedford, V17-140

Exhibit – Variance Application and associated documents

Mr. Hopkins presented the Variance Application and associated documents.

At a previous hearing the Board issued a decision requiring more material. The hired BFA consultants.

The last package received was on March 30, 2018. Didn't have the full package ready. On April 20th the petitioner wrote saying they are still not ready. Sunday received a huge file.

~~JD motioned to packet for May 21, 2018.~~

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

JD withdrew his motion.

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

35) Zion Church, 757 Broadway, Everett, V17-323

Exhibit – Variance Application and amended application and associated documents

Mr. Hopkins presented the Variance Application amended application and associated documents.

An amendment was submitted. Proposing variances 25.1 for two entrances – front and back.

DG motioned to grant with appropriate signage. JD seconded, passed unanimously.

27.2 winder treads existing.

DG motioned to grant with compliant wall side handrail. JD seconded, passed unanimously.

30.7.1 existing bathroom

DG motioned that no variance required and for the petitioner to contact the Executive Director for more information. JD seconded, passed unanimously.

29.2.1

HR granted on 29.2.1 provided a portable ramp is provided and pictures sent to the board upon installation. JD seconded, passed unanimously.

36) Lown Institute, 221 Longwood Ave Brookline, V18-073 and Brookline Dental V16-333

Exhibit – Variance Application and amended application and associated documents

Mr. Hopkins presented the Variance Application amended application and associated documents.

Under order to install two auto door openers and provide van accessible parking. On April 20, 2018 we received a plan to remodel the front entry. The scope of work has been revised to have a compliant walkway and door.

DG motioned to accept the plan on the condition that door openers are installed on interior and exterior vestibule doors with actuator buttons and van accessible parking is provided and pictures are provided to the Board once completed. JD seconded passed unanimously.

37) Three Story Wood Frame Building, 293 Broadway Street, Methuen, V18-052

Exhibit – Variance Application and amended application and associated documents

Mr. Hopkins presented the Variance Application amended application and associated documents.

Previously reviewed, TH had a meeting with the architect. They sent in an affidavit and colored floor plan that space is not open to the public. First floor will comply, ramp, toilet room, areas of rescue.

PM motioned to accept the affidavit and have petitioner file the affidavit with the registry of deeds. JD seconded, passed unanimously.

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

They are creating rescue assistance area.
Asking for the vestibule size at entry door. 26.7 - only 6 feet deep.

*JD motioned to grant on 26.7 with an automatic door opener provided at vestibule doors.
AB seconded, passed unanimously.*

27 seeking relief on the stairs, treads, risers, handrails.

*HR motioned to deny relief on stair, treads and risers and nosings.
PM seconded, passed unanimously.*

Handrails.

*HR motioned to grant on the condition a compliant wall side handrail is provided.
PM seconded
Passed unanimously.*

38) Hearing

Kiwanis Beach, 99 Kiwanis Beach Road, Upton (C16-114, C17-049, V18-087)

Exhibit #1 AAB 1 – 66

Exhibit #2 Letter from Lynn Haggerty

Exhibit #3 Plan, concept drawing design

Exhibit #4 – Picture of where the fishing pier will be located

Derek Brindisi, Upton Town Manager (DB)

Andrew St. George, Recreation Director (ASG)

Greg Corbo, Town Council (GC)

Lynn Haggart, Resident, Upton, MA (LH)

Scott Ricker, ReliAbilities (SR)

William Joyce (WJ)

All parties have been sworn in by the Chair.

DD, DG, AB, PM, HR

SR – This is a tremendous project. Concerns with Kiwanis Beach, what the town installed railings in front of Ramsey building. Failed to do a second railing for the ramp. Also appeared no access to the fire pit, only grass leading up to it. Also fishing dock. Asking the board to grant time relief to create access to boat dock for 1 year. And also request handrail.

Fire pit is located on a level space.

LH – resident of Upton. Concern is the issue with the gravel parking lot, ramp deviates from original plan. Interested to see what plan is to bring it up? It has been a couple of years now 2015. Trying to understand how to make access easier. I took measurements on ramp. it is not safe. As far as other complaints no plan for access aisle to go on to the field. Don't understand why it took long for handicapped signs to be put in. No van accessible signs. What is the plan to make accessible.

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

WJ – two complaints c16-114 first complaint – pathway from upper parking lot. Also complaints lack of handrails at Ramsey building, and access at Ramsey building. There are a few minor parking issues but main complaint is this walk way. We don't have a plan as to when this will be completed. Steep. Town has not disputed the slopes. Town has started to take steps to resolve walkway. Now that spring is coming around we need to see a plan to resolve.

V17-049 – lack of route to fire pit and fishing dock. AAB 35 34. Ramp to Ramsey building has a handrail on one side and not the other. Have received info that there may be state funding going to the town. A lot of these have been corrected. We didn't order the fire pit to be torn down we want a route.

ASTG- Fire pit moving – we wanted to move it to an accessible route. That is where the miscommunication came. It was a proposed solution we had.

WJ – it is an old complaint, time to talk deadline, variances. We received a letter from Ms. Haggerty,

DD- has there been a site visit.

WJ - No. AAB 15 includes a number of issues

GC – I would like to have MR. St. George go through these and what own is doing to bring into compliance. It is a challenging site. Naturally hilly, woody, level changes. Ramsey built in 1970 and not renovated since. Current administration is faced on how to make site work. There are 4 complaints in front of you today...there are issues with the site. Town can't address all at once. Is the upper parking lot in use?

ASTG- No not to anyone, intent that it will remain this way. Teams cannot use the parking lot. Shut down for the remainder of the season.

CG - what is the plan for work and timing.

ASG – engineering firm redid walkway area. I do not have plans.

DB – CDM did original design. Went on record saying it met AAB regulations maybe 2015 2016. We are going through litigation with them.

DB - CDM built. The board found it was not compliant. Have been working with CDM to make it compliant.

D B - the design is out to bid.

DD - it would be good to get the design information.

DG - Landings. 1 in 12 is a ramp. Will it be a switch back ramp?

ASTG – yes.

PM - Is plan in packet

GC- no it is not.

HR - Any place on ramp would it exceed 8.3%.

ASTG – no it will be compliant.

It will be a switch back.

HR - Upon hearing construction late May is it satisfactory?

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

LH – it will make it more accessible
SR – it would be acceptable.

DD - How many spots in parking lot
SR - 30

DD- How many are accessible?

ASG – None

DB – at bottom at ramp there are two accessible spots.

DD- I would encourage you to put some spots in upper lot.

WJ – it is a gravel lot.

ASG - it is possible it will exceed money. AAB 38 number 22. Were constructed when lot built.

DD- How are you going to direct people to areas?

GC - this might go toward other issues.

HR - What is the access provision to other amenities?

ASG – this area is up a hill and designed to get people to the soccer field.

GC - This parking is for the soccer field. For purposes of counting we considered it one lot.

SR - Upper parking lot, ramp had issues, people who use walker cannot negotiate around parking lot.

HR - there are parking spots that take to soccer there are no other routes to other features.

WJ- The board's jurisdiction on wider route is murky. Wider question of routes, is unclear.

DD - Best interest as a town equity wise.

GC - Look at AAB 15, it might give a better idea. On right hand side is the soccer field. Then dirt area is upper parking. Taken before new upper built. Trees to right of dirt patch is where the new upper lot is built.

GC - on left is baseball diamond, parking lot, building beach. There is no real route that goes in between. There is an entrance to drive in. paved road public. There are HP spots here.

GC - we are seeking a 1 year time variance to assess. Tech infeasible to comply and cost with no benefit. Requires a great deal of work to be compliant. Upper parking lot complaint transition plan to access the usability of the facility. The town is now in process of developing master plan. Tangible things we can do. May be costly, may relocate facilities. The result of the master plan may be that the building goes away. 1 year time is to conduct master plan and then come up with plan.

ASG – Cost AAB 29 in transition plan estimate 15,000 -30,000. Within they did identify that the slope of ramp with 1 rail it exceeds it needs a redesign. Route runs close to fire pit. Would also take into account access to fire pit.

HR - The complaint was made before the transition plan?

ASG - The ramp complaint was brought up first. Cost of upper ramp made us want to identify what else would have to be done.

WJ - Only requesting time 12 months to develop compliance plan. Asking for a year for everything but that and no corrective work in the meantime. AAB 58

HR - A complaint made before transition plan. You are asking for time delay?

ASG – no, the one from the second complaint

WJ – AAB 58.

SR - Missing the other railing on the ramp. Only one on right hand.....

WJ - It is a double on one side and nothing on the other.

HR - Upper parking lot completed late May.

DB – end of May construction start after that. Wrapped by end of June.

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

DG - Give until September.

DG motioned to find in favor of the complaint. C16-114 AB seconded, Passed unanimously.

DG motioned to accept the proposed plan that is out to bid, and have the plaintiff contact the AAB staff to see the drawings for guidance, and completed by September 1, 2018.

HR seconded, passed unanimously.

Time variance –

3 items

Accessible route to fire pit

Route to fishing dock

Handrails to Ramsey's building

Master plan, and come back to us with anticipated time. Amendment to variance request.

SR - I am not happy with this. Would need 50-60 feet to make work.

GC - The handrail is not the only issue. We have issue with slope and cross slope.

DG - We need to get a level out there.

DB - Town meeting is next Thursday.

DD- Anything else that can be appropriated.

LY - Suggestion to reach out to VFW. There has got to be a way, there is a camp 5 days week a lot of programs. Ramp is used.

ASG - programs – service 90- kids per day.

Swim lessons at beach – about 70

Concerts under the pavilion – attendance varies.

Parking lot limits capacity.

GC - How does Ramsey building and ramp factor in?

ASG - We do not use second floor in Ramsey building. Used for bathroom access, and my office is there.

WJ – May be difficult to come to conclusion of ramp. Without measurements.

Maybe good to continue until town can give us measurements.

HR motioned to continue on the ramp to gather more info on a compliant ramp or measurements on the running slope, cross slope, to determine variance, and information to be given to the board by May 4 to be discussed at the next meeting May 7, 2001. Seconded by DG. Passed unanimously.

C17-049 fire pit and dock

GC – we are asking for the same thing.

Exhibit 4 submitted. – picture of where the fishing pier will be.

As part of master plan, is there a way to make compliant, if not is there a way to relocate it.

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

1 year to repair master plan and then come back to the board.

LH AAB35 there is a program associated with this.

DD- Who runs program to utilize the dock?

It is a summer program.

DG - Rowing program CRI

GC – What the town does to include all children. Problem it is having it is kind of a domino effect. Towns view is it should be looked at in a comprehensive way.

ASG – Accessibility issues – if a parent gets in touch with me I would work with them to figure out how to work with them, lift into a kayak ask parent to see the facility. Interactive process.

DG motioned to grant a 1 year variance until May 1, 2019 for master plan specifically for fire pit and dock, in the meantime, the petitioners needs to put together an accommodation plan in writing and on website. AB seconded, HR opposed, passed.

WJ – AAB 34 parking issues should be easy fixes. We appreciate if they get done in a timely manner.

*DG motioned for a board site visit regarding issues related to C16-114.
HR seconded. Passed unanimously.*

DB the town did put money forward to address the issues. We have a five member board appointed

39) Robert F. Kennedy Children Action, 220 Old Common Road, Lancaster V17-274

On 10/30/2017 presented in first review. Reconstruction remodeling. Value listed as N/A but said that 3.3.2 was triggered.

Photos revealed other variances are needed. TH met with architect to confirm jurisdiction. Had a meeting and provided them with sample affidavits in November. 4/12/18 received an amendment – affidavit is appropriate but didn't adjust the application requests.

*DG Motioned to continue for petitioner to have another meeting with the Executive Director.
PM seconded, passed unanimously.*

Adjourned 4:45

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

EXHIBITS

Existing Granit Slabs, 106 Blackstone Street, V18-085
Exhibit – Variance Application and associated documents

Suzuki School, 1615 Beacon Street, V18-086
Exhibit – Variance Application and associated documents

Barnstable High School, Athletic Field, 744 W. Main Street, V18-088
Exhibit – Variance Application and associated documents

Bus Stops, Multiple Locations Boston, Malden, Revere, Boston, V18-089
Exhibit – Variance Application and associated documents

New Residential Complex, 2nd Ave Residences, Needham, V18-090
Exhibit – Variance Application and associated documents

Shared Office Facility, 281 Concord Ave., Cambridge, V18-091
Exhibit – Variance Application and associated documents

Café Sushi, 1105 Mass Ave., Cambridge, V18-092
Exhibit – Variance Application and associated documents

13 Story Mixed Use, 1371 Beacon Street, V18-093
Exhibit – Variance Application and associated documents

Elmwood House, 33 Elmwood Ave., Cambridge, V18-094
Exhibit – Variance Application and associated documents

Lloyd’s Diner, 184 Fountain Street, Framingham, V18-095
Exhibit – Variance Application and associated documents

Eyes on Me Beauty, 63 Jefferson Street, Unit 9, V18-096
Exhibit – Variance Application and associated documents

Macy’s Burlington Mall, 4 Burlington Mall Road, Burlington V18-097
Exhibit – Variance Application and associated documents

Carrot Flower, 703 Centre Street, Jamaica Plain, V18-098
Exhibit – Variance Application and associated documents

The Engine, 497-507 Mass Ave., Cambridge, V18-099
Exhibit – Variance Application and associated documents

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

Boston College Exterior Stairway, Commonwealth Ave. Garage and Ignacio Hall, Newton, V18-100

Exhibit – Variance Application and associated documents

Sidewalk, 31 South Street, Natick, V18-101

Exhibit – Variance Application and associated documents

The Caleb Spooner House, 22 Centre Street, New Bedford, V18-102

Exhibit – Variance Application and associated documents

3 Family Townhouse, 9 Webster Avenue, Boston, V18-103

Exhibit – Variance Application and associated documents

Mass Bay Community College, 50 Oakland Street, Wellesley, V18-104

Exhibit – Variance Application and associated documents

Driscoll Dining Hall, Driscoll Hall Drive, Williamstown, V18-105

Exhibit – Variance Application and associated documents

The Tremont, 1478-1484 Tremont Street, Boston, V18-106

Exhibit – Variance Application and associated documents

Surprenant Building, 670 West Bolyston Street, Worcester V18-107

Exhibit – Variance Application and associated documents

Bedford Market Place, 158 B & C Great Road, Bedford, V17-140

Exhibit – Variance Application and associated documents

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

Exhibit – Variance Application and associated documents

The Colonial Theatre, 106 Boylston Street, Boston, MA , V17-197

Exhibit – Variance Application and associated documents

The Milton marketplace, 10 Bassett Street, Milton, V17-231

Exhibit – Variance Application and associated documents

4 Story Building, 328 Newbury Street, Boston, V18-081

Exhibit – Variance Application and associated documents

The Club Car, 1 Main Street, Nantucket, V18-082

Exhibit – Variance Application and associated documents

Old Reading School House, 52 Sanborn Street, Reading, V18-084

Exhibit – Variance Application and associated documents

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

Robert F. Kennedy Children Action, 220 Old Common Road, Lancaster V17-274
Exhibit – Variance Application and amended application and associated documents

Four Story Mixed Use Building, 10 post Office Square, Boston, V18-021
Exhibit – Variance Application and amended application and associated documents

Zion Church, 757 Broadway, Everett, V17-323
Exhibit – Variance Application and amended application and associated documents

Lown Institute, 221 Longwood Ave Brookline, V18-073 and Brookline Dental V16-333
Exhibit – Variance Application and amended application and associated documents

Three Story Wood Frame Building, 293 Broadway Street, Methuen, V18-052
Exhibit – Variance Application and amended application and associated documents

Exhibit #1 Hearing Package AAB 1 – 20
Exhibit #2 Amendment to V18-021

Hillcrest at St. Mark’s, 400 Columbus Ave., Pittsfield V17-165
Exhibit #1 1-36
Exhibit #2 Email from June Hailer Pittsfield Commission, received 4/23/2018
Exhibit #3 – Picture of stage submitted by John Barry

Kiwanis Beach, 99 Kiwanis Beach Road, Upton (C16-114, C17-049, V18-087)
Exhibit #1 AAB 1 – 66
Exhibit #2 Letter from Lynn Haggerty
Exhibit #3 Plan, concept drawing design
Exhibit #4 – Picture of where the fishing pier will be located