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PROFESSIONAL LICENSURE

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

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ARCHITECTURAL ACCESS BOARD
April 6, 2020 9:00 a.m. – 3:00 p.m.

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Board Members Present:

- Jane Hardin (JH)
- Jeffrey Dougan (JD)
- Andy Bedar (AB)
- Raymond Glazier (RG)
- Patricia Mendez, (PM)
- Harold Rhodes (HR)

Also in Attendance:

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

Board Members not in Attendance:

- Walter White (WW)
- Dawn Guarriello (DG) (DG left after the first case)
- David Johnson (DJ)

JH, AB, PM, HR, JD, RG, DG (DG left after the first case)

JH - The Chair opened the meeting.

Incoming Case Review:

1. Blaisi's Café, 756-762 Adams Street, Dorchester, V20-058

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

28.12.1, 25.1

The petitioner is seeking to use a straight on straight off vertical wheelchair lift. BCIL is in support with conditions. PM recused herself.

28.12.12 RG motioned to grant. JD seconded, motion passed.

Roll call vote AB, JD, RG, DG, HR, motion passed.

DG motioned to continue 25.1 for further information accommodation plan and for them to amend their application. JD seconded, motion passed.

Roll call AB, JD, RG, DG, HR, motion passed.

JD motioned to continue for the petitioner to provide information what it would be to make internal change in level interior route accessible, cost, plan JD seconded, motion passed.

Roll call AB, JD, RG, DG, HR

DG left the meeting.

2. Millbury Junior/Senior High School, 12 Martin Street, Millbury, V20-053

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Seeking relief to use a lift.

RG motioned to grant. JD seconded, PM recused, motion passed.

Roll call AB, JD, RG, HR, motion passed.

3. Vineyard Haven, Montessori School, 286 Main Street, Vineyard haven, V20-054

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeks relief from 28.12.1 to use a lift.

AB motioned to grant. RG seconded, passed unanimously.

Roll call AB, JD, RG, HR, PM, motion passed.

JD motioned to on half bath on second floor. AB seconded

JD withdrew his motion.

JD motioned to order for more information on layout for ADA half bathroom on second floor.

RG seconded, passed unanimously.

Roll call AB, JD, RG, PM, HR, motion passed.

4. Brooks Park Restroom Facility 2, 1 Oak Street, Harwich, V20-055

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Existing wood frame structure. The petitioner is seeking two variances.

The petitioner is seeking relief on toilet rooms– one would comply in the new edition one will not comply.

PM motioned to grant. AB seconded, passed unanimously.

Roll call HR, PM, RG, JD, AB, motion passed.

Front side clearance – one toilet 36”clear one 39”clear.

JD motioned to continue for plans for all the bathrooms. RG seconded, passed unanimously.

Roll call HR, PM, RG, JD, AB, motion passed.

5. The Footlight Club, 7A Eliot Street, Jamaica Plain, V20-056

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking relief from 25.1 for the front entrance.

HR motioned to deny. Motion failed.

JD motioned to grant on the condition of handrails, nosings, all stairs comply, and letter from historic commission. AB seconded.

JD withdrew his motion.

AB motioned to continue for historic commission letter, information on the route, vestibule, and egress, and information on which means of egress is accessible.

JD seconded, passed unanimously.

Roll call HR, PM, RG, JD, AB, motion passed.

6. Sidewalk and Ramps Multiple Streets, Boston, V20-057

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking relief on curb cuts and sidewalks.

#1

JD motioned to grant on the condition where cross slope of furniture zone exceeds 3% some sort of indicator, visual and structural delineation with a different texture. With exclusion of typical tactile strip, no truncated domes. RG seconded, passed unanimously.

Roll call AB, JD, RG, PM, HR, motion passed.

#2 Estrella Street

JD motioned to grant. AB seconded, passed unanimously.

Roll Call HR, PM, RG, JD, AB, motion passed.

#3 Harvard Street – apex

JD motioned no variance is required. RG seconded, passed unanimously.

Roll call, HR, PM, RG, JD, AB, motion passed.

7. Nova Farms, 1137 Worcester Road, Framingham, V20-059

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Existing building converted into a marijuana dispensary.

JD motioned to grant on condition of providing 1 additional accessible space provided where demonstrated best location, and appropriate signage at both points warning of steep slope.

PM seconded, passed unanimously.

Roll call HR, RG, JD, AB, PM, motion passed.

8. Millie's Restaurant, 326 Madaket Road, Nantucket, V20-060

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Petitioner is looking to replace noncompliant wheelchair lift. Platform is narrow.

JD motioned to packet the case and include original variance decision and minutes.

AB seconded, passed unanimously.

Roll call HR, PM, RG, JD, AB, motion passed.

9. Building 313, 100 Talcott Street, Watertown, V20-061

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Work done in three phases. The petitioner is seeking a two year time variance on many sections.

BCIL supports with conditions.

JD motioned to grant until May 1, 2022 with 6 month status reports starting January 2, 2021 indicating project, status of fund raising, what has been completed and review of accommodation policy indicated by BCIL. AB seconded, passed unanimously.

Roll call HR, PM, RG, JD, AB, motion passed.

10. Residence hall, 106-122 Stephen Street, Boston, V20-062

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

30.7.1 and 25.1

Single user toilet room off half and inch

HR motioned to grant. AB seconded, PM abstained, motion passed.

Roll call AB, JD, HR, RG, PM abstained, motion passed.

Residence hall not accessible, no elevator. Seeking relief to maintain non-accessible entrances.

JD motioned to packet. PM seconded, passed unanimously.

Roll call, HR, PM, RG, JD, AB, motion passed.

11. Notre Dame Long Term Care Center, Worcester, V20-063

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Door clearances.

HR motioned to grant on the condition of an accommodation policy is in place that as a reasonable accommodation an automatic door opener is installed as requested by the tenant. And residence are notified of this option

HR withdrew his motion.

JD motioned to grant on the condition that the accommodation policy for the group1 units that would allow to make reasonable request for auto door openers is approved by the board, and deny on group 2b and group 2 have to have auto door openers from the start unless it will be a direct threat or hazard for the tenant.

JD withdrew his motion.

JD motioned to packet. PM seconded, passed unanimously.

Roll call AB, JD, RG, PM, HR, motion passed.

12. Saint Anthony Shrine, 100 Arch Street, Boston, V20-064

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

Petitioner is seeking relief from 25.2 slope at entrance.

HR motioned to grant AB seconded, passed unanimously.

Roll call HR, PM, RG, JD, AB, motion passed.

13. Studio EX Cycle & Fitness, 181 Falmouth Road, Hyannis, V20-065

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

The petitioner is seeking relief from 19.1 no access to second floor of fitness studio.

Will have spin classes on both levels. Have an accommodation policy.

Instructors are circulated between both floors and various times are offered for both rooms.

Spin 45 to be relocated to first floor based on request.

JD motioned to continue for re-draft of the accommodation policy and no unique programing on the second floor or if unique program is on second process of relocating it to the first floor.

RG seconded, passed unanimously.

Roll call AB, JD, RG, PM, HR, motion passed.

Advisory Opinion

14. Clearance from door stop to baffle is 1/8" less than 32" clearance. If the contractor could reduce the baffle would it be acceptable? Dedham Town Hall, 26 Bryant Street, Dedham
Submit a video

*HR motioned find that this does not comply. PM seconded, passed unanimously
Roll call HR, PM, RG, JD, AB, motion passed.*

15. Snow Clearance, 521 CMR 2.6 requirement to maintain access features, Town of Merrimac
Are municipal entities obligated to keep city sidewalks cleared?

*JD motioned that municipal owned sidewalks are required to remove snow to provide accessible route. HR seconded, passed unanimously.
Roll call HR, PM, RG, JD, AB, motion passed*

If town has bylaw abutting property would complaint go to town or owner?

*JD motioned that maintaining is required for business to maintain it.
HR seconded, passed unanimously.
Roll call, AB, PM, RG, JD, HR, motion passed.*

16. Accessible Parking Space, Concord Mobil, 143 Sudbury Road, Concord
Valet parking. Going to add a third row of cars to holding area.

*HR motioned to continue for DG input. PM seconded, passed unanimously.
Roll AB, JD, RG, PM, HR, motion passed.*

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

Administrative Discussion

17. Sigma Alpha Epsilon Fraternity, 6 Humbolt Street, Worcester, V20-042
Exhibit – Variance Application and associated documents, amendment
Mr. Joyce presented the Variance Application and associated documents.
The petitioner is seeks 9 variances.

*JD motioned to continue for items 1 and 2 for information on which doors are impacted, and cost associated. PM seconded, passed unanimously.
Roll call AB, RG, JD, PM, HR, motion passed.*

Item 3 deck/porch

Looks like common space.

*JD motioned to continue for information on if the porch can be raised to be flush. PM seconded,
passed unanimously.
Roll call AB, JD, RG, PM, HR, motion passed.*

Item 4

*JD motioned to grant with appropriate signage. HR seconded, passed unanimously.
Roll Call HR, PM, RG, JD, AB, motion passed.*

Item 5

*JD motioned to continue for items 1 and 2 for information on which doors are impacted, and cost associated. HR seconded, passed unanimously.
Roll call HR, PM, RG, JD, AB, motion passed.*

Item 6

*JD motioned to grant on condition wall side handrails are compliant and continuous.
PM seconded, passed unanimously.
Roll call AB, JD, RG, PM, HR, motion passed.*

Item 7, 8

*JD motioned to grant on the condition of program policy. RG seconded, passed unanimously.
Roll call HR, PM, RG, JD, AB, motion passed.*

Item 9

Does 30" x 52" not 60" still work?

*JD motioned to grant as proposed. HR seconded, passed unanimously.
Roll call AB, JD, RG, PM, HR, motion passed.*

Michael Muehe logged on to the meeting.

The board broke for a 30 minute lunch.

18. Greenfield Garden Cinema, 361 Main Street, Greenfield, V12-089

Exhibit – Variance Application and associated documents, update

Mr. Joyce presented the Variance Application and associated documents, update

Update - construction of lift may be delayed due to COVID 19.

*PM motioned to accept the update. JD seconded, passed unanimously.
Roll call HR, PM, RG, JD, AB, motion passed.*

19. Sidewalk Landings and Slopes at Emerson College New Dining Hall, 122-124 Boylston Street, Boston, V16-285

Exhibit – Variance Application and associated documents, amendment

Mr. Joyce presented the Variance Application and associated documents.

Amendment request on sidewalk project.

#1 Is Not required.

#2 furniture zone 5% slope

*JD motioned to grant on the condition the furniture zone surface to be visually and texturally delineated. RG seconded, passed unanimously.
Roll call HR, PM, RG, JD, AB, motion passed.*

*#3 JD motioned to grant as proposed. AB seconded, passed unanimously.
Roll call AB, JD, RG, PM, HR, motion passed.*

#4

Not required.

20. South Shore Hellenic Church, 811-819 Jerusalem Road, Cohasset, V19-167
Exhibit – Variance Application and associated documents, amendment
Mr. Joyce presented the Variance Application and associated documents.
Received amendment switching from a lift to a LULA.

*PM motioned to grant. RG seconded, passed unanimously.
Roll call HR, PM, RG, JD, AB, motion passed.*

21. 115 Unit Apartment Building, 18-26 Chauncy Street, Cambridge, V19-184
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
The case was previously continued. The petitioner seeking no access due to structural difficulties.

*HR motioned to grant. JD seconded, RG abstained, PM abstained, motion passed.
Roll call PM abstained, JD, HR, RG abstained, AB, motion passed.*

22. Houghton Library, 29 Harvard Yard, Cambridge, V19-243
Exhibit – Variance Application and associated documents, policy
Mr. Joyce presented the Variance Application and associated documents.
Previously requested information and policy.

*RG motioned to accept the policy. PM seconded, passed unanimously.
Roll call HR, PM, RG, JD, AB, motion passed.*

23. Residential Development, 370-380 Harrison Avenue, Boston, V19-284
Exhibit – Variance Application and associated documents, amendment
Mr. Joyce presented the Variance Application and associated documents.
The petitioner sent in an amendment request for group 2 sinks.

*HR motioned to grant with usual conditions and times. JD seconded, passed unanimously.
Roll call AB, JD, RG, PM, HR, motion passed.*

24. Restaurant Space, 100 Federal Street, Boston, V20-032
Exhibit – Variance Application and associated documents
Mr. Joyce presented the Variance Application and associated documents.
There are concerns with the layout.

*PM motioned to have the petitioner explore rotating the lift 90 degrees to have a more direct approach. JD seconded, passed unanimously.
Roll call HR, PM, RG, JD, AB, motion passed.*

25. Dental Park, 21 High Street, Dedham, V20-033
Exhibit – Variance Application and associated documents, requested information
Mr. Joyce presented the Variance Application and associated documents.
Parking space with cross slope issues. The petitioner sent in a cost estimate.

*JD motioned to grant. PM seconded RG and HR abstained. Motion passed.
Roll call AB, JD, RG abstain, PM HR abstained. Motion passed.*

26. Bonita Bar, LLC, 2 Chins Way, Nantucket, V17-109
Exhibit – Variance Application and associated documents, amendment
Mr. Joyce presented the Variance Application and associated documents.
The petitioner amended their application. Expanded into neighboring retail space. Seeking to alter a condition of previous variance that stated no private functions on second floor. Second floor space is being turned into space for private parties on mezzanine level. Can now have private parties on the first floor too.
People need to be aware the only accessible function room is on the first floor.

HR motioned to deny. Motion failed

JD motioned to continue for a very strong accommodation policy and proceeds on how the two spaces will be used and ensure discrimination does not happen. And language on website on hot to rent space. HR seconded, passed unanimously.

Roll call RG, AB, JD, PM, HR, motion passed.

Minutes – March 9, 2020

*PM motioned to table the March 9 2020 minutes. JD seconded, passed unanimously.
Roll call AB, JD, RG, PM, HR, motion passed.*

HR discussed that it is important to keep people informed of the number of complaints and to keep detailed information regarding complaints on the minutes.

Mr. Joyce gave an update and informed the board that there are more than 100 open complaints.

Exhibits

Millbury Junior/Senior High School, 12 Martin Street, Millbury, V20-053

Exhibit – Variance Application and associated documents

Vineyard Haven, Montessori School, 286 Main Street, Vineyard haven, V20-054

Exhibit – Variance Application and associated documents

Brooks Park Restroom Facility 2, 1 Oak Street, Harwich, V20-055

Exhibit – Variance Application and associated documents

The Footlight Club, 7A Eliot Street, Jamaica Plain, V20-056

Exhibit – Variance Application and associated documents

Sidewalk and Ramps Multiple Streets, Boston, V20-057

Exhibit – Variance Application and associated documents

Blaisi's Café, 756-762 Adams Street, Dorchester, V20-058

Exhibit – Variance Application and associated documents

Nova Farms, 1137 Worcester Road, Framingham, V20-059

Exhibit – Variance Application and associated documents

Millie's Restaurant, 326 Madaket Road, Nantucket, V20-060

Exhibit – Variance Application and associated documents

Building 313, 100 Talcott Street, Watertown, V20-061

Exhibit – Variance Application and associated documents

Residence hall, 106-122 Stephen Street, Boston, V20-062

Exhibit – Variance Application and associated documents

Notre Dame Long Term Care Center, Worcester, V20-063

Exhibit – Variance Application and associated documents

Saint Anthony Shrine, 100 Arch Street, Boston, V20-064

Exhibit – Variance Application and associated documents

Studio EX Cycle & Fitness, 181 Falmouth Road, Hyannis, V20-065

Exhibit – Variance Application and associated documents

Greenfield Garden Cinema, 361 Main Street, Greenfield, V12-089

Exhibit – Variance Application and associated documents, update

Sidewalk Landings and Slopes at Emerson College New Dining Hall, 122-124 Boylston Street, Boston, V16-285

Exhibit – Variance Application and associated documents

Bonita Bar, LLC, 2 Chins Way, Nantucket, V17-109

Exhibit – Variance Application and associated documents, amendment

South Shore Hellenic Church, 811-819 Jerusalem Road, Cohasset, V19-167

Exhibit – Variance Application and associated documents, amendment

115 Unit Apartment Building, 18-26 Chauncy Street, Cambridge, V19-184

Exhibit – Variance Application and associated documents

Houghton Library, 29 Harvard Yard, Cambridge, V19-243

Exhibit – Variance Application and associated documents, policy

Residential Development, 370-380 Harrison Avenue, Boston, V19-284

Exhibit – Variance Application and associated documents, amendment

Restaurant Space, 100 Federal Street, Boston, V20-032

Exhibit – Variance Application and associated documents

Dental Park, 21 High Street, Dedham, V20-033

Exhibit – Variance Application and associated documents, cost study

Sigma Alpha Epsilon Fraternity, 6 Humbolt Street, Worcester, V20-042

Exhibit – Variance Application and associated documents, amendment

Accessible Parking Space, Concord Mobil, 143 Sudbury Road, Concord

Exhibit - Advisory opinion

Dedham Town Hall, 26 Bryant Street, Dedham

Snow Clearance, 521 CMR 2.6 requirement to maintain access features, Town of Merrimac

Exhibit – Advisory opinion