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

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

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

**THOMAS HOPKINS**  
EXECUTIVE DIRECTOR

Draft Board Meeting Minutes – June 4, 2018 9:00 a.m.  
One Ashburton Place, 21st Floor, Conference Room 3

**Present Board Members:**

- Walter White (WW)
- Andrew Bedar (AB)
- Jeff Dougan Massachusetts Office on Disability (JD)
- Ray Glazier (RG)
- Dawn Guarriello (DG)
- Jane Hardin (JH)
- Harold Rhodes (HR)

**Board Members Not in Attendance:**

- Patricia Mendez, (PM)
- David Johnson (DJ)

**Also in Attendance:**

- John High, Assistant Legal Counsel (JH)
- William Joyce, Compliance Officer (WJ)
- Karen Brann, Program Coordinator/Clerk for the Board (KB)

**Board Members in Attendance:**

WW – HR, AB, JH, JD

- Meeting began approximately 9:00 a.m.

**Incoming Case Review:**

1) Micro Unit, City Hall Plaza, Boston, C18-018

Exhibit – Variance Application and associated documents

Mr. Joyce presented the Variance Application and associated documents.

There was another micro unit put up on City Hall Plaza. It was on City Hall Plaza for a week. Everything the construct on City Hall Plaza is non-compliant. Received a letter they are putting in a new policy about renting on City Hall Plaza.

DG Arrived

This is an ongoing problem. Your thoughts on how we should proceed. This is a final draft of the policy.

Who signs off on the policy? WJ – Commission on disability. We will keep a close eye on City Hall Plaza. It could become a big case if they don't comply. The surface material is a problem.

*HR motioned for the staff keep the Board informed regarding issues on City Hall Plaza.  
JH seconded. Passed unanimously.*

2) Little Ethiopia Restaurant and Bar, 245 Elm Street, Somerville, V18-152

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Renovation of a 120 unit, 3 story building. Ground floor and basement turning into a restaurant.

Full compliance. 28.1 proposing use of vertical wheel chair lift.

They didn't include much info on the common areas.

Two floors. Who is the second floor tenant? We can clarify this.

Would like a report back 90 days.

If the tenant needs access? It is a partial application.

*HR motioned to grant the use of a wheelchair lift, on the condition the Board is notified within 90 days of common space implications and who the tenant is, and the Board is notified of when lift is installed and in operation. DG seconded, passed unanimously.*

3) Capital Carpet, FJ Roberts Sports flooring, 64 Industrial Way, Wilmington, V18-156

Exhibit – Variance Application and associated documents

Mr. High and Mr. Joyce presented the Variance Application and associated documents.

Addition of an office onto a warehouse facility, full compliance triggered. Several feet above ground. Requesting no access to the addition. Propose a policy that any client requiring access will meet in another room.

HR – accommodation policy, training, signage. Door opener? The main door is compliant. No reason to think that it isn't.

*HR motioned to grant with the conditions that there is an accommodation policy, training for employees, appropriate signage. AB seconded, passed unanimously.*

4) Suffolk County Courthouse, 3 Pemberton Square, Boston, V18-157

Exhibit – Variance Application and associated documents

Mr. High and JW presented the Variance Application and associated documents.

Renovation of courthouse, 3.3.1b jurisdiction, variance landing and handrails on a ramp. Ramp used to transport prisoners and jury (sally port) landing is only 30 inches 40 inches at top.

Possible loss of parking if relocating ramp. Rise is less than three inches.

Asking for an exemption of the handrail requirement.

JH - Do they have a timeline?

DG –Do they have the push pull?

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

They haven't triggered anything else.

*DG motioned to grant. JD seconded, RD abstained, motion passed.*

Executive Session, Discussion of Pending Litigation - Closed Session pursuant to M.G.L. c. 30A, § 21

*JH motioned to go into Executive Session, HR seconded.*

*Roll call of members.*

*JD motioned to exit executive session. JH seconded, passed*

*Roll call of members.*

5) Minuteman Regional Vocational Technical School District, 758 Marrett Road, Lexington, V18-169

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

New construction medical lab. Variable stage structure that is unique. Asking for relief from distributing accessible seating. Some involve slopes. Looking to cluster at the top of the seating area. The seating area is on hydraulic lifts. Some are not meeting distributional requirement. Upper level and seating level. Is the viewing diminished? Depending on some of the layouts, the overall view would be equal.

Condition stairs and ramps fully comply.

Configuration on G.

Dimensions of ramp.

Only asking on the distribution

*JD motioned to grant with the condition of confirming the stairs are compliant and the ramp on Plan G are compliant. JH seconded, passed unanimously.*

6) Saint Anthony Hall, Williams College, 1065 Main Street, Williamstown, V18-158

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Renovation of historic dorm at Williams College. Requesting 8 variances.

*JD motioned for packet for next meeting. JH seconded, passed unanimously.*

7) Daycare, 215-219 Prospect Street, Cambridge, V18-159

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Two variances. Deficiencies on application. 30.14.2 and children toilet.

*JD Motioned to continue and ask for more information on variance request.*

*DG second, passed unanimously.*

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

8) Linden Industrial Center, 71 Linden Street, Lynn, V18-166

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Doggie daycare on second floor. Requesting not to provide an elevator. They will do curb side check in for pets. Written policy, training and signage.

No cost estimate for lift of LULA.

*JD motioned to continue for info regarding cost for lift or LULA, as well as accommodation policy. RG seconded, passed unanimously.*

9) Elements Cigar, 427-429 Broadway, Everett, V18-163

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Cigar bar on back side of existing building. Ramp requirements, proposing adding signage on accessible entrance and make it main entrance. Making two single user toilets.

It would require a very big ramp. What is the distance to go around the front and enter the cigar bar? Proposing signage, lighting in the ally.

JH is there a drop off?

*JH motioned to grant on the condition the information on entering the building is on website, and the signage that they are proposing is done. JD seconded, HR opposed, passed.*

10) 4 Story Mixed Use, 632-638 Centre Street, Jamaica Plain, V18-164

Exhibit – Variance Application and associated documents

Mr. High and Mr. Joyce presented the Variance Application and associated documents.

Construction on mixed use building. Existing build being knocked down. 2.2 route to roof deck.

Don't have a head house for the elevator. Doesn't go to the roof deck. Michael Muehe is opposed. The roof deck is for the tenants

*JD motioned to deny. JH seconded, passed unanimously.*

11) Harborview Restaurant, 235 Ocean Street, Hyannis V18-165

Exhibit – Variance Application and associated documents

Mr. High and Mr. Joyce presented the Variance Application and associated documents.

We don't have jurisdiction. Inspector based it on change in use. We discovered it was a private club. Already open to the public as a restaurant space before.

*JD motioned that no variance is required. JH seconded, passed unanimously.*

12) Play Sink, 171 Goddard Avenue, Brookline, V18-167

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

School requesting two variances 12.2.2b reading area, 12.2.2c knee clearance. Knee space at play sink. The new regulations have parallel approach to play tables.

Jurisdiction is work performed. It is a sink.

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

*JD motioned to continue for more information and for the petitioner to have a discussion with the Board's staff. HR seconded, passed unanimously.*

11:00 – Grosvenor Park Health Center, 7 Loring Hills Avenue, Salem (C17-065) - Complaint Hearing

Exhibit #1 – Hearing Package AAB 1- 19

George Karmara (GK)–ILCNSCA

Deborah Barber (DB) ILCNSCA

William Joyce, AAB Compliance Officer

The parties were sworn in by the Chair.

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

DB – I am representing the independent living center. The complaint was filed by Shawn McDuff He has since passed away. The door at the entrance of the facility is too heavy to open and operate. No automatic door opener. I observed a PCA and a woman in a wheel chair entering with difficulty. It should only be 15 lbs, it is 50 lbs. Nursing and rehab center.

WW – have you spoken to them?

DB – I have not yet.

JW - We sent out first and second notice. They have ignored us a fine hearing is appropriate.

JD - What is the interior door pressure?

DB - I don't know.

JD - The interior is probably over 8 lbs if we can verify that as required when built.

JW – If they have to adjust they will have to adjust to 5 lbs. this would be covered under work performed.

JD – Has anyone called them.

JW- We have receipt of the certified mail.

*HR motioned to find in favor of the complainant. JH seconded, passed unanimously.*

*HR motioned to schedule a fine hearing. DG seconded, JH abstained, motion passed.*

*DJ Motioned to ask the Building Inspector to measure the pressure and talk to management of the building to see if it can be resolved. JH seconded, passed unanimously.*

13) Weston Public Library, 356 Boston Post Road, Weston, V18-168

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Renovation of library. Three variances on entrance. 26.4, 26.5 26.6.1.

3.3.1b work completed. Front entrance has two double doors only 30 inches. There is also an issue with the area in front of doors. Issue with stone in front of doors. Planning on auto door openers. There is a compliant entrance in back. Parking in back.

*HR motioned to grant all three variance requests as proposed. JH seconded, RG abstained. Motion passed.*

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

14) Showroom, 28 North Main Street, Sherborn, V18-170

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Renovation of existing wood structure. 3.3.2. seeking access for the front of building no public sidewalk. Ramp in back. Parking in back.

25.1 full relief on the entrance. They are also calling it an employee entrance.

*JD motioned to grant on the condition they have better, permanent directional signage than what they currently have and the information is on their website. JH seconded, passed unanimously.*

15) South Egremont School House, 42 Main Street, Egremont, V18-171

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Renovation of school house. Full compliance. Need additional information.

*JH motioned to continue for more information. JH seconded, passed unanimously.*

16) Cathedral of the Holy Cross, 1400 Washington Street, Boston, V18-172

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Renovation, full compliance. Seeking 12 variances.

*JD motioned to packet. DG seconded, passed unanimously*

17) Haymarket Hotel, 99 Blackstone Street, Central Artery, Parcel 9, Boston, V18-173

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Renovation of new hotel, two variances entrance and use of elevator lift in restaurant.

Entrance from ramp requirement. Limited sidewalk space. Asking to use a lift or LULA in place of a ramp. There are other accessible entrances. Second request in restaurant space, restaurant then terrace area, they want to use a LULA

*JD motioned to grant as proposed on both variances. JH seconded, passed unanimously.*

18) Harbor View Hotel, 131 North Water Street, Edgertown, V18-174

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Renovation of hotel complex. Seeking 6 variances.

*JD motioned to packet. DG seconded, passed unanimously.*

19) Wellesley College, 106 Central Street, Wellesley, V18- 175

Exhibit – Variance Application and associated documents

June 4, 2018

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

Mr. High presented the Variance Application and associated documents.  
Renovation of science complex. 9 variances.

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

Administrative Discussion:

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

Exhibit – Variance Application and associated documents

Mr. High and Mr. Joyce presented the Variance Application and associated documents.

There is a hearing upcoming on this case. Karen Dempsey and David Corriera wants to block use of the pool until the case is heard. July 16, 2018 hearing.

DJ is there a way for someone to use the pool if they need accessibility.

JW - There is a slope. It appears that they are attempting to comply.

*JD motioned with respect to the Commissions input, the Board doesn't feel there is a warrant to issue a cease and desist order on the pool. DG seconded, passed unanimously.*

WW – left the room

21) New Residential Building, 79-83 Gardner Street, Allston, V18-067

Exhibit – Variance Application and associated documents

Mr. High and Mr. Joyce presented the Variance Application and associated documents.

Continued for more information.

Vertical clearance at van space.

JD – Do they have any exterior parking?

JW – Don't believe so, this is assigned parking.

WW came back.

Modified vans might not be able to park there. Very few vehicles will be high enough to hit the ceiling. Are we going to require a van accessible spot?

#1

*JD motioned to grant on the condition there is signage and information on height notification on website. JH seconded, passed unanimously.*

#2

26.7 two doors in series.

Don't have 48 inches past the swing. Both swing in the same direction. Swing takes up most of the vestibule.

Door can be used as an entrance, it is a secondary entrance.

*HR motioned to grant. HR seconded, passed unanimously.*

3#

Handrail at stair at historic entrance.

Proposing to put handrail to go to newel

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

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

22) Kiwanis Beach, Town of Upton Recreation Facility, 99 Kiwanis Beach Road, V18-087

Exhibit – Variance Application and associated documents

Mr. High and Mr. Joyce presented the Variance Application and associated documents.

Previously we asked for the slope of the ramp. Gave drawing with slope and cross slope all the way up.

JD abstained from voting.

We granted them time relief of 1 year on their other requests. Didn't know the measurements so the Board voted to continue.

*HR motioned to grant a 1 year time variance from date of previous order. JH seconded, JD abstained. Motion passed.*

23) Eyes on Me Beauty, 63 Jefferson Street, Unit 9, Winthrop, V18-096

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

The Board previously voted to grant and wanted to see a written accommodation plan.

Can't offer all services remotely.

*HR motioned to have the staff contact the petitioner for more information.  
JH seconded, passed unanimously.*

1:00 - Chicopee City Hall Main Building and City Hall Annex, 17 Springfield St and 274 Front Street, Chicopee (V18-015)

EXHIBIT #1 – Hearing Package AAB 1-38

EXHIBIT #2 – Gallery page- product images and examples

EXHIBIT #3 - Floor diagram Retirement Office

Don Contois, (DCRW Sullivan, Consultant

Debbi Gottlieb.....Dietz and company architect

Lee Pouliot, (LP) City of Chicopee, Project Owner

The parties were sworn in by the Chair.

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

DC – There are seven items to be reconsidered that were previously denied. We are working to improve the accessibility throughout the building.

26.5 - First item West Entrance double doors. Intended for emergency egress only. Requesting to reconsider requiring door openers on the pairs of doors flanking the compliant center pair of doors.

DG – Do the 30 inch doors have hardware?

DC- These are at the top of West Stairs. Not along the accessible route.

DG – Talking a width issue.

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



HR – What would be the alternative if I can't use these doors?

DC- .....

RG – Hardware on both interior and exterior of the door. Why can't they be blocked, are they locked from entering.

LP – Yes they are locked from.....

JD - Is there directional signage?

DC - Yes, we will make sure it is clear.

*HR motioned to grant on the condition there is appropriate signage.*

*JH seconded, passed unanimously.*

#2 26.5

Part of granting previous variance, can add signage on door saying door is to remain open at all times the office is open.

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

#3 30.8

Folding grab bars in toilet rooms

Requesting the reconsideration of the denial based on the city's opinion that the additional fold down grab bars would make the toilet rooms more usable for persons with disabilities.

HR - What is the problem you are solving with the grab bars?

LP – No real problem. They seem reasonable to help people.

JD - I can understand why you may want them. Do you have anything showing it is an alternative design? The feds cover all 50 states and they haven't changed it since the 91 standards. Not sure I am ready to change what we originally have.

AB – Does the grab bar fold up against the wall?

DG – On AAB 18, it swings from down to up.

HR – should they withdraw?

*JD motioned to maintain previous decision. DG seconded, passed unanimously.*

#4 7.2.1 Counters in various offices.

We are requesting consideration of the denial. The folding counters will be installed on the face of the existing counters.

Introduced exhibit 2

WW- How long have the existing counters been there?

LP – They are probably the originals. I don't consider them historic.

HR – Will these be put in each office?

Deb G. - Correct.

HR – Where in the retirement office will it be?

DC – It would be integrated into the counter. The intent is to be in the most advantageous place.

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

HR – I think in offices putting another item that takes up room, makes turning difficult.  
Deb G – What we were planning on doing a surface mounted  
DG - What is the counter used for?  
LP - that is what happens now. A staff person would come around and deal with transaction.  
With this it will be used in both capacities. Will allow the individual space.  
DC - There are some counters that people can reach over some, they have to come around.  
LP – We would train staff how to open it.  
JD - Do we know the cost of all counters?  
DEB G – Not in the package. Some of the counters are not like the retirement office. Casework  
would require modifying finishes, reg. \$7,000 up to 20,000 per location.  
JD - Is there a weight limit when people lean on it?  
Deb G- The other option, a case that flips down couldn't lean on it. Tried to find more of a  
heavy duty item.  
JD – pg 33 The counter in the City Collectors office, is that a lowered counter?  
DC- Not sure the height of narrow shorter white counter.

*JD motioned that all the items related to 7.2.1 on page 5, motioned to grant. JH seconded,  
passed unanimously.*

#5 27.2 Main building west entrance stairs.

DC – All about 3/8". Will be modified to me made uniform. Cost estimate 200,000.

WW- These were exterior stairs? Were they built this way?

DC - Correct

LP - These are not the original stair.

Deb G - The old stairs didn't have landings.

JD - Page 4 we granted something to do with handrails

DC- 27.4.3, 24.5 granted

DG – AAB 31 I don't see extensions.

DC - That is going to be rectified. Doing grade work.

WW – Can you post a caution sign?

LP – That won't be a problem.

*JD motioned to grant on the condition there is signage indicating stair height and to use caution,  
also that the Board is given an as built diagram. RG seconded, passed unanimously.*

6.3 – Turning space in retirement office

DC- We can accommodate people at the wide end of the counter.

DG - Did you get a variance at the push side of the door?

HR - This door will be open all the time while the office is open.

HR - What are the inside dimensions of the room?

Deb G – 15-16 x 20-25

Entered Exhibit #3 - Floor diagram

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

*RG motioned to grant with the condition that turning radius will remain clear. JD seconded, passed unanimously.*

24) Carrot Flower, 703 Centre Street, Jamaica Plain, V18-098

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Previously denied. Smoothie shop. When denied, the Board asked the petitioner to send in a plan showing grade of potential ramp. They sent in the drawings. 32% slope if put in a ramp. They are requesting for the Board to reconsider its previous variance. They will install a buzzer menu board. DG – Is the menu board covered?

DG – Do they have online ordering?

~~JD motioned to grant on condition a buzzer menu board is provided, and to the best of their ability provide overhead protection~~

JD withdrew motion.

*JD motioned to grant on the condition a buzzer menu board is provided in lieu of the landing scenario. RG seconded, passed unanimously.*

Advisory opinion

25) Elizabeth Stone House, Roxbury

Front Entry of New Building – Kitty Ryan, The Narrow Gate

20.2 – accessible route coincide to route with general public.

*JD motioned that for this scenario, the route coincides with that of the route with the general public. JH seconded, passed unanimously.*

2:00 – Hingham Congregational Church, 378 Main Street, Hingham, MA V16 - 220 Variance Review Hearing

EXHIBIT #1 – Hearing Package AAB 1 – 125

EXHIBIT #2 – ADA Compliance Report 2017

EXHIBIT #3 – ADA Compliance Report – January 1 – May 26, 2018

Kathi Blair (KB), Chairperson Building Commission

Bruce Blair, (BB) Finance Committee

The parties were sworn in by the chair.

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

BB- We were not aware of Bill Shines letter.

BB- We thought we were here because our reports were late.

KB – When we decided to do a major undertaking, build in 1847, 120 giving families. Our elevator was not working. Our intention was to bring it up to code in every way. We wanted to

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

be able to present an accessible church. My niece is in a wheelchair, there are many aging people. Our intent was to create an accessible church. Old foundation. We have a ramp in the front now. We set out to raise 2.8 million to upgrade everything. Summer of 2016 broke ground, had to move the elevator, found there is a river under the church. Had to find ways to fix and put in the elevator. Became technically infeasible to do so. Moved forward and asked for a variance. To get to the basement by elevator pretty much impossible. We received the variance. Some people conducted services to the community. We were asked to comply and submitted reports. I was late on the first one, there are two reports I sent to Tom Hopkins. AAB on 4/24 I sent an email and second one was May 24.

BB- May 2017 variance was granted required us to send reports twice a year on the number of people requesting help. We are not the design professionals to respond to.

They were not informed of Bills shines letter.

JD - This is going to have to go back to staff to have a follow up conversation.

AAB 86 refers to the time variance.

BB – I think we are ok on the progress reports

Second is.....

Third is the time variance on the lower level.

KB- I am looking through the pictures

*JD motioned to accept their current report status Exhibit 2 and 3.*

*JH seconded, passed unanimously.*

WJ -Handrail violations and access aisle on parking space.

HR - Bill Shine should file complaints.

WW- Will have to wait until tom gets back and can give us information.

BB - With clarification we can give feedback.

*JD motion to continue for staff to gather more information regarding Will Shines letter and any additional information that is needed. JH seconded, passed unanimously.*

26) Foster Hospital for Small animals, 55 Willard Street, North Grafton, V18-140

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Item 1, P3 24.4.7

*JD motioned to grant on item 1, 24.4.7. JH seconded. RG abstained. Motion passed.*

#2 12.2.2

*JD motioned to grant on item 2, 12.2.2 . HR seconded, RG abstained.*

#3

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

*JD motioned to grant with the condition of an automatic door opener.  
JH, RG abstain. Motion Passed*

#4 23.7.3

*JD motioned to deny on item 4, 23.7.3. HR seconded, RG abstained. Motion passed.*

#5

21.2.1

*JD motioned to deny on item 5, 21.2.1. AB seconded, RG abstained.*

#6

*JD motioned to deny on item 6 and we would consider it not accessible even with the binder. HR seconded, RG abstained.*

27) CitizenM Hotel, 70 Causeway Street, Boston, V18-135

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

*JD motioned to grant as proposed on all requests 44.6, 44.6.2b, 44.6.2e, 31.7.5a. DG seconded, RG abstained, motion passed.*

28) MIT Kendall Square, 165 Main Street, Cambridge, V18-134

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Requesting seven variances.

P 8

*JD motioned to grant on all requests, as proposed. DG seconded, passed unanimously.*

29) Tewehado Church of Boston, 24 Maywood Street, Roxbury, V17-115

Exhibit – Variance Application and associated documents

Mr. High and Mr. Joyce presented the Variance Application and associated documents.

Asking for relief to provide no access to alter. 14.6. it is a holy area to be accessed by clergy only.

Have a letter of opposition from BCIL. There was also a second issue about ramps. TH met with them. Not sure of the outcome of that meeting.

WW left the room.

JH that area is not open to the public. It is only for holy people. They use the terms that clergy will be mentally and physically able.

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*HR motioned to continue until we get clarification from Executive Director Hopkins. AB seconded, passed unanimously*

WW came back to the room.

30) Fitness Facility, 85 Union Street, North Adams, V18-181  
Exhibit – Variance Application and associated documents  
Mr. High and Mr. Joyce presented the Variance Application and associated documents.  
The petitioner requested to waive the 2 week waiting period.

*JD motioned to waive the 2 week waiting period. RG seconded, passed unanimously.*

The petitioner is asking for a time variance while elevator is being installed.

*JD motioned to grant the time variance until September 1, 2018 with pictures of the elevator once it is installed. AB seconded, passed unanimously.*

AB left for the day.

31) Quaker Lane, Boston V18-180  
The petitioner requested to waive the two week waiting period.

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

Turning the area into a large common plaza. They are seeking many variance requests.

*JH motioned to packet for the next meeting. DG seconded, passed unanimously.*

### Hearings

3:00 - McDonald House, 270-276 Main Street, Marlborough (V18-124) - Variance Hearing  
EXHIBIT #1 AAB 1- 44  
EXHIBIT #2 Photos of the front of 270-276 Main Street, Marlborough  
EXHIBIT #3 Close up photos of the front of 270-276 Main Street, Marlborough  
Paul Griffin (PG) Owner/Trustee  
Ron Melucci (RM) Co-consultant  
Debra McManus (DM) Marlborough Commission on Disability  
Jeffrey Cooke (JC) City of Marlborough  
Rebecca McManus (RM) Commission on Disability  
The parties were sworn in by the Chair.

DG, HR, JH, WW, JD, RG

RM – Appeal request. This is the McDonald Hotel, it is a boarding house. Repairs are being considered due to water damage. We prepared an analysis of cash value and 100 percent compliance is required. Primary concern is elevator access to sleeping units on upper floors.

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Administrative Discussion and Incoming Case Review occurs throughout the course of the day.  
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Cost estimates were submitted in the neighborhood of 1 million. To put elevator on back of the building. Additional elements being requested, entrances to ground level to store fronts, public toilet rooms. Concern is upper toilet room. Some stair modifications for handrails proposing to preform work with the exception of one on the narrow stairs.

Concerns on elevator on the back of the building. AAB 15.

JD - It would fall under section 8 not 9.

DG - The ask would be 8.4 not 9.4

Submitted additional pictures as exhibit #2

RM – the larger units are on the lower level. The 2B units could be on the lower level.

The cost estimates we looked at elevator access three levels. Basement level.....third level up. Still looking at three levels.

DG – on 19 you can see it.

RM – we want to talk about the conditions of the variance. The excessive cost without benefit.

We are not going to argue the cost part, it is document. The other concern is the correct work cost. It would be an increase in the rents. It is low income housing and price people out. We also talk about the steep slope from Main Street to the back of the building.

Do you have cost of the elevator?

P18

Mr. Griffin calculated rent increase. Rents would increase by 65%. Have calculations that were not submitted.

DG - You don't want to provide elevator, accessible units, handrails.

RM - The handrails will be corrected except for one.

DG - Are there people there now?

RM – No because of the fire.

PG – No money.....

DM -Commission would like to see an elevator on the 3<sup>rd</sup> level for accessibility on that level.

HR – If you wanted to put three group 2 in .....how would you do it?

RM - Conversion of the units would be simple.

RM – Elevator is the substantial cost.

HR – what is the cost for a fully functional elevator?

RM - 600,000

RM – AAB 14 and 24. We did look at the possibility of providing wheelchair lift.

HR – Would it be possible to have stairs up to the third floor.

RM - I guess it is possible

HR - Could there be a front or back entrance that is accessible?

PG –There is not place in front to do it. If you would do it there is only one section of the building to make the connector on the floor. We would have to relocate utilities. The concern we have that people who need accessibility would have to drive to back. Slope on sidewalk is too steep.

HR – accessible entrance.....

DM – I could live with that.

PM - The only restriction of difficulty is wheelchair.

June 4, 2018

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

JH – In terms of other housing, are you aware of any?

DM – it is very limited. Waiting for section 8 is extremely long. Next door elderly housing that has a long wait. Housing in Marlborough is very tight. They mention a men's homeless shelter, homes for psychological illness. What Mr. Rhodes offered is better than nothing.

PG – The hospital calls and we try to accommodate.

WW – Are you planning on making accessibility on the first floor?

RM - if it was deemed elevator infeasible these other corrective work would be unnecessary.

If.....

WW – Usually forgo the elevator and put units on first floor. But the first floor is the third floor

PG – We don't require phones. We will make things accessible. I have expanded the bathrooms. I am willing to work with anyone to tell us the right thing to do.

JD - Does this property provide a profit or loss?

PG – Have tried to sell, not profitable enough to sell. I wasn't prepared for the drug war. Try not to take anyone with drugs or problems. We told the people they can't come back.

The losses of people not paying rent, they are furnished units. We work with the board of health. Carpets had to be thrown out and put in tile.

JD - Is this something we can consider for a time variance? 5 year or 10 year something to that effect. Would we entertain a time variance?

PG – Because of emergency stairway, if did elevator upgrade, .....

PG - If you put an elevator in, in my opinion the cost of getting it to .....might as well put in two more floors.

DG – Jeff I was thinking along the lines of this use only.

PG – We raise the rent 5 or 10 dollars not 80.

HR - Three 2b units on the third floor and then improvements that wouldn't necessitate increase in rent, it would be habitable, not totally accessible. Come back with the goal of establishing 3 group 2b rooms and other issues that can be done.

RM - Are we talking about 3 2b units that will be fully wheelchair accessible?

The three units would only be on that floor.

JD – AAB 28 – upper right hand side is that the first floor.

JD – Three of them will be 2b compliant.

PG – we can put a laundry unit.

JD will be granting variance on the top floors on the issue that the first floor bathroom and laundry be compliant.

*HR motioned to continue with the request that petitioner comes back with a plan for 3 group 2b units and all other accessible items be made accessible and variances are requested that are required, and come back no later by June 28, 2018. Also a report on the storefront accessibility by June 28, 2018. Also a discussion with the board's staff to review the report*

*JD seconded. Passed unanimously.*

JC – Building commissioner. Page 6 letter dated April 12. Vs 30-32pg. The building app show more work being done on those floors. He was in process of one of the bathrooms was getting renovated. There is sight and hearing impaired. I would like to talk about the front entrance.

DG – Any entrance into first floor units will need to be compliant. Do you have a current permit?

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



JC – Depending on what the board says.

PG – What we have been doing is mitigating water damage. I want to fix potential hazards now.

JD - Do you own any other properties?

PG – Yes. All are single family single condos. Two family.no other similar.

RG – Where did the people go with the fire?

PG- Family friends, relatives, housing that cost more.

JC- The business on the front floor.

Enter Exhibit #2

PG – The only problem with the store is the step coming in.

JC- There is a slight grade. The sidewalk is 11 feet wide, mayor, engineering and legal are in agreement .....we can use ramps. City is willing to license sidewalk. Would make businesses accessible. The market wants to turn into a restaurant.

WW – Mr. Griffin would you be willing to work with the city?

PG - yes.

Reports on the store front accessibility by June 28<sup>th</sup>.

DM - What if they have an existing public toilet that they are renovating?

WW - We look at the plumbing code and if they require it we require it.

JC- I ran into problems with the hairdressing people.

PG – We will look at it. They are on a lease. Will have to take some space to happen.

### Advisory Opinion

- Water Closet Controls in Public Toilet Rooms - Matthew Brooks, Tise Design Exhibit – Advisory opinion and associated documents

Mr. High and Mr. Joyce presented the advisory opinion and associated documents.

Submission is a new type of toilet. They have a questions on the controls.

The size of the toilet is a concern. It has an in wall tank. Controls are a button in the center, could be on the side. Because the toilet is set back transferring is bad.

Does this comply?

JD - We need to consider a minimum outward depth in new regulations.

*JD motioned that as the regulations don't state a stand out from the wall depth, we don't feel this complies with the current regulations. DG seconded.*

32) Mixed use 519 Western Ave., Lynn,

Previously voted to deny. We received additional information.

June 4, 2018

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

*HR motioned to grant with the condition of an accessible aisle at the entrance and with accessible signage. JH seconded, RG abstained. Passed unanimously.*

Vote on minutes from the May 21, 2018 meeting.

*HR motioned to accept the minutes from the May 21, 2018 meeting with the correction on item 40. DG seconded. Passed unanimously.*

Matters not reasonably anticipated 48 hours in advance of meeting.

Adjourn 5:00 p.m.

### EXHIBITS

Micro Unit, City Hall Plaza, Boston, C18-018

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Little Ethiopia Restaurant and Bar, 245 Elm Street, Somerville, V18-152

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Capital Carpet, FJ Roberts Sports flooring, 64 Industrial Way, Wilmington, V18-156

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Suffolk County Courthouse, 3 Pemberton Square, Boston, V18-157

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Saint Anthony Hall, Williams College, 1065 Main Street, Williamstown, V18-158

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Daycare, 215-219 Prospect Street, Cambridge, V18-159

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Linden Industrial Center, 71 Linden Street, Lynn, V18-166

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Elements Cigar, 427-429 Broadway, Everett, V18-163

Exhibit – Variance Application and associated documents

June 4, 2018

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

Mr. High presented the Variance Application and associated documents.

4 Story Mixed Use, 632-638 Centre Street, Jamaica Plain, V18-164

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Harborview Restaurant, 235 Ocean Street, Hyannis V18-165

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Play Sink, 171 Goddard Avenue, Brookline, V18-167

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Weston Public Library, 356 Boston Post Road, Weston, V18-168

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Minuteman Regional Vocational Technical School District, 758 Marrett Road, Lexington, V18-169

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Showroom, 28 North Main Street, Sherborn, V18-170

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

South Egremont School House, 42 Main Street, Egremont, V18-171

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Cathedral of the Holy Cross, 1400 Washington Street, Boston, V18-172

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Haymarket Hotel, 99 Blackstone Street, Central Artery, Parcel 9, Boston, V18-173

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Harbor View Hotel, 131 North Water Street, Edgartown, V18-174

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Wellesley College, 106 Central Street, Wellesley, V18-175

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Tewehado Church of Boston, 24 Maywood Street, Roxbury, V17-115

Exhibit – Variance Application and associated documents

June 4, 2018

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

Mr. High presented the Variance Application and associated documents.

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

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

New Residential Building, 79-83 Gardner Street, Allston, V18-067

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Kiwanis Beach, Town of Upton Recreation Facility, 99 Kiwanis Beach Road, V18-087

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Eyes on Me Beauty, 63 Jefferson Street, Unit 9, Winthrop, V18-096

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Carrot Flower, 703 Centre Street, Jamaica Plain, V18-098

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

MIT Kendall Square, 165 Main Street, Cambridge, V18-134

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

Foster Hospital for Small animals, 55 Willard Street, North Grafton, V18-140

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.

CitizenM Hotel, 70 Causeway Street, Boston, V18-135

Exhibit – Variance Application and associated documents

Mr. High presented the Variance Application and associated documents.